



Appeal Decision

Site visit made on 9 May 2023

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/V1260/W/22/3309539

50 Hazlebury Road, Creekmoor, Poole BH17 7AU

- 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 K Lenton against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/01093/PA, dated 5 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is existing bungalow to be extended upwards/additional upper storey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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 (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.
4. 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 GPDO. I see no reason to disagree.

Main Issue

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

Reasons

6. 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 how the external appearance of the proposal would affect the street scene.
7. The surrounding area is predominately characterised by single storey bungalow dwellings, with a largely consistent building form, scale, and low height which is emphasised by hipped roof forms. The dwellings, for the most part, sit within plots set back from the road behind low-lying enclosures contributing to a distinctive open plan character and appearance.
8. The appeal site is also a single storey bungalow with a horizontal emphasis and hipped roof form. Given the location on a prominent corner plot, the appearance and scale of the bungalow, maintaining a similar form and height to its neighbouring properties, contributes to the character of the street scene.
9. The proposal would feature matching materials and a similar roof form to the existing building. However, although I note the appellants comments that the existing building is below pavement level lower than properties to the rear, in terms of its effect on the area, the proposal would result in a visually large two storey dwelling. The dwelling with an additional storey would significantly increase its scale, massing, and height, contrasting with the immediately low-lying neighbouring bungalows.
10. Furthermore, given the location within a corner plot, the proposal would be visible from several surrounding public vantage points on Stalbridge Road, Hazlebury Road and Pergin Way. 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.
11. I observed that there are room-in-roof dwellings in the proximity of the appeal site, as well as some two storey dwellings in the wider area such as those in Stalbridge Road and Pergin Crescent. However, room-in-roof properties, including the proposal at 40 Hazelbury Road as cited by the appellant, retain the appearance of a chalet bungalow due to relatively low eaves heights, and a modest increase in ridge heights, thereby having little impact on the overall character of the area. In contrast, the proposal would result in a dominant incongruous addition to the area, further accentuated due to the prominent location and modest height of surrounding bungalows.
12. Consequently, I conclude that the proposal would appear out of keeping with the character, and result in visual harm to the surrounding area. The proposal would not comply with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO, which relates to the impact on the external appearance of the dwellinghouse. Furthermore, the proposal would conflict with Policy PP27 of the Poole Local Plan (2018) which seeks to ensure a good standard of design in all new developments, including extension and external alterations to existing buildings.

Other Matters

13. The Council have not raised any concerns in relation to the impact of the proposal on neighbouring occupier's living conditions due to matters such as overlooking or overshadowing. On the evidence before me I see no reason to conclude differently on these matters. I acknowledge that the ability to add an additional storey to a dwelling can be permitted via the prior approval process. It has also been put to me that the permitted development right was introduced to, amongst other things, help reduce the housing crisis and stimulate the economy, and there is also sufficient on-site parking at the appeal site. However, even if this is the case, these matters do not alter my conclusions in respect of the external appearance of the proposal.
14. The appellant has also stated that there is no restrictive covenant. However, this is a civil matter that falls outside of the planning regime. Furthermore, any concerns regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Conclusion

15. For the reasons given above, the appeal is dismissed.

S Harrington

INSPECTOR