



Appeal Decision

Site visit made on 14 February 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/J1535/D/22/3298486

Knolls Hill Farm, Bournebridge Lane, Stapleford Abbots RM4 1LU

- 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 W Hussain against the decision of Epping Forest District Council.
 - The application Ref EPF/0149/22, dated 20 January 2022, was refused by notice dated 18 March 2022.
 - The development proposed is an application for Prior Approval of a proposed enlargement of a dwelling house by construction of additional two storeys.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Class AA of Part 1 in Schedule 2 of the Order establishes that the enlargement of a dwellinghouse by the construction of additional storeys is permitted development. However, this provision is subject to several conditions, limitations, and restrictions. Amongst other things, these require the materials used in any exterior work to be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Furthermore, an application for prior approval must be made as to the external appearance of the dwellinghouse.
3. In prior approval cases there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.

Main Issue

4. The main issue relevant to this appeal is the effect of the proposed development upon the external appearance of the building.

Reasons

5. The building that is the subject of this appeal consists of a detached dwelling, located within a less developed area. Although there are some buildings nearby, these are of differing proportions to the appellants dwelling and are also geographically separated from it. Therefore, the appeal site adjoins open areas of countryside.

6. The proposal comprises permitted development and the principle has therefore been established by the General Permitted Development Order. However, for a development to proceed, it is necessary to consider the resultant external appearance of the building.
7. The proposed development would add two storeys to the existing dwelling. In consequence, this would create a dwelling that is significantly larger than is currently the case. This causes a concern given that the existing character is one of a dwelling that is commensurate in proportions to the more open and less developed surroundings of the vicinity.
8. In result, the development would erode the character of the existing dwelling given that it would have an adverse effect on the proportions of the house. This would occur irrespective of the materials from which the proposed extension would be constructed.
9. In addition, the existing dwelling features a single storey side projection. This is currently proportionate towards the two-storey dwelling. By erecting an additional two storeys on the majority of the dwelling, this harmonious relationship would be disrupted.
10. My attention has been drawn to case law which I have had regard to. However, this case law allows for the consideration of the effects of a proposed development upon the appearance of an existing building. In addition, an assessment needs to be made regarding the effect of the development upon the appearance of the dwelling. This assessment needs to take place irrespective of whether the appeal site is near to other buildings or whether the other buildings are further away.
11. The proposed development, by reason of its greater height, would conflict with the predominantly open character of the surrounding area and the proportionate relationship between it and the appellant's dwelling. Therefore, the proposed development would have an adverse effect upon the character of the building and does not represent an acceptable design.
12. The proposed development would not have an adverse effect upon other matters, including the living conditions of the occupiers of neighbouring properties. However, these are only some of the issues that must be considered. In result they do not overcome my previous conclusions and therefore this matter does not render the proposal acceptable.
13. Therefore, I conclude that the proposed development would have an adverse effect upon the external appearance of the building. In consequence, the proposed development would be unacceptable.

Conclusion

14. The effect of the development proposed on the external appearance of the dwellinghouse would not be satisfactory. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR