



Appeal Decision

Site visit made on 10 January 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/P0240/D/22/3293165

Groewood House, 20 Brook Lane, Flitton MK45 5EJ

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Rajbir Phagura against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/05222/PAES, dated 23 November 2021, was refused by notice dated 4 February 2022.
 - The development proposed is described as upward extension by a single storey over the original parts of the house.
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Decision

1. The appeal is allowed, and prior approval is deemed to be 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 upward extension by a single storey over the original parts of the house at Groewood House, 20 Brook Lane, Flitton MK45 5EJ, in accordance with the application Ref CB/21/05222/PAES made on 23 November 2021, and the details submitted with it, including plan Nos: Site Location, Block Plan PA-01 Rev P1 and Proposed Plans and Elevations PA-02 Rev P2.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), permits development consisting of the enlargement of a dwellinghouse by construction of up to two additional storeys, where the existing dwellinghouse comprises two or more storeys.
3. As detailed within the Order, development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval. The local planning authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
4. 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. Nevertheless, the local plan policies referred to are material considerations in so far as they relate to prior approval matters.

5. I have slightly amended the description of development for this decision in the interest of clarity and to avoid duplication.

Main Issues

6. The main issues are:

- whether the proposed development would be permitted development under Schedule 2, Part 1, Class AA of the Order; and
- if it is permitted development, the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

Whether Permitted Development

7. The appeal property is a large two storey detached dwelling, with single storey extensions to the side and rear. On the front elevation it also has a shallow central protrusion. Although this element is two storeys, it is capped by a hipped roof which is lower than the ridge height of the main roof.
8. Development is permitted under Class AA subject to limitations and conditions, as set out at paragraphs AA.1 and AA.2, and the limitations set out in Paragraph AA.1.(i) states that development is not permitted if any additional storey is constructed other than on the principal part of the dwellinghouse.
9. The Order provides a precise definition of "Principal part" in relation to a dwellinghouse. For the purposes of this Class of the Order, the 'principal part' 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.
10. The proposal would result in an additional storey, and this would be constrained to the existing two storey part of the dwelling. This would also include extending the central protrusion of this appeal property upwards. This existing protrusion incorporates a front door with a stone surround, and this matches the stone window heads and ledges of the property. As such, it is clear that this central feature is intended to add design interest to the front elevation of the dwelling.
11. While the roof of this central protrusion is lower than the main ridge height, there is a common eaves at this upper floor level, and this small hipped roof also adds architectural interest at roof height. With these features, it seems to me, that this shallow protruding feature is little different from other such design details as, for example, protruding bay windows on a front elevation. Therefore, although in this case the central protrusion may stand proud of the front elevation of the dwelling, it is a design feature on the principal part of the house and not an extension in the common meaning of the word.
12. The Council has drawn my attention to two other appeals where the Inspectors found that those proposals included parts of dwellings that were not the principal part of the dwellinghouses. However, the dwellings subject of those appeals are bungalows and, in both cases, have distinctly different forms to Grovewood. Those appeals are materially different from this appeal proposal in this regard and have not altered my findings for this reason.

13. Consequently, I find that the proposal would satisfy the limitations set out in Schedule 2 Part 1 Paragraph AA.1 (i) of the Order in respect to this matter, and therefore it would be permitted development under the terms of this part of the Order.

External Appearance

14. The appeal property is a large, modern, detached dwelling in a sizeable plot. The plot is largely screened by a mature vegetation and high gate and is located at the edge of a rural settlement. Although there is variation in the built form in the village, dwellings are generally of a traditional architectural style. The appeal property bounds the Flitton Conservation Area(CA). This covers the small rural settlement which dates back to the Medieval period and includes properties constructed in local building materials. The settlement lies near the banks of the River Flit and the landscape of the river valley is an important feature in the setting of the CA that contributes to the significant of the heritage asset.
15. The proposal would add height and mass to the existing dwelling. However, even with an added floor, the traditional architectural style of the dwelling would remain largely unchanged. The dwelling has a large footprint and relatively wide front elevation, such that the proposed additional mass would assimilate well, without it visually unbalancing the form or appearance of the existing dwelling. Also, while the house would increase significantly in size, this would be readily accommodated in this large plot. In these regards the proposal would result in a proportionate addition and would not harmfully alter the external appearance of the dwelling.
16. Three storey buildings are not a common feature in the settlement. However, the appeal property is set apart from the historic core of the settlement by the slope of the land and its position at the end of a lane. It is also substantially screened from the nearby river by trees and vegetation such that it is not visible in the wider settlement or the surrounding landscape. With this degree of separation and screening, views of the additional storey would be limited to the immediate vicinity of the appeal property. Furthermore, sitting on land that is lower than neighbouring dwellings, even with three storeys, the dwelling would not dominate surrounding properties.
17. Also, the proposal would not increase the footprint of the dwelling and would therefore not alter the grain or density of the built form in this area. In any event, as outlined above, the proposal would retain the traditional architectural style of the dwelling such that even though it would be slightly more visible in the immediate area, it would not harmfully encroach on the river landscape to the west of the appeal property, nor would it detract from the prevailing character of the built form in the settlement. It would therefore, in these regards, preserve the character of the river valley landscape and the appearance of this edge of settlement location, which form the setting of this part of the CA.
18. My attention has been drawn to a number of the appeals for similar proposals where the Inspectors considered the effects of the proposal on the external appearance of the dwelling, and this included reference to the wider character of the area. I have adopted a similar approach in this appeal as outlined above. This aside, those proposals are in different locations and are materially

different to this appeal, I attached limited weight to those decisions for this reason.

19. I therefore find that the proposal would not have a harmful effect on the external appearance of the dwellinghouse. In this regard, in so far as they are relevant, the proposal would not conflict with Policy HQ1 of the Central Bedfordshire Local Plan, Central Bedfordshire Design Guide, and provisions of the National Planning Policy Framework which collectively seek well-designed places.

Other Matters

20. Given the space between the appeal property and neighbouring dwellings and the degree of screening around neighbouring plots, I find no reason to disagree with the Council's conclusions regarding the effect of the proposal on the living conditions of neighbouring residents.
21. The Highways Authority raised concerns about parking provision. However, the appeal property benefits from a substantial plot with a spacious driveway and garages, and this would provide plenty of space for parking associated with the extended dwelling and for vehicles to turn. For this reason, I have no concerns regarding this matter.

Conditions

22. The Order prescribes several conditions in relation to implementation in paragraph AA.2 (2) and (3). In particular, before beginning the development a report for the management of the construction of the development must be provided to the local planning authority. 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. Also, development must be completed within 3 years of the date of this decision and the local planning authority must be notified as soon as reasonably practicable after completion.
23. Paragraph AA.3(15) allows for the imposition of conditions reasonably related to the subject matter of the prior approval. A condition relating to the approved plans is not necessary as this is stated in the above decision.

Conclusion

24. The proposal would comply with Condition AA.1. (i) of Class AA in relation to the principal part of the dwelling and it would be permitted development. I also conclude that the proposal would not harm the external appearance of the dwellinghouse. Therefore, prior approval is granted, and the appeal is allowed.

A J Sutton

INSPECTOR