



Appeal Decision

Site visit made on 20 October 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/P0240/D/21/3284941

31 Gravenhurst Road, Campton, Shefford SG17 5NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, 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 D Gruncell against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/02287/PAES, registered 19 May 2021, was refused by notice dated 9 September 2021.
 - The development proposed is Prior Approval for the enlargement of a dwellinghouse by construction of additional storey.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr D Gruncell against Central Bedfordshire Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. The appellant's application form contains an incorrect declaration date, I have therefore used the date the Council registered the application and amended the banner heading accordingly.
4. In addition to the above, I have utilised the description of the proposal in the banner heading from the appeal form as it is more concise than that on the original application form. This is also the description used by the Council in the decision notice.
5. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (hereafter "the GPDO") allows for the enlargement of a dwellinghouse by construction of additional storeys, subject to the exclusions and conditions described in Paragraphs AA.1. and AA.2.
6. Paragraph AA.2.(3)(a) requires that, before beginning the development, the developer must apply to the local planning authority for prior approval. The provisions of the GPDO require the Local Planning Authority to assess the development proposed on the basis of a limited number of considerations,

including the effect of the development upon the external appearance of the host dwelling. Procedures for applications for prior approval are set out in Paragraph AA.3., with the interpretation of relevant terminology provided in Paragraph AA.4.

7. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.
8. Appeals are decided against relevant legislation and any judgments at the time the appeal decision is made. Since the application was determined and this appeal submitted, a judgment relating to the interpretation of Class AA of Part 1 of the GPDO was handed down by the High Court in respect of challenges to three appeal decisions¹. From the evidence before me, both main parties have commented on the relevance of the CAB Housing judgment to this appeal, and I have considered these responses in my decision.
9. In accepting additional comments from the main parties, I do not find any third parties would be prejudiced against as the matters are only relevant to the correct interpretation of external appearance.

Main Issue

10. The main issue is whether the proposal would accord with the provisions of Part 1, Class AA, with particular regard to the external appearance of the dwellinghouse.

Reasons

11. No 31 occupies the end position closest to the junction of Gravenhurst Road and Campton Road in a predominantly residential area. Whilst there are two-storey dwellings close to the appeal property, it is more readily seen within a short row of link-detached single-storey dwellinghouses. The appeal property has a traditional pitched roof matching the neighbouring three dwellings at Nos 25-29. As a result of the roof profiles, and the symmetry of window profiles, the row has a cohesive and uniform appearance which makes a positive contribution to the overall character and appearance of the area.
12. The proposed additional floor would be built with a similar roof profile and design to that of the existing building. Additionally, existing landscaping restricts some views of the property from the adjoining junction. However, notwithstanding those matters, the additional storey would appear as a prominent skyline feature within this group of single-storey properties. Given the highly uniform roof height across the group, the increase in height on a single dwelling would be highly prominent from various surrounding public views and appear incongruous by disrupting the deliberately planned consistency of the roofscape.
13. Moreover, the resulting two-storey principal elevation, would become an imposing feature and the vertical orientation of the windows would be unattractive in architectural terms when viewed in the context of the front façades of Nos 25-29. Consequently, having regard to the original design of the

¹ CAB Housing Limited v SSLUHC & Broxbourne; Beis Noeh Limited v SSLUHC & London Borough of Haringey; Mati Rotenberg v SSLUHC & London Borough of Haringey [2022] EWHC 208 (Admin).

property itself and the shared characteristics of the surrounding row, the additional storey would appear harmful and incongruous.

14. The appellant's evidence notes guidance from English Heritage. I have not been provided with a copy of the guidance or how this can be considered against the relevant provisions of the GPDO. Nevertheless, whilst the site is in an ordinary residential area this does not justify the introduction of an incongruous design.
15. The recent CAB judgement concluded the control of the external appearance of the dwelling house is not limited to the impact on the subject property itself but also includes impact on neighbouring premises and the locality. There is nothing before me to suggest the Council have misinterpreted the relevant provisions of the GPDO in this case. A matter that the appellant's revised statement no longer argues.
16. Furthermore, there is no requirement for the Council to conclude their findings in a particular format. I am satisfied that the assessment required on the external appearance of the dwellinghouse including the design and architectural features of the principal elevation has been undertaken and is sufficiently set out in the officer's report as to the reasons the application was refused.
17. Consequently, I find the proposal would cause unacceptable harm to the external appearance of the dwellinghouse which would appear incongruous in the surrounding streetscape and, therefore, contrary to paragraph 130 of the Framework insofar as it relates to the development being sympathetic to local character.

Conclusion

18. For the reasons set out above, I conclude that prior approval should not be granted and, therefore, that the appeal should be dismissed.

A Hickey

INSPECTOR