



Appeal Decision

Site visit made on 8 April 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

Appeal Ref: APP/J4423/D/21/3287630

27 Blackbrook Drive, Sheffield S10 4LS

- 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 Class AA of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Pembury (Pembury Builders Ltd) against the decision of Sheffield City Council.
 - The application 21/03062/ASPN, dated 6 July 2021, was refused by notice dated 30 September 2021.
 - The development proposed is an additional first floor extension to existing bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) allows for up to two additional storeys to a dwellinghouse, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concern relates only to the conditions of paragraph AA.2(3)(a)(ii). This requires consideration of the impact of the development on the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation.
3. Both the Council and the Appellant were afforded an opportunity to comment on the relevance of the CAB Housing judgment¹ and I have taken the subsequent representations into account.

Main Issue

4. The main issue is whether the proposal would accord with Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

5. The appeal site is a bungalow on Blackbrook Drive, a residential cul-de-sac characterised by a regular arrangement of largely single storey dwellings. Various alterations and additions to properties are visible within the street, somewhat diluting the uniformity of the appearance of the development. Nevertheless, the original single storey nature and modest scale of the

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

dwelling remains evident, lending an overall pleasing sense of consistency to the street.

6. The proposal would replicate the existing design of the appeal property. However the CAB Housing judgment, which postdates the appeal submission and the other appeal decisions which have been referred to, confirms that control over the external appearance of the dwelling is not limited to the property itself. Rather, it can include the impact on the surroundings and as such the visual impact of the proposal on the streetscene can be considered.
7. While materials and architectural detailing would reflect the existing dwelling, the proposal would result in a significant addition of built form at the property, increasing its bulk and mass. Other dwellings within the street have been altered, particularly in the vicinity of the site. However, these developments have largely been done within the roof levels of the property, comprising roof extensions and loft conversions rather than the introduction of a separate, additional storey.
8. As a result, despite its position in the cul-de-sac the proposal would be clearly distinguished from the other dwellings on the street, failing to integrate within the surrounds or to visually relate to the predominant form of neighbouring development. Comparatively, it would be of a greater scale than is common on the street, in a prominent location close to the turning point of the cul-de-sac such that it would appear unduly dominant. Overall, it would be read as an incongruous within the surrounding context.
9. Other two storey dwellings are nearby in Harlech Mead and Balmoral Crescent, some of which are visible from the site. However, these are visually and physically separated from Blackbrook Drive by the intervening boundary treatments. Accordingly, the proposal would not be read in the context of these dwellings but alongside the more immediate properties in the cul-de-sac, against which it would appear out of place.
10. Overall, the external appearance of the dwellinghouse would be unacceptable and the proposal would be contrary to the requirements of paragraph AA.2.(3)(a)(ii) of Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO.

Other Matters

11. While the Council did not raise the effect of the development on the impact of the external appearance of the dwellinghouse when deciding a previous application at the site, each case is decided on its own merits on a case by case basis. I must make my decision on the basis of the appeal and the information before me, where this has been cited as a reason for refusal.
12. I acknowledge the introduction of Class AA was to boost the construction sector and give freedom to householders. Nevertheless, this part of the GPDO is subject to limitations and conditions, including the requirement for the effect of the development on the impact of the external appearance of the dwellinghouse to be considered. I have found this would be unacceptable and do not consider this harm would be outweighed by these other considerations.

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR