



Appeal Decision

Site visit made on 7 December 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/N0410/W/21/3277081

Waldeck, 6 Church Grove, Wexham SL3 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr and Mrs Navin and Neha Walia and Mundra against Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/20/3839/PAHAS, is dated 13 November 2020.
 - The development proposed is to add an additional storey over the original footprint with a new stair and internal alteration to provide 3 additional bedrooms and bathroom as fully described on the application drawings and planning statement.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Class AA, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to add an additional storey over the original footprint with a new stair and internal alteration to provide 3 additional bedrooms and bathroom as fully described on the application drawings and planning statement at Waldeck, 6 Church Grove, Wexham SL3 6LF, in accordance with the terms of the application Ref PL/20/3839/PAHAS, dated 13 November 2020, and the plans submitted with it.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the GPDO (Class AA) permits the enlargement of a dwellinghouse by construction of additional storeys, subject to limitations and conditions. These include a requirement for a developer to apply to the local planning authority for prior approval as to a number of specified issues, including the external appearance of the house. There is no requirement to determine such applications in accordance with the development plan or the National Planning Policy Framework. I have had regard to these documents only in so far as they are relevant to matters for consideration and only as evidence to support my assessment.

Main Issue

3. The Council has not issued a decision in response to the application leading to this appeal. However, it does not object on the basis that the proposal would fail to comply with any of the limitations as laid out under Class AA. There is no reason for me to arrive at a different view on this matter. As such and in light of the appeal submissions, the main issue is whether prior approval should be

granted having regard to the development's effect on the external appearance of the dwelling.

Reasons

4. The proposal would alter a bungalow to a part 2 storey, part single storey house. The site adjoins bungalows but a 2 storey dwelling lies a short distance along the road. This is clearly seen from the highway and there would be a degree of intervisibility between it and the appeal development. Therefore, the resulting building would not be the only 2 storey residence within the street scene and so it would not be markedly at odds with the area.
5. Moreover, the appeal property is at the end of a quiet residential cul-de-sac and it is slightly below road level and set back from the carriageway. Therefore, the development would not be in an unduly conspicuous location and it would not be prominent, although it would be seen from the road and nearby houses.
6. As such, the proposal would not harm the character and appearance of the area. Therefore, it would accord with policies EP3 and H11 of the South Bucks Local Plan 1999, insofar as these are relevant to the determination of the appeal. For these reasons, I conclude the development's effect on the external appearance of the dwelling would be acceptable.

Other Matters

7. The site lies in designated Green Belt, although this has no bearing on the assessment of applications submitted under the terms of Class AA. Similarly, there is no provisions within Class AA that allow consideration of previous planning decisions, a development's effect on local facilities or its impacts in terms of noise and pollution. Any approval granted as a result of this appeal would not affect any legal covenant that may affect the site.
8. Class AA allows consideration of a development's impact on the amenity of adjoining premises. However, the proposal would be a sufficient distance away from the site boundaries and adjacent properties to avoid unacceptable harm in terms of loss of privacy, overshadowing or overbearing effects.

Conditions and Conclusion

9. Development allowed under Class AA is subject to a number of conditions. These include that external materials should be similar in appearance to those in the existing house and that following the development, the property should be used as a dwelling. The Council make no other suggestions and I find no justification to impose any additional conditions as part of my decision.
10. For the reasons given, I conclude that the appeal should succeed.

Jonathan Edwards

INSPECTOR