



Appeal Decision

Site Visit made on 16 November 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/T3725/D/21/3282945

Grove Park House, Hampton on the Hill, Warwickshire CV35 8RF

- 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.
 - The appeal is made by Mr Joshua Southall against the decision of Warwick District Council.
 - The application Ref W/21/0813, dated 13 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is described as 'Prior approval for the construction of an additional storey of residential accommodation'.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 'the construction of an additional storey of residential accommodation' at Grove Park House, Hampton on the Hill, Warwickshire CV35 8RF in accordance with the terms of the application, Ref W/21/0813, dated 13 April 2021, subject to the plans¹ submitted with it.

Preliminary Matters

2. The address of the appeal site was incomplete on the application form, as such I have taken the post code from the Council's decision notice.
3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) permits development consisting of the enlargement of a dwellinghouse by the construction of additional storeys.
4. As detailed within the GPDO², development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for prior approval as to certain matters.
5. The provisions of the GPDO require the Local Planning Authority to assess the development proposed solely on the basis of a limited number of considerations. The Council has raised concerns only in respect of the effect of the development upon the external appearance of the dwellinghouse, and there is no indication in the evidence before me the development proposed would

¹ Location Plan 180_100, Proposed Front Elevation 180_451, Side Elevation 1 180_452, Side Elevation 2 180_453, Proposed Rear Elevation 180_454, Proposed Ground Floor Plan 180_251, Proposed First Floor Plan 180_252

² Part 1, Class AA, paragraph AA.2(3)

otherwise be unacceptable. My consideration of the appeal shall therefore focus on this matter.

6. Whilst the GPDO grants permission for certain development, subject to various limitations and conditions, I have nonetheless had regard to relevant provisions of the development plan and Framework (only insofar as they are material to the scheme before me and the foregoing context).

Main Issue

7. The main issue is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

8. The appeal site comprises a substantial single storey dwelling under a predominantly flat roof with four turrets. The appeal site is located outside of any defined settlement boundary, within an area of open countryside and designated Green Belt. The dwelling is accessed via a long private road and driveway and is located some distance away from any other dwellings or buildings. The dwelling is set within large grounds bound by mature trees and hedgerows on three sides and open to agricultural fields on the other. The dwelling has a unique architectural design which does not appear to have been informed by any nearby development, with dwellings in the nearest settlement, Hampton-on-the-Hill, being more traditional in their design. However, its secluded location means that the dwelling is seen on its own rather than in conjunction with other built development.
9. The proposed development seeks to create additional residential accommodation at second floor level, by increasing the overall height, bulk and scale of the property. The proposed development would be constructed above the dwellinghouse, creating an additional floor, and would accord with the height limitations set out in the GPDO. Furthermore, the proposed development would be finished with matching materials and would reflect the design and architectural features, which characterise the host dwelling, particularly the flat roof and turrets.
10. I note the Council's concerns that the scheme does not reflect the local vernacular, and their comments regarding the existing nature of the dwelling. I accept that the proposal would be somewhat unique. However, as set out above, the existing dwelling is essentially seen singularly on its own rather than in conjunction with any other development (and as such a unique design here is not intrinsically incongruous or harmful). I acknowledge that the proposal would increase the scale and bulk of the dwelling, however, by definition, permitted development rights under Class AA inevitably accept some enlargement of existing dwellings. In that context the development proposed before me would not unacceptably or awkwardly alter the external appearance of the dwellinghouse. Nor, inherent in my reasoning above, would it unduly affect character more broadly with reference to the particular legislative context in which development is proposed. Moreover given the unique design of the existing dwelling, there is little meaningful potential for this particular scheme to be emulated elsewhere.
11. .Given the above, the proposal would not cause unacceptable harm to the external appearance of the dwellinghouse, including in respect of the design

and architectural features of the principal and side elevation of the host property, and would therefore accord with the provisions of Schedule 2, Part 1, Class AA.

Conditions

12. The GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the impact of the proposed development provided they are reasonably related to the subject matter of the prior approval. The Council have requested the addition of conditions relating to a time limit and to plans. I note however that such conditions are a requirement of any development under Class AA and as such these conditions are unnecessary.
13. I also note the Council have requested a condition related to a construction management plan in order to mitigate any impact on adjoining owners and occupiers. However, the appeal site is located some distance from neighbouring properties as such, I do not consider that such a condition is necessary.

Conclusion

14. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be allowed, and prior approval should be granted (subject to the conditions applicable by virtue of the GPDO).

Tamsin Law

INSPECTOR