



Appeal Decision

Site visit made on 25 October 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2022

Appeal Ref: APP/P0240/D/22/3296309

1 The Mount, Aspley Guise MK17 8DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 appeal is made by Mr Joe Bendall against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/05313/PAES, dated 24 November 2021, was refused by notice dated 15 March 2022.
 - The development proposed is an additional storey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to its development plan and the National Planning Policy Framework (the Framework). The principle of the proposed development has been established by the provisions of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Paragraph AA.3.(12) of Part 1 requires the local planning authority to have regard to the Framework when determining an application for prior approval.

Main Issue

3. The main issue is the impact of the proposed development on the external appearance of the dwellinghouse.

Reasons

4. Paragraph AA.2.(3)(a)(ii) of Part 1 states that before beginning the proposed development the developer must apply for prior approval as to the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse, and any side elevation of the dwellinghouse that fronts a highway. This is not an exhaustive list of matters to consider when assessing the external appearance of the dwellinghouse. The assessment of the impact of the proposed development on the external appearance of the appeal dwelling is not therefore limited to the design and architectural features of the principal and side elevations of the appeal dwelling, but it can include those considerations.
5. The appeal dwelling is a detached house located on a corner plot within a cul-de-sac, with off-street parking to the front and a garden to the rear. It is

located at a lower level than the cul-de-sac highway and has a gambrel roof with front dormer and two-storey rear projections. The cul-de-sac is generally comprised of two-storey houses of similar sizes in a mix of designs. The appeal dwelling is therefore typical for the locality.

6. The proposed development would result in the existing gambrel roof design being replaced with a tall, three-storey pitched roof. This would be an odd design on account of the overall height and narrow width of the proposed third floor and gable ends, and the resulting bulk of the front elevation.
7. Even amongst the mix of housing styles within the cul-de-sac, the proposal would relate poorly to its surroundings and cause substantial harm to the character and appearance of the area. The position of the appeal dwelling at a lower level than the highway would not significantly reduce that harm, which would be appreciable from a range of viewpoints to the front and side of the appeal dwelling.
8. The proposal would therefore appear as a dominant, bulky and incongruous addition to the appeal dwelling and wider street scene on account of its poor design and excessive scale. This would harm the external appearance of the dwellinghouse, contrary to the Framework. Specifically, paragraphs 126 and 130 of the Framework advise that good design is a key aspect of sustainable development and that planning decisions should ensure developments add to the overall quality of the area and are visually attractive and sympathetic to local character, amongst other things.
9. I have been referred to other appeal decisions where it is claimed Inspectors have taken a similar view to the appellant in respect of how paragraph AA.2.(3)(ii) of Part 1 should be interpreted. I have been provided with copies of those appeal decisions, which all pre-date the High Court judgment in the case of *CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC* [2022] EWHC 208 (Admin). They do not therefore affect my findings in this appeal.

Conclusion

10. For the reasons given above, I consider the proposal would have an unacceptable harmful impact on the external appearance of the dwellinghouse. I therefore conclude that the appeal should be dismissed.

L Douglas

INSPECTOR