



Appeal Decision

Site visit made on 27 May 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

Appeal Ref: APP/F4410/D/22/3291893

25 St. Marys Crescent, Tickhill DN11 9JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 Niall Doyle against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 21/03355/PRIOR, dated 8 November 2021, was refused by notice dated 25 January 2022.
- The development proposed was originally described as 'raising of roof to form additional storey. Materials to match existing.'

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 (as amended) (the GPDO) permits development involving the enlargement of a dwellinghouse by construction of additional storeys, subject to specified limitations and conditions.
3. There is no dispute between the main parties that the proposal meets the relevant limitations and conditions of paragraphs AA.1.(a) to (k) and AA.2.(2)(a) to (d). On the evidence before me, and having regard to my observations on site, I have no reasons to disagree in these matters. The proposal therefore constitutes permitted development under Class AA, subject to the consideration of the prior approval matters under Paragraph AA.2.(3)(a).
4. Paragraph AA.2.(3)(a) sets out four matters for which the developer must apply to the local planning authority for prior approval. The Council refused prior approval only in respect of matter (ii): *the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway*. As before, I have no evidence to dispute the Council's conclusions in respect of the other prior approval matters under sub-sections (i), (iii) and (iv) of Paragraph AA.2.(3)(a).
5. During the course of the appeal the *CAB Housing Ltd*¹ judgment was issued, which relates to the interpretation of Class AA. The main parties have been

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

afforded the opportunity to comment on the relevance of this decision to the appeal.

Main Issue

6. The main issue is whether prior approval should be given, having regard to the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

7. Paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO requires that the developer must apply to the local planning authority for prior approval as to the external appearance of the dwellinghouse. The judgement in *CAB Housing Ltd* confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but can also include the impact on neighbouring premises and the locality, with this being a matter for the decision maker having regard to the facts in each case.
8. The eastern side of St Mary's Crescent is characterised by groups of consistent, detached bungalows with front-facing gables and roof ridges running perpendicular to the street, interspersed by semi-detached pairs of bungalows with side gables and the roof ridges running parallel to the street. From my observations, the overall layout is deliberate, with all dwellings sharing the same palette of materials and having matching eaves levels and roof shapes.
9. The proposal seeks to raise the height of the walls by 1.25 metres to create an additional storey within the roof space. Two windows would be inserted in the front elevation at the proposed first floor level, with one window added to the rear elevation.
10. The consistency to the eaves and ridge lines of the street is obvious in views in both directions. The increased height of the dwelling would interrupt this pattern in a conspicuous manner, creating an uncharacteristic chalet bungalow form not seen elsewhere in the street.
11. The appellant claims the proposal would align with the roof ridge of the semi-detached pairs within the street, including those immediately adjacent to the appeal dwelling, as they stand 1.2 metres higher than the detached bungalows. I do not have measured plans to verify this, but my observations on site suggest there to be a very modest difference in height at most, and not as large as suggested by the appellant. Any perceived difference may be due to the different orientations of the roof ridges, but it is clear in long views down the street that the overall scale of all of the dwellings is very similar, and that the proposal would create a jarringly taller dwelling that would interrupt the prevailing pattern of development in a highly incongruous manner.
12. Moreover, one of the proposed windows would cut awkwardly across the rendered section of the front elevation, creating a disjointed arrangement that would severely detract from its overall appearance, and in turn the consistent appearance of the dwellings within the street.
13. For these reasons, I conclude that the external appearance of the dwellinghouse would significantly harm the character and appearance of the area. So far as they are relevant to the appeal as material considerations, there would be conflict with Policies 41(A) and 44 of the Doncaster Local Plan (2021) and Policy DE6 of the adopted Tickhill Neighbourhood Plan (2016),

which together require development to respond positively to the context and character of existing areas or the host property and create high quality residential environments through good design; for extensions to complement and enhance the main building and its setting, and to be proportionate to it in scale and size. There would also be conflict with the advice of the National Planning Policy Framework, which seeks to achieve well-designed places.

Conclusion

14. For the reasons given, the proposal is not acceptable in respect of prior approval matter (ii) of Paragraph AA.2.(3)(a) of Schedule 2, Part 1, Class AA of the GPDO. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR