
Appeal Decision

Site visit made on 19 January 2022

by J Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/H1705/D/21/3279242

1 Heath Road, Pamber Heath, Tadley, Hampshire, RG26 3DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order required under Article 3(1) and Schedule 2, Part 1, Class AA, Paragraph AA.2(3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Frank Redmile against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/01170/GPDAA, dated 31 March 2021, was refused by notice dated 6 July 2021
 - The development proposed is the erection of an additional storey to a dwelling house to a height of 8.75 metres (permitted development notification)
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class AA of the GPDO.

Reasons

3. By virtue of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), permission is granted for, amongst other things: *"one additional storey, where the existing dwelling house consists of one storey, immediately above the topmost storey of the dwelling house, together with any engineering operations reasonably necessary for the purpose of that construction."*
4. However, this is subject to limitations and conditions, including a requirement to apply to the local planning authority for prior approval as to various aspects of the proposal. Sub-paragraph AA.2 (3) of the GPDO states: *"The conditions in this sub-paragraph are as follows — (a) before beginning the development, the developer must apply to the local planning authority for prior approval as to— (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; (ii) the external appearance of the dwelling house, including the design and architectural features of — (aa) the principal elevation of the dwelling house, and (bb) any side elevation of the dwelling house that fronts a highway"*. Other criteria relate to air traffic and defence impacts however these are not applicable to the details of this case.

5. Paragraph AA.3. also imposes a requirement for the local planning authority to have regard to the 'National Planning Policy Framework' (the Framework) and that this consideration should be applied to the prior approval, *'as if the application were a planning application'*.
6. The Framework advocates "achieving well designed places" (particularly at Section 12), while making effective use of land and encouraging economic activity. It underlines the importance of achieving good design and makes it clear that new development should be sympathetic to its surroundings.
7. At the same time, it draws attention to the relevance of permitted development rights in principle. Indeed, paragraph 120(e) is specifically intended to "support opportunities to use the airspace above existing residential and commercial premises". This too is a qualified provision in that it requires the development to be consistent with the prevailing height and form of neighbouring properties and the overall street scene as well as being well designed.
8. The appeal site is located at the intersection between Church Road and Heath Road. The area is characterised by bungalows although there are examples of two storey developments. The appeal property is architecturally most closely read with adjoining bungalows. There is evidence of some alterations over the years though the surrounding properties are consistent and harmonious in relation to their general appearance and materials.
9. Whilst the additional storey would be constructed of materials to match the existing and with a roof pitch consistent with the existing dwelling, the legislation goes further than that and requires decision-makers to consider the external appearance. This includes the consideration of the design and architectural features of the principal elevation of the house.
10. As the site is located on a prominent corner with two principal frontages this amplifies the sensitivity of the site to change. In this case, due to the relationship of the site with adjacent bungalows the additional storey would create a bulky, weighty and awkward addition that would be inherently unattractive and which would clash awkwardly in the context of neighbouring properties. The proposal would result in the dwelling having an external appearance that, by reason of its height and massing, would be incongruous in a row of visually coherent bungalows. The proposal would not therefore, be sympathetic to local character, nor would it improve the quality of the area. Consequently, it would be in conflict with the underlying aims in Section 12 of the Framework.
11. Whilst change is implicit in the permitted development rules that have been created, architectural design is not to be considered in isolation. The harm to the appearance of the building would be critical to the architectural qualities of the building as well as to the street scene. The bulk and massing of the proposal is such that material visual harm would be caused if this appeal were to be allowed.
12. Moreover, three previous schemes for the enlargement of this property involving increasing its height have been considered, all three were dismissed at appeal for reasons associated with the conflict which would be caused to the uniformity and consistent style of the adjacent buildings. I have found nothing in the evidence which would lead me to a different conclusion even though those schemes were considered under different processes and provisions.

Other Matters

13. The application, whilst for a determination in relation to an additional storey, also contains proposals for a ground floor extension of the property. This cannot be dealt with under Class AA as it does not meet the relevant criterion. The appellant argues that this element benefits from permission under a separate submission. I have not been provided with the details to be able to have any certainty of what has already been approved. It is nonetheless clear to me that the drawings as submitted tie the proposed additional floor to a single storey extension and it appears highly unlikely that one could be constructed without the other. In any event this appeal relates to the additional floor and is being considered under the prior approval process which is not a planning application. The rationale set out in the second reason for refusal was therefore a legitimate position for the Council to take.
14. It is argued that the existing dwelling requires improvements to energy conservation due to the inadequacies of insulation standards in properties built in the 1960s. I do not doubt that any future works would incorporate much higher levels of insulation to improve living conditions and the property at the current time may not meet the appellant's needs. This is not a factor which can be considered in the context of an application for prior approval as the matters for consideration are restricted to those set out in Paragraph AA.2(3)(a) of Class AA. of the GPDO.
15. The appellant has highlighted an appeal in Eastbourne where permission was granted for a two-storey roof extension. However, it appears that this comparison is by no means the same as the appeal scheme and was measured against alternative provisions from the GPDO. in any event each proposal has to be dealt with on its own merits and not by way of comparison to other sites which may have a different context.

Conclusion

16. The proposal would not comply with the requirements of Schedule 2, Part 1, Class AA, Paragraph AA.2(3) of the GPDO and therefore prior approval cannot be given. Consequently, for the reasons given above, the appeal is dismissed.

J Wilson

INSPECTOR