
Appeal Decision

Site visit made on 30 June 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/J0350/D/22/3294195
106 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 Article 3(1) and Schedule 2, Part 1, Class AA of the Town Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Lucy Pickering against the decision of Slough Borough Council.
 - The application Ref Y/19485/000, dated 12 July 2021, was refused by notice dated 18 November 2021.
 - The development proposed is removal of the present roof and the addition of two storeys on the dwellinghouse. One of the additional storeys will be in the roof space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision notice refers to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). However, it is clear from the evidence that the actual dispute is in relation to Class AA. The appeal has been dealt with accordingly.

Main Issue

3. The main issue is whether the proposal is permitted development under Schedule 2, Part 1, Class AA of the GPDO.

Reasons

4. Paragraph AA.4.(1) makes clear that the "principal part" under Class AA, in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side, or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.
5. The Council argue that the proposal is not permitted development because it extends above part of the dwellinghouse that is not an original feature. However, the definition of "principal part" includes both original features and subsequent additions and so the Council's assessment of this point is not correct.

6. Notwithstanding, it appears that there is a side extension part of the existing dwellinghouse that is of a lower ridge height compared to the main part of the dwellinghouse. Consequently, the proposal would extend beyond the principal part of the dwellinghouse and would not be permitted development as set out under Paragraph AA.1.(i).
7. The definition of “principal part” differentiates between extensions and the main part of the dwellinghouse based on scale. There is no evidence that the internal function of rooms can factor into my assessment, or that such an assessment made on this basis would be lawful.
8. The Council has not substantiated that the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse.
9. It is inferred in their assessment that the existing dwellinghouse is not the original dwellinghouse for the purposes of applying the GPDO. However, I am not clear that this would be the case given that the dwellinghouse has been constructed and designated as a dwellinghouse separate from 104 Blumfield Crescent by way of planning application P/07960/002.
10. Whatever the case may be, even if the existing dwellinghouse is not regarded as the original dwellinghouse for the purposes of applying the GPDO, it is a product of a sideward extension and not an upward extension of the dwellinghouse 104 Blumfield Crescent. Consequently, I cannot reasonably conclude that the proposal would not be permitted development as set out under Paragraph AA.1.(d).
11. Altogether, whilst the Council has not fully substantiated its reasons for refusal under Paragraph AA.1.(d), it is clear that the proposal would not be permitted development as set out under Paragraph AA.1.(i) of the GPDO.

Other Matters

12. Given that I have found the proposal is not permitted development, it is not necessary for me to consider matters relating to prior approval because it would not alter the outcome of the appeal.

Conclusion

13. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR