



Appeal Decision

Site visit made on 7 February 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/X0415/W/22/3297909

Poppins, Back Lane, Chalfont St Giles, Buckinghamshire HP8 4PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by Mr Bryan Castle against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/4808/PAHAS, dated 10 December 2021, was refused by notice dated 7 February 2022.
 - The development proposed is described on the application form as 'the construction of an additional storey on the existing bungalow using the new Class AA permitted development rights.'
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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 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of an additional storey on the existing bungalow using the new Class AA permitted development rights at Poppins, Back Lane, Chalfont St Giles, HP8 4PD in accordance with the terms of the application, Ref PL/21/4808/PAHAS, dated 10 December 2021, and the details submitted with it including the Location Plan and plan no's, PBLC-LAY-101-F, PBLC-LAY-102-C, and PBLC-LAY-103-C, and subject to the standard conditions set out in sub-paragraphs AA.2.(2) and AA.2.(3) of the GPDO.

Preliminary Matter

2. I have taken the description of the proposed development above from the application form. However, I have omitted the justification for the proposal as these elements of the description address the merits of the case.

Main Issues

3. The main issues in this appeal are:
 - whether the proposed additional storey is permitted development (PD) under Schedule 2, Part 1, Class AA (i) of the GPDO, and
 - if the proposal is PD under the provisions of the GPDO, whether prior approval should be granted, having regard to the amenity of any adjoining premises and the external appearance of the dwellinghouse.

Reasons

Permitted development

4. Development is not permitted by Schedule 2, Part 1, Class AA (i) of the above GPDO if any additional storey is constructed other than on the principal part of the dwellinghouse. The "principal part in relation to a dwellinghouse, is expressly defined in the GPDO (paragraph AA4. (1)). It means 'the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.'
5. The appeal property comprises an extended chalet bungalow with some accommodation incorporated at roof level. The proposed additional storey would be constructed above the original bungalow, and a side extension which was erected following the grant of planning permission in 1984¹. The permitted extension replaced a garage, which according to the Council, was at a lower height and had a different roof form.
6. The roof over the original dwellinghouse consists of a hipped roof with a section of shallower pitch over the projecting bay windows and entrance door located on the front elevation. The design, materials and pitch of the roof of the extension is consistent with the main part of the original dwellinghouse. Moreover, its eaves and ridge height line up with those of the original dwellinghouse.
7. The side extension is a subsequent addition, however it is not lower in height than the main part of the dwellinghouse. Therefore, it forms a principal part of the dwellinghouse for the purposes of the GPDO. Consequently, the proposal would meet the eligibility requirement of Paragraph AA.1. (i) of the GPDO.
8. Accordingly, on this main issue, I conclude that the proposed development would be 'permitted development' under Schedule 2 Part 1 Class AA of the GPDO.

Prior approval

9. The GPDO states that before beginning the development the developer must apply to the local planning authority for prior approval as to the matters within the grounds of assessment which are listed within AA.2 (3)(a)(i) to (iv) inclusive.
10. 3(a)(i) of the GDPO relates to impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light.
11. The front and rear walls of the appeal property, and the immediate neighbouring properties have similar building lines. Given this relationship the increased height of the appeal building would not result in an overbearing impact or a harmful loss of light to the residents of the neighbouring properties. The windows in the proposal would primarily face the street and down the rear garden, with none shown in the side elevation. Any overlooking would be similar to that experienced from the dormer windows of the existing property and there would be no greater impact than experienced elsewhere in the immediate vicinity of the appeal site. The standard conditions set out in

¹ CH/1984/0574 – Erection of two storey side extension for residential use – Conditional permission

paragraph AA.2. (2) of the GPDO would also prevent any additional windows being installed in any wall or roof slope forming a side elevation of the dwelling house. Consequently, the proposal would not have a detrimental impact on the amenity of adjoining properties.

12. 3(a)(ii) relates to the external appearance of the dwellinghouse, including the design and architectural features of – (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.
13. Back Lane is characterised by a mix of detached and semi-detached houses and bungalows. The dwellings in the locality have a wide range of designs and have evolved over a period of time resulting in a varied pattern of buildings in terms of location, scale, and design. They utilise a varied palette of materials. The design and architectural features of the proposed development, with particular reference to the front elevation, would remain as existing, albeit at a higher level. Moreover, the proposal would be of a scale and appearance that would be in keeping with properties within its immediate surroundings. Therefore, the proposal would not harm to the street scene.
14. Accordingly, on this main issue, I conclude that prior approval should be granted.

Conditions

15. The Council have not suggested any conditions in the event of this appeal being allowed. The GDPO states that prior approval may be granted unconditionally or subject to conditions that reasonably relate to the subject matter of the prior approval.
16. The conditions set out in paragraphs AA.2(2)(a) to (c) of Schedule 2, Part 1, Class AA of the GDPO require the materials to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, the omission of windows in any wall or roof slope forming a side elevation and the roof pitch of the principal part of the dwellinghouse to be the same as the roof pitch of the existing house. The submitted drawings indicate compliance with these requirements.
17. The completion of the development within three years is a requirement of paragraph AA.2(3)(c) of the GPDO.
18. The developer is required to provide the local authority with a report for the management of the construction of the proposed development in order to comply with the paragraph AA.2(3)(b) of the GPDO.
19. The developer is required to notify the local authority of the completion of the development in order to comply with paragraph AA.2(3)(d) and (e) of the GPDO.

Other matter

20. The grounds of assessment listed within AA.2 3(a)(iii) and (iv) of relate to air traffic and defence assets and protected views and are not relevant to this case.

Conclusion

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed, and prior approval granted subject to conditions.

John Gunn

INSPECTOR