
Appeal Decision

Site visit made on 4 January 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Appeal Ref: APP/B1930/D/21/3285858

12 Marshalls Heath Lane, Wheathampstead, St. Albans AL4 8HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by Mr & Mrs Andy Willis against the decision of St Albans City and District Council.
 - The application Ref 5/2021/2079, dated 13 July 2021, was refused by notice dated 24 August 2021. The development proposed is described on the decision notice and appeal form as 'Prior Approval - Enlargement of a dwellinghouse by construction of one additional storey to a maximum height of 7.83m'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the Council's decision notice and the appeal form as it is more succinct than the description included in the planning application form.

Main Issue

3. Whether or not the proposed additional storey is permitted under the above Order.

Reasons

4. Development is not permitted by Schedule 2, Part 1, Class AA (i) of the above Order if any additional storey is constructed other than on the principal part of the dwellinghouse.
5. The "principal part", in relation to a dwellinghouse, is expressly defined in the GPDO (paragraph AA4. (1)). It means 'the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition'. That is of critical importance to this appeal.
6. The proposed additional storey would be constructed above the original dwellinghouse. I accept that the original bungalow was built as a single building and that there is consistent eaves height throughout the property. I also accept that the original property was designed to have a continuous rear roof slope.

7. That said, one element of the property, beside the principal bulk and floorspace of 12 Marshall Heath Lane, is of a lower height than other elements of the property. The ridge height of that minor element of the property, which comprises the entrance hall and bedroom one, has a slightly lower ridge height than the remainder of the original dwelling.
8. I accept that it contains the entrance door and hall, and therefore understand the appellant's contention that it cannot logically be conceived of as an 'extension'. However as set out above, that word has a specific meaning within the terms of the GPDO differing from the ordinary usage of that word. Thus, within the specific terms of the GPDO, given there is a minor side element to No 1 of a lower height than the bulk of the property, I nevertheless find that the proposed addition is not permitted development under the GPDO.
9. As the proposal does not constitute 'permitted development' I have no need to consider the amenity of the neighbours or to consider planning policy.

Other Matters

10. I note the appellant's reference to a decision made by Elmbridge Borough Council on a similar case. Whilst acknowledging the Council's concluded, in that instance, that the proposed development would comply with the provisions, conditions and limitations of the Order, I have come to a different view on the current appeal based on the individual facts of the case before me.

Conclusion

11. For the reasons given, the appeal is dismissed.

John Gunn

INSPECTOR