
Appeal Decision

Site visit made on 17 January 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2023

Appeal Ref: APP/J1915/W/21/3287330

Folly Cottage, Bury Green, Little Hadham SG11 3ES

- 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 Martin Gay against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1585/ASDPN, dated 6 July 2021, was refused by notice dated 12 August 2021.
 - The development proposed is described on the application form as 'raising of the roof ridge to create second floor top of the original footprint of the building'
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 'raising of the roof ridge to create second floor top of the original footprint of the building' at Folly Cottage, Bury Green, Little Hadham, SG11 3ES in accordance with the application, Ref 3/21/1585/ASDPN, dated 6 July 2021 and the plans submitted with it, including plan references: 1666.07A, 1666.02, 1666.03, 1666.08.

Preliminary Matter

2. I have had regard to the policies of the Framework in so far as they are material to the matters for which prior approval is sought.

Main Issue

3. 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. The Council refused to grant prior approval in relation to paragraph AA.2, and in particular, the effect of the proposal on the external appearance of the dwellinghouse.
4. The Council has not argued that the proposal fails to comply with any other conditions, limitations or restrictions under Class AA, and I have no compelling reasons to find otherwise.
5. As such, the main issue in this appeal is whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

6. Folly Cottage (the Host Property) is a two storey detached dwelling which, the planning history indicates, has been extended fairly significantly. The principal part of the dwelling is two storeys with two storey extensions of subservient height and appearance located on each wing.
7. The surrounding area has a rural character punctuated by large detached dwellings. The majority of these properties are set back from the highway and partially screened by trees and hedgerows. Whilst there are some similarities – terms of layout, size and orientation – the design of these buildings varies fairly significantly and there is no predominant overriding character in this regard.
8. This lack of uniformity is even further reduced given that residential buildings are not easily visible in conjunction with one another. I accept that nearby properties are typically between 1 and 2 storeys in scale. However, given the limited visual connection between these dwellings and the lack of uniformity in appearance, the proposed development would not be harmful to the character and appearance of the surrounding area.
9. In terms of the effect of the proposal on the appearance of the host property itself, there would be an increase in height, mass and bulk. However, the additional storey would be confined to the core of the dwelling, with the large extensions which currently exist to the sides and rear remaining unaltered. The existing extensions would remain as subservient features. As a result, the height of the dwelling would be gradually tapered to the sides, reducing the visual impact of its three-storey scale. As such, the proposal would not result in the principal elevation or side elevations having a disproportionate or incongruous appearance. Furthermore, the general design, materials and architectural detailing of the proposal would match the existing dwelling.
10. The proposed development would not be harmful to existing local character nor the character and appearance of the host property. Indeed, it would accord with Framework Paragraph 130(a to c) in this regard. I therefore find that the proposal would comply with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO, which relates to the impact on the external appearance of the dwellinghouse.

Conditions

11. Planning permission granted for development under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO is subject to the conditions set out under Paragraphs AA.2(2) and (3). They are set out in the attached schedule for ease of reference. A condition specifying the plans is not necessary given that they are referred to earlier in this decision.

Conclusion

12. For the reasons given above, the appeal is allowed and prior approval is granted.

Luke Simpson

INSPECTOR

SCHEDULE OF CONDITIONS

Paragraph AA.2(2) conditions-

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
- (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and
- (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Paragraph AA.2(3) conditions¹-

- (b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;
- (c) the development must be completed within a period of 3 years starting with the date prior approval is granted;
- (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
- (e) that notification must be in writing and include—
 - (i) the name of the developer;
 - (ii) the address of the dwellinghouse; and
 - (iii) the date of completion.

¹ Listed with the exception of condition 'a' which relates to obtaining prior approval (which is the subject of this appeal)