



Appeal Decision

Site visit made on 9 August 2022 by Ms S Maur BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/N1920/D/22/3291607

121 Chiltern Avenue, Bushey WD23 4QE

- 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 Mr Bhumit Dwivedi against the decision of Hertsmere Borough Council.
 - The application Ref 21/1856/PD56AD, dated 13 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is the construction of additional single storey to existing semi-detached bungalow.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) allows for the enlargement of a dwellinghouse by the construction of additional storeys, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concerns relate only to condition AA.2(3)(a)(ii) and refused prior approval on this basis. This requires consideration of the external appearance of the dwellinghouse.
4. The appellant and the Council were given the opportunity to comment on the recent CAB Housing Ltd Judgement¹. I have taken account of the comments received in reaching this recommendation.

Main Issue

5. The main issue is whether prior approval should be granted for the proposal, having regard to the external appearance of the dwellinghouse.

Reasons for the Recommendation

6. The appellant has stated that the wording of AA.2(3)(a)(ii)(aa) of the GPDO should limit an assessment of the proposal's external appearance to the front elevation only, and not empower the decision-maker to assess the development in its wider context. A number of appeal decisions have been

¹ CAB Housing Ltd and others v SSLUHC and others [2022] EWHC 208 (Admin).

provided where this narrow approach was taken. However, the CAB Housing Ltd Judgement has clarified that for Class AA proposals, the control of the external appearance of the dwelling is not only limited to the impact on the subject property itself, but also includes the impact on neighbouring premises and the locality.

7. The appeal site sits within a residential area that is characterised by a variety of housing styles, including a mixture of single and two storey semi-detached and detached properties. There is variety in terms of the individual appearance of the houses including their roof forms. The appeal property is a semi-detached bungalow sharing a similar appearance with its attached neighbour. The pair are set back from the road with the external walls finished in white render. Close to the appeal site on the south side of this road, there are a number of other semi-detached bungalows which are reasonably similar in appearance to the appeal site. Although some of these appear to have been extended, none has had an additional storey added to the property. The uniformity between the attached pairs, particularly in terms of height and general roof form, is an important characteristic of the area.
8. Prior approval is sought for constructing an additional single storey to the bungalow. The additional storey would unbalance the general symmetry between the attached pair of properties. The step up in height and the side gable at the party wall would appear as a jarring feature when seen in the context of the pair and wider group of semi-detached properties. Overall, the additional storey would appear as an incongruous addition to the dwelling and area.
9. Therefore, the development would result in harm to the external appearance of the dwellinghouse. This would be contrary to the requirements of the National Planning Policy Framework which seeks to ensure that development is visually attractive and sympathetic to local character.

Other Matter

10. The plans provided by the appellant indicate that the internal floor to ceiling heights would accord with the requirements of the GDPO. However, this would not mitigate the impact the development would have on the appearance of the dwelling and so it does not affect the findings above in respect of the main issue.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR