



Appeal Decision

Site visit made on 1 November 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2022

Appeal Ref: APP/P0240/D/22/3302248

10 Station Road, Ampthill, Bedford MK45 2QP

- 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 appeal is made by Mr and Mrs Pelling against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/01554/PAES, dated 11 April 2022, was refused by notice dated 16 June 2022.
 - The development proposed is existing roof to be removed and cavity walls increased in height, existing roof tiles to be re-used at new roof height with brickwork to match existing. Gable end fronting the highway to feature a single window to similar proportions as existing.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In its decision notice, the Council has referred to a policy in the development plan and a design guide. However, a prior approval appeal should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004, or as though the development plan must be applied. This is because the principle of development is established through the grant of permission by the General Permitted Development Order (the GDPO). Nevertheless, insofar as the development plan assists in assessing the impacts of the development, I have had regard to it.

Background and main issue

3. Schedule 2, Part One, Class AA of the GDPO permits the enlargement of a dwelling consisting of an increase in height by the construction of a roof extension, together with any engineering operations reasonably necessary for the purpose of that construction. Development is permitted under Class AA of the GDPO subject to certain limitations and conditions, including the requirement that the developer applies for the prior approval of the Local Planning Authority.
4. The Council has confirmed that the proposed development complies with all the limitations to the permitted development as set out in the GDPO. The application was refused due to concerns regarding the external appearance of the dwelling itself, including the design and any architectural features.

5. Accordingly, the main issue relevant to this appeal is whether prior approval should be given having regard to the effects of the developments upon the character and appearance of the surrounding area.

Reasons

6. The appeal site consists of a detached house located in a predominantly residential area. Dwellings are constructed to generally consistent proportions and set back from the highway. These factors give the appeal site and the surrounding area a suburban character. The area features a varied topography. This means that the height of dwellings rises in line with the gradient of nearby land.
7. The proposed development would result in an increase in the overall height of the appellant's dwelling. The proposed development would result in a house that would be notably taller than the neighbouring dwellings. This would occur even though some of the neighbouring dwellings have been the subject of alterations.
8. In consequence, the proposed development would appear incongruous given that it would erode the prevailing character of the surrounding area in that the height of each dwelling appears taller than those sited on lower ground. The appeal scheme would result in a dwelling that would be significantly taller than the neighbouring dwelling that is sited on higher land.
9. Owing to the variations in set back from the highway edge, this difference in height would be readily perceptible and would appear discordant when viewed alongside one another. This would occur even if the proposed development were to be constructed from materials that would harmonise with the existing dwelling and feature a comparable roof shape to the existing and neighbouring dwellings.
10. These factors are of a concern given the general prominence of the appeal site. In addition to a variety of views from several neighbouring properties, the proposed development would also be viewable for large proportions of Station Road. This means that the proposed development would be potentially experienced by a great number of people and, in consequence, would be a strident addition to the locality. Therefore, for the preceding reasons, the proposed development would be incongruous and would erode the character of the surrounding area.
11. There are some trees and landscaping nearby. Whilst these provide some screening of some of the nearby dwellings, the overall effect is limited. Therefore, the presence of landscaping in the surrounding area does not mitigate the discordant appearance of the proposed development.
12. The appeal site is near to an existing development of flats. This is to the rear of the appeal site. In addition, on my site visit, I noted a large office building nearby. Whilst these buildings have larger proportions than the appeal proposal would have, they are viewed at a generally oblique angle from the appeal site. This means that they are less prominent.
13. Furthermore, these buildings are perceptibly a great distance away from the appeal site. Therefore, they are not viewed as part of the relationship between the appeal site and other dwellings in Station Road. Therefore, the presence of these buildings does not allow me to disregard my previous concerns.

14. My attention has been drawn to a dwelling at 18 Station Road. I do not have the full information regarding the planning circumstances of this before me, which means that I can only give this matter a limited amount of weight. Nonetheless, I note that despite No. 18 having a different design to others in the vicinity, it retains the character of the surrounding area in that its ridge height is lower than the neighbouring dwelling at 16 Station Road.
15. Although there is a building constructed to a differing design on the opposite side of Station Road, the character of this area is different to the appeal site and the neighbouring dwellings. Therefore, for the foregoing reasons, the presence of developments elsewhere do not overcome my previous findings.
16. The appeal site does not contain a listed building and is not in a Conservation Area. However, this does not allow me to disregard the adverse effects that the proposed development would have upon the distinctive character of the vicinity.
17. The development, in this regard, would conflict with the requirements of Policy HQ1 of the Central Bedfordshire Local Plan (2021) and the Central Bedfordshire Design Guide (2014). Amongst other matters, this policy requires that proposals take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place.
18. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the Framework.

Other Matters

19. The proposed development is unlikely to have an adverse effect on matters, including the living conditions of the occupiers of neighbouring properties. Although these points are matters of note, they are only some of all the issues that must be considered and therefore do not outweigh my findings in respect of the main issue.

Conclusion

20. For the proceeding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR