



Appeal Decision

Site visit made on 11 April 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Appeal Ref: APP/P0240/D/21/3288625

54 Chalton Heights, Chalton, LU4 9UF

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Scott Mead against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03486/PAES, dated 21 July 2021, was refused by notice dated 1 October 2021.
 - The development proposed is described as "Prior Approval for the enlargement of a dwellinghouse by construction of additional storeys: Creation of an additional storey to a maximum height of 7.62 metres."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.
3. There are two stages to the prior approval process. The first requires that the property be eligible to be considered in accordance with criteria set out in Paragraph AA.1 of the GPDO. The Council found there to be no conflict with the criteria, and I see no reason to disagree with this conclusion. The property is therefore eligible. This appeal therefore focuses on the second stage, which addresses the merits of the proposal against the criteria set out in Paragraph AA.2. These criteria include an assessment of the effect of the proposed development on the external appearance of the dwellinghouse, and it is with regard to this that the Council refused to grant prior approval.
4. Since the appeal was submitted the High Court issued its judgment in the case of *Cab Housing Ltd & Others v Secretary of State for Levelling Up, Housing and Communities & Others* [2022] EWHC 208 (Admin). Given the relevance of this judgment to this appeal, I invited the main parties to comment on it and have taken account of the comments made.

Main Issues

5. The main issue is therefore whether the proposed development would accord with the relevant criteria of Class AA regarding the external appearance of the dwellinghouse.

Reasons

6. Paragraph AA.2.(3)(a)(ii) of Part 1, Class AA of the GPDO refers to the external appearance of the dwellinghouse. The *Cab Housing* judgment confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.
7. The appeal property is a semi-detached bungalow in a row of properties of similar form and appearance along one side of the street with these bungalows set down from road level. There are several similar bungalows to either side of the appeal property, which is attached to No 53. The proposed additional storey to the appeal property would create a two-storey house in the middle of an otherwise uninterrupted row of bungalows. This would result in the appeal property appearing incongruous in the street scene, with the additional storey particularly conspicuous given the lower level of the bungalows relative to the road and the attached single-storey neighbour.
8. While there is variety in the materials and detailed appearance of properties in the vicinity of the appeal site, overall there is a clear consistency in their form and height with smaller bungalows on one side of the street and taller chalet bungalows on the other. There is also variety in the form and appearance of properties addressing the turning head at the end of the road, but these are some distance from the appeal site and outside of its immediate setting.
9. The appeal proposal would therefore be harmful to the external appearance of the dwellinghouse considering the impact on the neighbouring premises and the locality. It would consequently conflict with paragraph AA.2.(3)(a)(ii) of Part 1, Class AA of the GPDO.
10. Although not determinative to this appeal, I have had regard to Policy HQ1 of the Central Bedfordshire Local Plan 2021. This requires, amongst other things, that proposals take account of opportunities to enhance or reinforce the local distinctiveness of the area and that size and scale relate well to the existing local surroundings and reinforce local distinctiveness. Insofar as this policy is a relevant consideration under the terms of the GPDO, the proposed development would conflict with these requirements. It would also conflict with Section 12 of the National Planning Policy Framework, which seeks to achieve well-designed places.

Conclusion

11. For the reasons set out above, this appeal fails.

M Chalk

INSPECTOR