



Appeal Decision

Site visit made on 4 May 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/Z3825/D/21/3284683

1 Parkfield, Horsham, RH12 2BG

- 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), Schedule 2, Part 1, Class AA, Paragraph AA.2. of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Clinton Gadd (ABMBuild) against the decision of Horsham District Council.
 - The application Ref DC/21/1418, dated 26 May 2021, was refused by notice dated 20 August 2021.
 - The development proposed is described as 'an additional storey, upward extension under prior approval'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the start of February 2022, after the appeal had been made, the High Court issued a judgement¹ regarding the interpretation of Class AA of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Both parties were given the opportunity to comment on the relevance of this judgement to their cases and I have taken any subsequent representations into account.
3. Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO grants planning permission for the enlargement of a dwellinghouse by construction of additional storeys. The Council concluded that the proposal would comply with the conditions and limitations set out at paragraph AA.1 of Class AA, such that it would fall within the scope of permitted development rights, subject to consideration of relevant matters of prior approval. On the evidence before me I see no reason to take a different view.
4. The conditions at paragraph AA.2.(3) of Class AA require, amongst other things, the developer to apply to the local planning authority for prior approval in relation to certain matters.

Main Issue

5. Taking the above into account, the main issue is whether or not prior approval should be granted having regard to (i) the external appearance of the dwellinghouse; and (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking.

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

Reasons

External Appearance

6. The appeal site comprises the end property in a terrace of five flat roof, three storey dwellings situated on the eastern side of North Parade. The appeal property and its attached neighbours are, like many properties in the vicinity, set back from this main road. Nevertheless, they are relatively prominent dwellings in the street scene.
7. The appeal property currently has a simple form and design, which is repeated on the other properties in the terrace, and which adds to their collective prominence. The proposed additional storey would have a flat roof and timber boarding to match the existing dwelling. It would be set back from the front of the existing building in order to create a balcony area.
8. Despite having a balcony at the front and the main bulk of the works being set back and positioned at one end of the terrace, the additional storey would nevertheless be visible from many viewpoints. As a result, this additional built form would unbalance the coherent composition of the terrace. Given the building's prominence within the street scene, the resulting dwelling would appear incongruous, causing harm to the character and appearance of the area.
9. Consequently, I consider that the external appearance of the dwelling would be unacceptable, and the proposal would be contrary to the requirements of paragraph AA.2(3)(a)(ii).
10. I note that the proposal would be at odds with section 12 of the National Planning Policy Framework which, so far as relevant to the subject matter of the prior approval, promotes the creation of high quality buildings and places, and requires that developments are, amongst other things, visually attractive and sympathetic to local character.

Living Conditions

11. The proposed extension would introduce new front and rear facing windows at fourth floor level. To the front of the building, the balcony area and windows would face onto the highway. To the rear, the appeal site has a short garden which backs onto the side boundary of No.6 Parkfield.
12. None of the new rear windows would look directly into any neighbouring dwellings. They would however provide some views into the rear gardens of Nos. 6, 7 and 8 Parkfield, to the rear of the appeal site. There would also be views into the gardens of the neighbours either side of the appeal property. However, the appellant has indicated that parts of the windows could be obscurely glazed and fixed shut to limit downward views.
13. In view of the above and given the current levels of mutual overlooking in the area and the angle of view that might be achieved from the proposed windows, any additional overlooking, actual or perceived, would be minimal. The proposal would not therefore cause unacceptable harm to the living conditions of neighbouring residents with regard to overlooking.
14. For these reasons, I therefore find that the proposal would comply with paragraph AA.2(3)(a)(i) of Class AA of Part 1 of Schedule 2 of the GPDO, which

relates to the impact on the amenity of any adjoining premises, including overlooking.

15. I note that the proposal would not conflict with paragraph 130 of the Framework which, so far as relevant to the subject matter of the prior approval, provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion

16. The proposed development would not harm the living conditions of neighbouring residents, but it would cause significant harm to the external appearance of the dwellinghouse and the surrounding area. Therefore, for the reasons given above, the appeal is dismissed.

Stewart Glassar

INSPECTOR