



Appeal Decision

Site visit made on 6 December 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2022

Appeal Ref: APP/Q4245/D/21/3281528

18 Finchale Drive, Hale Barns, Altrincham WA15 8NH

- 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) ("GPDO").
 - The appeal is made by Mr Suresh Talluri against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 104837/PHAA/21, dated 3 June 2021, was refused by notice dated 29 July 2021.
 - The development proposed is the erection of an additional storey to an existing detached dwellinghouse.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of an additional storey to an existing detached dwellinghouse at 18 Finchale Drive, Hale Barns, Altrincham WA15 8NH in accordance with the application Ref 104837/PHAA/21, dated 3 June 2021, and the details submitted with it including plans labelled: Site location plan (21-087 (EXT)49 Rev_*), Proposed elevations (21-087 (PNT)20 Rev*), Proposed floor plans (21-087 (PNT)10 Rev*) and Proposed site/ block plan (21-087 (PNT)40 Rev*), pursuant to Article 3(1) and Schedule 2, Part 1, Class AA.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the GPDO permits the enlargement of a one storey dwellinghouse consisting of the construction of one additional storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. This is subject to limitations and conditions.
3. Paragraph AA.2(3)(a) of the GPDO is clear that before beginning the development, the developer must apply to the local planning authority for prior approval as to the matters within the grounds of assessment which are listed.
4. The Council, within the reasons for refusal, has referred to Policy L7 of the Trafford Local Plan: Core Strategy (2012) (CS) and the Council's SPD4: A Guide for Designing House Extensions and Alterations (SPD). Nevertheless, I am required to assess the proposal as a prior approval application as set out within the parameters of the GPDO. Regard can be given to development plan

policies insofar as they are material considerations, however they are not in themselves determinative.

Main Issues

5. The Council consider that the proposal does not comply with the requirements of paragraphs AA.2(3)(a)(ii) and AA.2(3)(a)(i) of the GPDO. The Council do not raise any further issues with compliance with the GPDO within their submission and I have no evidence before me to conclude differently.
6. Therefore, the main issues are the effect of the proposed development on:
 - The external appearance of the dwellinghouse (AA.2(3)(a)(ii)); and
 - The amenity of neighbouring occupiers (AA.2(3)(a)(i)).

Reasons

External appearance

7. No 18 is a detached bungalow situated towards the end of the cul-de-sac. Finchdale Drive is a residential street characterised by bungalows with a broadly consistent roofline.
8. The Council's, and local residents', concerns in this respect largely relate to the impact of the proposal on the character of the area. However, paragraph AA.2(3)(a)(ii) of the GPDO refers to the external appearance of the dwellinghouse rather than the surrounding area specifically. That suggests a narrower frame of reference.
9. The proposed development would result in an additional storey which would add to the scale and massing of the current bungalow. This would result in the host dwelling appearing larger than the bungalows in the street scene. Nonetheless, the scheme complies with the parameters set out in the GPDO in terms of the height allowed. Furthermore, the roof pitch of the additional storey would be the same as the existing dwelling and materials of a similar appearance would be used. The overall addition in bulk would be relatively limited and would not lead to a dwelling of atypical or awkward overall design.
10. The GPDO expressly intends to enable the enlargement of existing dwellinghouses by the construction of additional storeys. The proposal would overall reflect the design and architectural features which characterise the principal elevation of the dwelling. Whilst in scale and form, the proposal would result in No 18 diverging from the typical design of nearby properties, in my view that would not be to such an extent that the scheme would be unacceptable in light of the foregoing reasoning. Consequently, the proposed development would not have an unacceptable impact on the external appearance of the dwellinghouse within the terms of GPDO paragraph AA.2(3)(a)(ii).
11. On account of my reasoning above, and given the particular lens through which prior approval applications must be assessed, assessing compliance with policy L7 of the CS, and the SPD, does not alter the foregoing reasoning.

Amenity

12. 16 and 20 Finchdale Drive are adjacent to the appeal site. I observed on my site visit that these properties have windows to the side elevations facing the appeal site. The proposed development would increase the height of the walls which would be visible from these windows. The outlook from the windows, facing the appeal site, are currently restricted because of the existing boundary fence. The proposal would not have an unacceptable overbearing or oppressive impact on the neighbouring occupiers windows, which face the appeal site, due to its separation from neighbouring properties and the current restricted outlook from the windows, separation gap and proposed roof design.
13. The proposed development includes windows to the front and rear elevations. The windows to the rear elevation would naturally overlook the garden of the host dwelling. Although views of neighbouring gardens would be possible, given the orientation of the proposed windows, the scheme would not result in unacceptable loss of privacy or overlooking.
14. Furthermore, given the distance to 17, 19, 21, 22 and 23 Finchdale Drive and 108 and 110 Woburn Drive, the scheme would not adversely affect the outlook from those properties. The scheme would not appear overly prominent or visually intrusive when viewed from these properties.
15. Neighbours are concerned that the scheme would result in a loss of light and overshadowing. The Council did not find that the scheme would cause unreasonable loss of light. Having regard to the position of the sun, boundary fence, distance to the neighbouring properties windows, height of the scheme and the appellant's daylight study, I am satisfied that the proposal would not reduce levels of light to an extent that would unduly reduce light reaching habitable rooms of neighbouring dwellings. The scheme would not result in unreasonable overshadowing and would not have an unacceptable effect on the gardens of the neighbouring properties.
16. For the reasons given above, I find that the proposed development would not have an unacceptable impact on the amenity of neighbouring occupiers (AA.2(3)(a)(i)). The provisions of the development plan, so far as they are relevant, have been considered. Having regard to the parameters set out within the GPDO, the scheme would not conflict with the aims of Policy L7 of the CS and the SPD.

Other matters

17. I have had regard to the objection comments received from neighbouring occupiers and a local councillor. These include: the bungalow should be retained for older residents, previous planning application, larger properties available elsewhere, the sewage and drainage system, impact on highway safety (traffic, parking and during construction), protecting trees and other bungalows have been sensitively altered. The Council has raised no objection to these matters, and having regard to the limitations and conditions set out within the GPDO, I have found no reason to conclude otherwise.

Conditions

18. The GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

19. The Council consider that the standard conditions are necessary. However, I consider the imposition of these conditions to be unnecessary as they duplicate the conditions required under the GPDO. Paragraph AA.2(2)(a) requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In addition, I have set out within my formal decision that the scheme shall be carried out in accordance with the details submitted including the plans. Furthermore, paragraph AA.2(3)(c) states that the development must be completed within a period of 3 years starting with the date prior approval is granted. Therefore, based on the evidence submitted, I do not consider that there are any conditions reasonably related which should be attached.

Conclusion

20. For the reasons given above the appeal should be allowed, and prior approval should be granted.
21. Permission granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO is subject to the conditions that the development must be completed within a period of 3 years starting with the date prior approval is granted and that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

L M Wilson

INSPECTOR