



Appeal Decision

Site visit made on 21 February 2023

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal Ref: APP/W1525/D/21/3289359

Broomfield Farm, Broomwood Lane, Ramsden Heath, Billericay, Essex CM11 1JR

- 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 A, Paragraph A.4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Brian John Morter against the decision of Chelmsford City Council.
 - The application Ref 21/02055/HHPAA, dated 14 October 2021, was refused by notice dated 23 November 2021.
 - The development proposed is the construction of an additional storey by increasing the building height by 3.5m.
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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 the construction of an additional storey by increasing the building height by 3.5m at Broomfield Farm, Broomwood Lane, Ramsden Heath, Billericay, Essex CM11 1JR in accordance with the terms of the application, Ref 21/02055/HHPAA, dated 14 October 2021, and the plans submitted with it.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse by construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse together with any engineering operations reasonably necessary for the purpose of that construction, subject to limitations and conditions.
3. Where an application is made for prior approval, paragraph AA.3(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions that are applicable to such permitted development.
4. Development plan policies and the National Planning Policy Framework (2021)(the Framework) are relevant to my consideration of the appeal insofar as they relate to the development and prior approval matters, and only as evidence to support the planning judgement to be made.

Main Issues

5. I consider that the main issues in this appeal are whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class AA of the GPDO and the effect of the proposed extension on the external appearance of the dwellinghouse.

Reasons

Whether granted planning permission by Class AA

6. Paragraph AA.1 of the GPDO states that development is not permitted by Class AA if...(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the dwellinghouse. Although the appellant has provided proposed elevations, details of the internal floor to ceiling heights have not been provided.
7. The Council confirms that the height of the highest part of the roof of the dwellinghouse would be 7m and would therefore fall within the limitations of the GPDO. The Council also confirms that the proposal would increase the height of the building by up to 3.5m and would essentially replicate the form of the dwellinghouse but at first floor level.
8. Given the dimensions of the existing dwelling and the proposed extension, although the appellant has not provided internal floor to ceiling heights, I see no reason why it would not be possible to comply with the limitations specified in paragraph AA.1, including AA.1(h). The appellant states they will adhere to the limitations and, in the event that they do not, the development would not be permitted development and it would be open to the Council to take enforcement action, if it considered it expedient to do so.
9. I am therefore satisfied that, if carried out in accordance with the information submitted, the proposed development would comply with the limitations set out in paragraph AA.1(h) of the GPDO.

Appearance of the dwellinghouse

10. Paragraph AA.2(3)(a) states that before beginning the development, the developer must apply to the local planning authority for prior approval as to (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; (ii) 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.
11. Where prior approval is required in relation to the effect of development on the external appearance of a building or dwellinghouse, it will be a matter of planning judgement as to whether consideration is given to the effect in terms of the building's intrinsic design and/or the effect in terms of the building's relationship with nearby properties. The external appearance of the building need not be considered in isolation.
12. Policy DM23 of the Chelmsford Local Plan (May 2020)(the CLP) seeks high quality design and the Council's Making Places Supplementary Planning Document (January 2021)(SPD) advises that the form, size, siting, detailing

and materials of a proposed roof alteration should relate well to the host building as well as the surrounding area.

13. The appeal building is located in a generally rural area, set amongst a cluster of buildings which form part of Broomfield Farm. The building is set back from the highway, behind mature vegetation, which significantly limits views of it from the public domain. The building is clad in timber and finished in a light grey colour, with corrugated sheeting to the roof. The additional storey would project upwards, with fenestration which is similar to the ground floor.
14. While the appeal scheme would add significant bulk and mass to the property, the GPDO is expressly intended to allow such a building to be extended by an additional storey. As found by the Inspector in appeals APP/J1535/D/21/3275960, 3275961 and 3275964, since they have been accepted in principle by virtue of the order, objections solely to the effect that the proposed upward extensions would be bulky, overbearing and monolithic cannot be sustained.
15. The Council state that the proposal would be harmful to the openness of the Green Belt. However, permitted development rights have not been withdrawn, in total or in part, in the Green Belt in the GPDO and so there is an expectation that such extensions will occur. Indeed, the Framework cannot be applied so as to frustrate the purpose of the grant of permitted development rights through the GPDO in the first place and so objection on the grounds of the effect on the Green Belt cannot be sustained.
16. The fenestration and wooden cladding would give the proposal visual interest and would reflect the simplistic design of the original dwelling. Although not specified on the plans, the appellant has confirmed on the application form that the materials used in any exterior work would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Consequently, the proposal would relate well to the host building.
17. The building is in a relatively isolated position, away from other dwellings. Although there are other dwellings in the wider area, I saw that there is no uniform style or layout and so the design features of the proposal would not appear out of place in the surrounding area. Considering the development through the prism of the purpose of the legislation, I am satisfied that the proposal would not conflict with the design aims of policy DM23 of the CLP, the SPD or the Framework, which seeks well designed places.
18. Thus, for the reasons given above, I find the proposal would not cause unacceptable harm to the external appearance of the dwellinghouse, including the architectural features of the principal elevation of the dwellinghouse and would therefore accord with the provisions of Schedule 2, Part 1, Class AA of the GPDO.

Conditions

19. The GPDO sets out conditions which must be complied with at paragraph AA.2. Paragraph AA.3(15) allows for the imposition of conditions reasonably related to the subject matter of the approval. Neither party has suggested conditions are required and, since the development must be carried out in accordance with the approved details, I consider it unnecessary to impose any in this case.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

M Savage

INSPECTOR