
Appeal Decisions

Site visit made on 7 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Appeal A Ref: APP/A2335/D/21/3288923

Clover Rock, 11B The Grove, Crag Bank, Carnforth, Lancashire LA5 9JE

- 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 D Cardwell against the decision of Lancaster City Council.
 - The application Ref 21/01206/PAHU, dated 27 September 2021, was refused by notice dated 18 November 2021.
 - The development proposed is the construction of an additional storey to an existing dwellinghouse with a maximum roof height of 10.491 metres.
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Appeal B Ref: APP/A2335/D/21/3282439

11B The Grove, Carnforth LA5 9JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Cardwell against the decision of Lancaster City Council.
 - The application Ref 21/00451/FUL, dated 13 April 2021, was refused by notice dated 17 June 2021.
 - The development proposed is the demolition of the existing conservatory. The erection of a new single storey rear extension and the partial conversion of the existing garage and first floor extension over with mezzanine.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the demolition of the existing conservatory. The erection of a new single storey rear extension and the partial conversion of the existing garage and first floor extension over with mezzanine at 11B The Grove, Carnforth LA5 9JE in accordance with the terms of the application, Ref 21/00451/FUL, dated 13 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1704.E.1 A, 1704.P.1 B, 1704.P.2 A, 1704.P.3 B, 1704.P.4 C, 1704.P.5 D and 1704.P.6 B.
 - 3) Prior to the first use of the first-floor terrace hereby approved, the angled metal fins to the sides shall be installed as shown on the approved plans and retained as such thereafter.

Application for costs

3. An application for costs was made by Mr D Cardwell against Lancaster City Council in respect of Appeal A. This application is the subject of a separate decision.

Preliminary Matters

4. Within this decision letter I have considered two appeals at the same site. I have taken the site address for both appeals from the respective planning application forms. Although there are slight variations, both appeals nevertheless relate to the same property.
5. To avoid duplication, I have included a single site description however as the appeals are procedurally different, I have gone on to consider the individual merits of each case separately.

Appeal A

6. The description of development in Appeal A is taken from the decision notice and appeal form as it is more succinct than the version provided in the application form.
7. Both the Council and the Appellant were afforded an opportunity to comment on the relevance of the recent *CAB Housing* judgment¹ and I have taken the subsequent representations into account.

Appeal B

8. The Appellant has confirmed that amended plans were submitted during the course of the planning application however they state that it is unclear whether the Council considered the amended versions. During the appeal, the Council submitted a list of plans which were under consideration at the time of determination, which confirms that the amended plans were considered.
9. Although the Appellant has indicated that they wish for the original set of plans to be considered under this appeal, in the interests of procedural fairness I have dealt with this appeal on the basis of the plans which the Council based its decision on.

Main Issues

10. The main issue in Appeal A is whether the proposal would accord with 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 GPDO).
11. The main issue in Appeal B is the effect of the proposal on the character and appearance of the area.

Reasons

12. The appeal property is a two-storey detached dwelling. It is located at the head of a cul-de-sac within a residential area where there is a wide variety in the types and designs of properties. As such, there is not a clearly defined architectural character in the locality. Nevertheless, the appeal property along

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

with each dwelling on either side are of a similar appearance and are clearly read as a group of three properties in the immediate street scene.

Appeal A

13. Under the GPDO planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys, subject to limitations and conditions. Those conditions include a requirement that, before beginning the development, the developer must apply to the local planning authority for prior approval as to a number of matters. One of these is the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse. The Council refused to grant prior approval in this respect.
14. The *CAB Housing* judgment, which postdates the submission of this appeal and other appeal decisions referred to by the Appellant, confirms that the control over the external appearance of the dwelling is not limited to the impact on the subject property itself and can include the impact on the surroundings. For example, this broader approach can embrace the visual impact of the proposal on the streetscene.
15. The proposed additional storey would replicate the existing design of the appeal dwelling. However, as a result of the significant increase in the dwelling's height, bulk and mass, it would disrupt the consistency between the group of three properties at the head of the cul-de-sac and appear at odds with them. The resultant dwelling would be dominant in appearance and noticeably incongruous and visually prominent in the streetscene.
16. Accordingly, the external appearance of the dwellinghouse would be unacceptable and the proposal would be contrary to the requirements of paragraph AA.2.(3)(a)(ii) of Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO. So far as they are relevant to the subject matter of the prior approval, the proposal would conflict with Policy DM29 of A Local Plan for Lancaster District 2011-2031, Part Two: Review of the Development Management DPD (July 2020) (the DMDPD) and paragraph 130 of the National Planning Policy Framework (the Framework) which collectively seek to ensure that developments are sympathetic and add to the overall quality of an area and are visually attractive as a result of good architecture.

Appeal B

17. The development proposed under Appeal B involves various alterations to the host property which would increase its overall mass. The extended ridge line over the garage would lack a set down from the existing roof. However, the proposed front gable would ensure the side extension appears as a subservient addition as it would have a lower ridge line and would be of a reduced scale to the existing front gable. This treatment would sympathetically reflect the design of the host property.
18. The proposed rear dormer would be set in from the side of the extended dwelling, would be below its ridgeline and would be limited in width. It would also have a slight overhang and would be finished in materials to match other elements of the proposal. By virtue of these factors, the varying eaves height at the rear of the property would not be readily discernible from public vantage

points. The dormer would also be an interesting and subservient addition to the host property rather than appearing as a three-storey rear extension.

19. Collectively, the proposal would result in modern alterations and the variation in fenestration across the rear elevation would complement the host dwelling and would be appropriate in this regard. As such, the proposal would not harm the character or appearance of the dwelling or the wider area. It therefore accords with Policy DM29 of the DMDPD and the Framework which together seek to ensure that developments are of a design that is sympathetic to the locality.

Conditions

20. Other than the standard time limit and approved plans conditions, the Council has suggested a condition requiring the external materials of the proposal to match those of the existing building. However, the proposed materials are identified on the application form and submitted plans and include the use of metal cladding which is not currently present on the appeal property. Consequently, a condition relating to the proposed materials would be unnecessary.
21. In addition to the above, within its officer report the Council states that subject to a suitably worded condition relating to the retention of the privacy panels [to the first-floor terrace], direct views either side over neighbouring gardens could be avoided. Given this potential for overlooking, a condition to this effect is therefore necessary in the interests of the living conditions of the occupiers of neighbouring properties.

Conclusions

Appeal A

22. By reason of the harm caused to the external appearance of the appeal property and the wider area, prior approval is refused and thus the appeal is dismissed.

Appeal B

23. For the above reasons, the proposal complies with the development plan and there are no other considerations which indicate that permission should be refused. Therefore, the appeal is allowed.

H Ellison

INSPECTOR