
Appeal Decision

Site visit made on 7 June 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2022

Appeal Ref: APP/A0665/D/22/3293141

18 Greenfield Crescent, Waverton, Chester CH3 7NH

- 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 and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by Mr and Mrs Richard and Judith Moulds against the decision of Cheshire West & Chester Council.
 - The application Ref 21/04336/PA, dated 18 May 2021, was refused by notice dated 20 January 2022.
 - The development proposed is upward extension to create one additional storey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Class AA of Part 1 of Schedule 2 of the GPDO, planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys subject to limitations and conditions. There is no dispute between the parties with regard to the compliance of the scheme with all criteria in paragraph AA.1, paragraph AA.2(2) and AA.2(3)(a)(i), (iii) and (iv). Based on the evidence before me, and the observations I made at my site visit, I have no reason to take a different view in terms of the scheme's compliance with these particular paragraphs. Therefore, the focus of my determination of the appeal has been the area of difference between the parties which relates to paragraph AA.2(3)(a)(ii).
3. Paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO refers to the external appearance of the dwellinghouse. In this regard, the CAB Housing Ltd judgment¹ confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.

Main Issue

4. The main issue is whether prior approval should be granted for the proposal having regard to its effect on the external appearance of the dwellinghouse.

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

Reasons

5. The appeal dwelling is situated to the eastern side of Greenfield Crescent, a residential street that is predominantly characterised by similar detached bungalows. Although the original uniformity of architectural design of the bungalows has been somewhat diluted over time by various extensions and roof additions, there continues to be a clear visual cohesion between the bungalows given their relatively consistent layout, materials, gable frontages, ridge and eaves heights. These design elements give a distinctive rhythm and consistency to the street scene, contributing positively to the character and appearance of the area.
6. The proposed increase in the height of the bungalow's eaves and ridge would result in a bungalow that appears out of proportion, with the eaves of the raised roof sitting uncomfortably high in relation to the brick headers of the existing ground floor windows. The bungalow would appear harmfully at odds with the prevailing architectural uniformity of Greenfield Crescent, detrimental to the characteristic rhythm of the existing built form. I am not persuaded that no 16's position on a bend and the consequent variation in the orientation of nearby dwellings would significantly reduce the visual harm of the proposal. Whilst existing vegetation would provide some visual screening, there is no guarantee that it will endure, and it provides only limited mitigation of the potential visual harm in any case.
7. I have had regard to the variation in the design of dwellings on Greenfield Crescent drawn to my attention by the appellants. The extension at No 12 has maintained a front gable roof with eaves just above the brick headers of its ground floor windows. This has resulted in a front elevation that appears in proportion and consistent with the prevailing design of bungalows in the crescent. No 8, in contrast, has been extended in a similar manner to that now proposed and serves to confirm that raising the eaves uncomfortably away from the ground floor windows results in a building that appears out of proportion, to the detriment of the character and appearance of the street scene. These examples do not, therefore, justify the further erosion of the character of the street scene that would arise from the appeal proposal. Furthermore, I am aware that the property could be developed in many ways without the need for prior approval as demonstrated by the Lawful Development Certificate drawn to my attention by the appellants. Any such development would not, however, raise the ridge height of the dwelling.
8. Overall, the proposal would, therefore, result in a poorly designed building that appears out of proportion and incongruous in the street scene, detrimental to the defining characteristics of Greenfield Crescent. The development would not be acceptable in terms of its external appearance and does not comply with Class AA.2 (3)(a)(ii) of the GPDO. It would also conflict with the aims of section 12 of the National Planning Policy Framework which seeks to ensure proposals are well-designed and respect their context.

Conclusion

9. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR