



Appeal Decision

Site visit made on 14 February 2023

by Ann Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2023

Appeal Ref: APP/N4720/D/22/3313338

4 Smithy Lane, West Ardsley, Wakefield WF3 1QG

- 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 Rall against the decision of Leeds City Council.
 - The application Ref 22/06662/DPD, dated 29 September 2022, was refused by notice dated 24 November 2022.
 - The development proposed is erection of first floor extension to form habitable accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form and appeal form refer to different addresses. For clarity, the address in the banner heading above has been taken from the Council's decision notice. I am satisfied no party would be prejudiced by my use thereof.

Background and Main Issue

3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) permits development involving the enlargement of a dwellinghouse by construction of additional storeys, subject to specified limitations and conditions. Therefore, it is necessary in the first instance to determine whether the proposal falls within the scope of permitted development.
4. The Council concluded that the proposal would comply with the conditions and limitations set out at paragraph AA.1 of Class AA, such that it would fall within the scope of permitted development rights, subject to the consideration of relevant matters of prior approval. From the evidence before me I see no reason to take a different view.
5. Paragraph AA.2.(3)(a) sets out four matters for which the developer must apply to the local planning authority for prior approval. The Council refused prior approval only in respect of matter (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. As before, I have no evidence to dispute the Council's conclusions in respect of the other prior approval matters under sub-sections (i), (iii) and (iv) of Paragraph AA.2.(3)(a).

6. Notwithstanding that the introduction of Class AA was, in part, to give freedom to householders to extend properties, recent case law¹ has confirmed that, for Class AA proposals, the control of the external appearance of the dwelling is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.
7. Therefore, the main issue is whether prior approval should be granted having regard to the effect of the proposal on the character and appearance of the area and the host dwelling.

Reasons

8. The appeal dwelling sits within a row of 4 detached bungalows fronting Smithy Lane. The group of bungalows are located between playing fields and the junction of Smithy Lane with Constable Road. Dwellings to the rear, including Nos. 10 and 12 Smithy Lane, along with those on Perth Drive, are also detached bungalows or dormer bungalows. This gives a spacious character to the western side of Smithy Lane as levels rise towards the junction with Constable Road. Residential properties on the eastern side of Smithy Lane and along Fairleigh Road are predominantly two-storey and as such are significantly higher and distinctly different to properties to the west.
9. Whilst the appeal dwelling has a hipped roof design and the immediately neighbouring dwellings have gabled roofs, the consistency of comparable eaves and ridge lines, roof materials and set back from the road is obvious in views along Smithy Lane from both directions. There is therefore an overall regularity of size and scale amongst all 4 bungalows.
10. The proposal would add an additional storey to the appeal property, designed with matching features, roof form and materials to the existing building. Nonetheless, the addition of the extra storey would create a jarring and discordant change in height in the group of bungalows, which would severely disrupt the harmony of the group and result in a property that would be harmfully at odds with the appearance of the existing dwelling and its immediate surroundings. Furthermore, the additional storey above the existing front projection would emphasise the overall mass of the building and exacerbate its prominent appearance, creating an uncharacteristic feature on the front elevation, not seen at two storey height elsewhere in the street.
11. My attention has been drawn to a number of other properties in the locality that have been extended. Whilst there are substantial extensions to No. 2 Smithy Lane, aside from a dormer, they are single storey. The two properties at the rear of the site are dormer bungalows. Although there are two-storey dwellings on the eastern side of Smithy Lane and in the wider area, the proposal would not be seen in the context of these dwellings, but alongside the predominant group of single storey dwellings lying between the playing fields and Constable Road, against which it would appear significantly out of place.
12. Consequently, the external appearance of the dwellinghouse would significantly harm the character and appearance of the area and as such the proposal would be contrary to the requirements of paragraph AA.2(3)(a)(ii) of Article 3(1) and Schedule 2, Part 1, Class AA of the Order. The Order sets out that National

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

Planning Policy Framework (the Framework) can be considered relevant in prior approval cases where relevant to the subject matter of the prior approval, as if the application were a planning application. The Council has referred to the Framework, which I have considered only insofar as it is relevant to this appeal. I find that the proposal would conflict with the advice of the Framework, which seeks to achieve well-designed places.

Other Matters

13. The proposed development would provide a contemporary, larger family home and I note there is support from neighbours to the scheme. Nevertheless, I have found the proposal would be unacceptable and do not consider the harm would be outweighed by these other considerations.

Conclusion

14. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Ann Veevers

INSPECTOR