

Appeal Decision

Site visit made on 8 February 2022 by G Sibley MPLAN MRTPI

Decision by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/C3240/D/21/3284587

30 Grovefields, Leegomery, TF1 6YL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 Lee Davis against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2021/0579, dated 25 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is existing brick and tile dwelling with one additional storey comprising brick and tile to match the existing, with white u-pvc windows to also match the existing. Floor plans and elevations with critical dimensions included on submitted drawings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for Costs

3. An application for costs had been made by Mr Lee Davis against Telford and Wrekin Council and is the subject of a separate decision.

Preliminary Matter

4. Schedule 2, Part 1, Class AA of the GPDO allows for the enlargement of a dwellinghouse by construction of additional storeys, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concerns relate only to condition AA.2(3)(a)(ii) and refused prior approval on this basis. This requires consideration of the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.

Main Issue

5. The main issue is whether prior approval should be granted for the proposal having regard to the external appearance of the dwellinghouse.

Reasons for the Recommendation

6. The appellant has referred to other appeal decisions for similar Class AA proposals where the Inspector assessed only the external appearance of the

dwelling itself. Since the determination of those appeals a Judgement (CAB Housing Ltd and others v SSLUHC and others [2022] EWHC 208 (Admin)) was made and this has clarified that for Class AA proposals the control of the external appearance of the dwelling is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.

7. No 30 is a two-storey detached dwelling located centrally within a row of similarly designed dwellings which have largely retained their original form and character and there is little variation in their appearance. The uniform scale and appearance of the group of dwellings as well as those within the wider street scene is a positive characteristic of the area.
8. The proposal would significantly disrupt the consistent character and appearance of this group of dwellings. Regardless of the use of matching materials, the sudden and jarring increase in height within this group of dwellings would appear as a wholly incongruous addition to the street scene. The flank walls and eaves would also project obtrusively above those of the neighbouring dwellings and would become an unduly dominant feature. Consequently, the proposal would fail to respect the character and appearance of the surrounding area. Therefore, the proposal would not comply with condition AA.2(3)(a)(ii) of the GPDO and prior approval should be refused.
9. As I have found the proposal unacceptable in respect of this prior approval matter, there is no need for me to consider the other prior approval matters further.
10. I have taken account of the requirements of the Framework and the Development Plan only insofar as they relate to the subject matter of the prior approval. The proposal would conflict with Policies BE1 and BE2 of the Telford and Wrekin Local Plan 2011 – 2031 (adopted 2018). These policies require proposals to respond positively to its context and ensure that the design should remain in keeping with the existing building. Moreover, the proposal would conflict with the general design policies of the National Planning Policy Framework.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

David MH Rose

INSPECTOR