



Appeal Decision

Site visit made on 18 April 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2023

Appeal Ref: APP/F0114/D/22/3302206

120C Charlton Park, Midsomer Norton, Somerset BA3 4BP

- 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 R Thorner against the decision of Bath and North East Somerset Council.
 - The application Ref 22/01666/EODPA, dated 21 April 2022, was refused by notice dated 6 June 2022.
 - The development proposed is the enlargement of a dwellinghouse by construction of an additional storey.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr R Thorner against the Bath and North East Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the description of development from the Appeal Form. As the description is largely consistent with that outlined on the Decision Notice, I am satisfied that there would be no prejudice in this respect.
4. Schedule 2, Part 1, Class AA of the General Permitted Development Order 2015 (GPDO), permits development consisting of the enlargement of a dwellinghouse consisting of the 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.
5. Development is permitted under Class AA subject to limitations and conditions and a requirement that the developer applies for prior approval to the local planning authority. The National Planning Policy Framework (the Framework) and Development Plan policies can be considered relevant in prior approval cases but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.
6. The proposal is to be assessed as a prior approval application as set out within the parameters of the GPDO. As a prior approval, there are two stages to assessment – the first being eligibility. The Council conclude that the proposal is eligible to be considered under the prior approval process and have not

raised any conflict with the conditions set out in the GDPO. I have no evidence before me to conclude differently so, in that regard, the focus of this appeal will be the second stage of assessment – the prior approval merits assessment.

Main Issues

7. The main issue is whether the proposal would be permitted development under Schedule 2, Part 1, Class AA of the GDPO with specific regard to the conditions set out in AA.2 (3)(a) (i) to (ii).

Reasons

External Appearance

8. Paragraph AA.2. (3)(a)(ii) of Class AA requires prior approval to be sought for '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.' The use of the word 'including' means that the list that follows is not exhaustive and other factors could affect the external appearance of the dwellinghouse. Furthermore, in this context it would be necessary to consider the impact on the external appearance of the building and how it would appear in the street.
9. Charlton Park is predominately characterised by single storey bungalow dwellings, with a largely consistent building form, scale, height and simple form. The dwellings, for the most part, sit within spacious plots set back from the road behind generous front gardens and driveways, which are mostly open with low-lying enclosures. Although there is some variation in orientation, the conventional form and uniformity of the dwellings results in a distinctive character and appearance of the area, which is enhanced by the openness and single storey height.
10. The appeal site relates to 120C Charlton Park, which is a single storey bungalow that has been extended to the side and rear. The bungalow is wide with a horizontal emphasis, simple form, pitched roof and a front gable projection. The dwelling is set back behind a front garden and a hedgerow and despite the changes, it maintains its form and height, adding value to the street scene.
11. The additional storey to the dwelling has been designed with matching features and materials to the existing building. The front gable and main roof would be extended upwards, but the profile and pitch of the roof would be the same. Furthermore, the side to rear extensions would be maintained as single storey, ensuring the building would retain its original form. As such, in isolation the changes to the building are not objectionable.
12. However, in terms of its effect on the area, the proposal would result in a wide two storey dwelling. The dwelling with an additional storey would significantly increase its scale, massing, and height, contrasting with the immediate low-lying neighbouring bungalows. The dwelling would also sit centrally within the street and would be visible from several public vantage points on Charlton Park and the Grange. In this context, the proposed development would appear visually dominant in the street scene and at odds with the scale, massing, and height of dwellings nearby.

13. I note that there are two storey dwellings on Charlton Park, as well in proximity of the appeal site on Grange End. However, these properties were not as wide and were separated from the appeal site by appreciable spacing and a variation in style. These elements ensure that there is a clear transition between groups of two storey dwellinghouses and the low-lying bungalows. In contrast, the proposed two storey dwelling would sit centrally between a pair of low-lying bungalows. The siting between two bungalows without any significant spacing or change in character would accentuate the contrast between the heights.
14. Furthermore, although I note the extension highlighted at 120 Charlton Park, from what I saw, this is not a prominent feature in the street and has little impact on the overall character.
15. For those reasons, I find the proposal would cause significant harm to the external appearance of the building and would conflict with paragraph 126 of the Framework, which encourages the creation of high quality, beautiful and sustainable buildings and places.

Neighbours living conditions

16. Paragraph AA.2. (3)(a)(i) of Class AA under Part 1, Class AA requires prior approval with respect the impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light. The Council has not raised any concerns in terms of light, and I have no reason to disagree with this. As such, I have focussed the assessment on the impact on privacy and overlooking to neighbours.
17. Due to the single storey nature of the bungalows on Charlton Park, the appeal site and the nearest neighbours enjoy a high level of privacy with very few windows overlooking neighbouring gardens. The formation of the additional storey would include first floor windows to the front and rear, accommodating bedrooms.
18. The elevated height of the proposed windows to the rear would result a degree of overlooking to the private garden at 120b Charlton Road. However, the distance of the window from the side boundary and the angle of view would prevent any views into windows as well as limiting any meaningful views into the private garden. As such, the additional storey would not result in unacceptable overlooking or any undue loss of privacy to the neighbouring occupiers at 120b Charlton Road. The neighbours opposite the appeal site and the private gardens directly to the rear are separated by a sufficient distance. The distances to the front and rear would ensure that the adequate levels of privacy can be maintained in both directions.
19. As such, I am satisfied that the proposed additional storey would not adversely affect neighbours living conditions by virtue of overlooking or privacy and would comply with paragraph AA.2(3)(a)(i) of the GPDO and paragraph 130 of the Framework in respect of neighbour's living conditions.

Other Matters

20. I acknowledge that the ability to add an additional storey to a dwelling can be permitted via the prior approval process, and it has been introduced to, amongst other things, provide a more efficient decision-making process. However, this does not alter my conclusions in respect of the external appearance of the proposal.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR