



Appeal Decision

Site visit made on 7 June 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/J0350/D/22/3290278

104 Blumfield Crescent, Slough SL1 6NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mrs Lucy Pickering against the decision of Slough Borough Council.
 - The application Ref Y/07960/004, dated 12 July 2021, was refused by notice dated 13 October 2021.
 - The development proposed is prior approval for the removal of the present roof and the additional of an additional two storeys on the dwelling house with one of the additional storeys will be in the roof space.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this appeal are
 - i) whether the proposed extension would comply with the relevant conditions and limitations,
 - ii) whether or not the external appearance would be acceptable and
 - iii) the impact of the proposal on the amenity of adjoining premises.

Reasons

Background

3. Under Schedule 2, Part 1, Class AA of the *Town and Country Planning (General Permitted Development) (England) Order 2015* as amended (the GPDO), planning permission is granted for the enlargement of a 2-storey dwelling by up to 2 additional storeys, subject to limitations and conditions given under paragraph AA.1. Where the scheme accords with those conditions, then under paragraph AA.2.(3)(a) the developer must apply to the local planning authority for prior approval as to, amongst other things, (i) the impact on the amenity of any adjoining premises and (ii) the external appearance of the dwelling house, including the design and architectural features of the principal elevation.

Conditions and limitations

4. A plan (the plan) was submitted concerning the recent construction of an extension to the side of No 104 to form a separate dwelling. At that time No 104 appeared to have a hipped roof treatment, and, on the plan, extending this roof over the new extension involved alterations that would be removed by the works before me now. Consequently, the Council considers the appeal scheme would not be built entirely on a principal part of the building and the house has already been enlarged by one or more storeys. As such, it would breach 2 of the conditions and

limitations (criteria (d) and (i)) with which any development to be built under Class AA must comply, or with which it must not conflict.

5. This though is denied by the Appellant, who states that all the existing roof of No 104 is original. Based on my observations of the roof and the changes in tiling I concur with such an opinion. I am therefore not confident that, in relation to this specific detail, the plan accurately depicted the situation. Furthermore, as the extension shown on the plan was to the side, I consider the original property has not been enlarged by one or more storeys above the dwelling house.
6. However, even assuming the plan to be correct, I am of the view that the roof works it indicates would not constitute the enlargement of No 104 by a storey. Moreover, the additional floors now proposed would be built onto the original front and rear elevations of the dwelling. While the plan shows this would involve the removal of the new element, that comprises a very minor addition to the original structure. As a result, in such a scenario to my mind it could still be said the extra storeys subject of this appeal would be constructed on the principal part of the building.
7. On the evidence before me, I therefore find that the dwelling has not been enlarged by the addition of one or more storeys above the original dwelling house, and the proposal would not comprise the construction of any storey other than on the principal part of the dwelling, and so I conclude it would not conflict with GPDO paragraph AA.1.(d) or (i).

Appearance

8. It is the Appellant's contention that, when considering a scheme under GPDO paragraph AA.2.(3)(a)(ii) the only relevant building is the appeal property rather than its effect on the wider area. As she says that what is proposed is in keeping with the dwelling, she maintains that the scheme is acceptable in this regard.
9. However, I see nothing in the GPDO to justify such an interpretation. Paragraph AA.2.(3)(a)(ii) simply requires a developer, before beginning the development, to obtain prior approval as to the "*external appearance of the dwelling house including the design and architectural features of the principal elevation ...*". To my mind the wording of the Order does not limit my assessment only to the impact of the external appearance in relation to the dwelling itself. Moreover, the use of '*including*' means it is not a closed list.
10. The appeal property sits within a terrace. Apart from the recent subservient side addition on what is now No 106 at the end, the dwellings in the terrace have constant eaves and ridge heights, and similar window treatments and patterns. These factors give the terrace a strong uniformity and a notable horizontal emphasis, and while there have been some subsequent alterations, these have not been so significant as to affect the character of this row of houses to any appreciable extent. Elsewhere on Blumfield Crescent are terraces and semi-detached properties of a similar scale and height to the terrace containing the appellant's house. While some have had dormer windows built, these are on the rear or side elevations and so maintain a sense of being 2-storey properties when looking from the road. The dwelling and the terrace therefore respect the wider street scene.
11. The roof pitch and the size and arrangement of the proposed window openings would be sympathetic to what is already present on No 104. However, adding these extra storeys would mean the dwelling's height would be notably at odds with that of the rest of the terrace, and it would give No 104 a more pronounced

vertical emphasis. As a result, the works would detract from the appearance of the house, and make it a discordant element in the terrace.

12. Paragraph AA.3.(12) of the GPDO requires that regard must be had to the *National Planning Policy Framework* (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. In the Framework, paragraph 130 states, amongst other things, planning decisions should ensure that developments are sympathetic to local character and the surrounding built environment. In paragraph 120(e) it supports upward extensions 'where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene'. For the reasons given, the proposed works would be contrary to these 2 policy objectives.
13. Accordingly, whilst I recognise that the development would reflect some of the characteristics found in the appearance of No 104, I find that it would nonetheless result in the dwelling being a discordant element in the terrace that was detrimental to the character and appearance of the street scene. It would therefore be contrary to the Framework. As a result, I conclude that the external appearance of the building would be unacceptable.

Amenity

14. The rear of the property faces the side of 2 Phipps Road over the back garden. In this side elevation at first floor level is a bathroom window that, being obscured, should not experience any loss of privacy. The other window is to the stairs and landing. Although I note the neighbour's concerns about being observed as they move around their house, this is not a primary room and so again any overlooking there should not be unduly harmful. Whilst views may also be possible through doorways on that landing into the neighbour's bedrooms, they should not be so pronounced as to impinge unacceptably onto the privacy the residents there enjoy. I am aware too that there is no doubt already a certain amount of intervisibility between those windows and the first-floor window that I assume serves a bedroom at No 104. Overall, I find the development would not lead to further unacceptable harm from overlooking.
15. Views of the gardens of adjacent properties are possible now to a greater or lesser degree from No 104, and indeed are to be accepted to some extent in this suburban estate. Therefore, the proposal would not cause additional harm.
16. Mindful of the separation and the height of the works, and again taking account of the use of the rooms served by the windows in the side elevation of No 2, the proposal would not cause an unacceptable loss of daylight or sunlight in that neighbour.
17. Accordingly, I conclude the scheme would not have a harmful effect on the amenity of adjoining premises.

Conclusion

18. For the reasons given I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR