



Appeal Decision

Site visit made on 14 December 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/N4720/W/21/3283204

Clarion Lodge Campsite & Wigwams, Clarion Lodge Campsite, West Chevin Road, Otley LS29 6BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr M Mather against the decision of Leeds City Council.
 - The application Ref 21/06466/DPD, dated 14 July 2021, was refused by notice dated 9 September 2021.
 - The development proposed is described as 'The existing detached dwelling house has 1) a 2 storey element 2) a 1.5 storey element 3) a single storey element. It is proposed that only the 2 storey element be extended upwards only with first floor front fenestration patterns repeated above. This will add one storey only and raise the ridge line by 2.7m'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has altered from the application form to the Council decision notice to prior approval for enlargement of a dwellinghouse by construction of additional storey; the development will go 2.7m above the highest point of the existing roof. This description has been included by the appellant on their appeal form. I have determined the appeal on this basis as it has been used by both parties and clearly identifies the proposals.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to enable it to be permitted development.

Reasons

4. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO) grants permitted development rights for the enlargement of a dwellinghouse consisting of the construction of— (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately

- above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.
5. The dwelling is adjoined to a single storey toilet block with tank housing above which serves the campsite on its eastern side elevation and is therefore semi detached given that it is neither a detached nor a terraced house.
 6. Under paragraph AA.1(g)(i) development is not permitted by Class AA if the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall).
 7. As a result of the proposal, the highest part of the upwardly extended dwelling would sit more than 3.5m above both the roof of the toilet block and the roof of the tank housing which sits on top of the block. This is not disputed by the appellant.
 8. It is suggested that development is underway on a glamping loft that would sit above the toilet block and that this resultant development would enable the proposal to comply with the above criteria. However, the assessment cannot be made on a future proposed building that may or may not come to fruition.
 9. The evidence before me is therefore clear that the proposal would not meet the conditions, limitations or restrictions applicable to enable it to be permitted development under Schedule 2, Part 1, Class AA paragraph AA.1(g)(i).
 10. Given that this is the case I will not make any determination on the prior approval matters on which there are further areas of disagreement between the parties.
 11. Further, the proposed plans also show the provision of a balcony. Permitted development rights under Schedule 2, Part 1, Class AA of the GPDO do not make allowance for such a feature.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR