



Appeal Decision

Site visit made on 9 May 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/P0119/D/22/3307041

22 Earlstone Close, Bristol BS30 8HQ

- 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 GPDO).
 - The appeal is made by Mr Tim Goodwin against the decision of South Gloucestershire Council.
 - The application Ref P22/02780/PNHA, dated 10 February 2022, was refused by notice dated 22 July 2022.
 - The development proposed is enlargement of two storey dwellinghouse by the construction of 1 no. additional storey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development in the header is taken from the Council's decision notice and the appeal form. It more succinctly describes the development than the description on the application form. As it is used by both main parties, I am satisfied that no prejudice or injustice would be caused by basing my assessment on the revised description.
3. The appeal plans annotate adjacent properties to the appeal property as 50 and 52 Parkwall Road. However, on my site visit I saw this building consists of 4 flats all with the address of 52 Parkwall Road. I refer to these residences collectively as No 52.
4. Schedule 2, Part 1, Class AA of the GPDO (Class AA) permits the enlargement of a dwellinghouse by construction of additional storeys, subject to various clauses and conditions. These require a developer to apply to the local planning authority for prior approval as to a number of specified issues. There is no requirement to determine such applications in accordance with the development plan and I have been provided with no development plan policies. However, I have had regard to the National Planning Policy Framework (the Framework) as far as it is relevant to the matters subject of prior approval.

Main Issues

5. The main issues are (i) whether the proposal would be granted planning permission by Class AA having regard to the clauses and conditions as set out in paragraphs AA.1 and AA.2 (2), and (ii) whether prior approval should be

granted having regard to any effects on the external appearance of the dwelling and amenity of adjoining premises.

Reasons

Paragraphs AA.1 and AA.2 (2)

6. The Council's first refusal reason refers to condition (2)(b) included in paragraph AA.2 under Class AA. This states that development permitted under Class AA must not include a window in any wall or roof slope forming a side elevation of the house. The Council contends the proposal as shown on the submitted plans would include the installation of a window in the side elevation of the appeal property closest to 21 Earlstone Close (No 21). However, this window is annotated as being existing on the elevations drawing and I saw it is already there on my site visit. As such, no installation of a window is proposed in any side elevation and so there would be no breach of condition (2)(b).
7. While not mentioned on the formal decision, the Council officer's report on the proposal refers to a potential conflict with clause (h) under paragraph AA.1 of Class AA. This states that development is not permitted by Class AA if the floor to ceiling height of any additional storey, measured internally, would exceed the lower of 3m or the floor to ceiling height of any storey in the principal part of the existing house. The appeal drawings show a number of rooflights in the roof to the additional storey. In order to benefit from the light to these windows, the Council suggests the proposed additional storey may be open from the floor up to the pitched roof, in which case there would be a breach of clause (h).
8. No drawing has been submitted that shows the internal floor to ceiling heights. However, the application form clearly states the proposed additional storey would comply with clause (h). The appellant's statement explains the intention to provide sun pipes or shafts leading from the rooflights to allow sunlight penetration to the additional storey. To my mind, such features would not bring the development into conflict with clause (h).
9. There is no contention the development would fail to comply with any of the other clauses or conditions. As such, I conclude it would be granted planning permission by Class AA having regard to the clauses and conditions as set out in paragraphs AA.1 and AA.2 (2).

Effect on external appearance of the appeal property

10. The appeal property is 2 storeys high with a lower, pitched roof extension on the side nearest to No 52. It faces onto the end of a residential cul de sac. As you turn the bend in the road the property is clearly seen alongside No 21 and the rear elevation of No 52 and with other nearby 2 storey buildings. As such, the adjacent houses and the general uniformity in terms of height and design within the street scene influences how the appeal property appears.
11. The proposed additional storey would make an obvious change to the principal elevation of the house. The windows at second floor level and the higher ridgeline and eaves would result in a top heavy appearance, particularly when compared to the adjacent 2 storey dwellings. Rather than being generally consistent with nearby houses in terms of scale and design, the appeal property would appear starkly unsympathetic to the local character. The appellant claims the resulting dwelling would be a similar height to

48 Parkwall Road (no 48) but this lies to the rear of the appeal site and so it has a limited influence on the Earlstone Close street scene.

12. The appellant contends that concerns over design and scale are not relevant as Class AA rights generally permit additional storeys to dwellings. However, condition (3)(a)(ii) under paragraph AA.2 of Class AA requires an assessment to be carried out as to whether prior approval should be granted in respect of the external appearance of the dwellinghouse. It is appropriate to refuse prior approval when an assessment identifies an unacceptable effect.
13. For the above reasons, I conclude the development would affect the external appearance of the appeal property so as to cause harm to the character and appearance of the house and the local area. As such, it would conflict with the provisions of the Framework which seek to ensure developments are visually attractive and sympathetic to local character. The proposal would not be acceptable in respect of prior approval matter (ii) of paragraph AA.2 (3) (a) of Class AA.

Amenity of adjoining residences

14. The additional storey would be seen from the communal back garden to No 52 and its rear facing windows. It would increase the height of the blank side wall that faces No 52 so that the appeal property would have a more imposing effect. However, the flank wall of the existing side extension is already seen from No 52 and the side of the additional storey would be set off the common boundary with the side extension in between. Compared to the existing situation, there would be no significant additional overbearing effect.
15. The appeal property is to the south of No 52. Therefore, it is likely that the additional storey would lead to overshadowing of the neighbouring garden and rear windows, particularly when the sun is low in the sky. However, I envisage that any loss of light would be modest as the development would be set off the boundary and the existing side extension already has an overshadowing effect. As such, the loss of light to No 52 would be limited and acceptable.
16. There are already views from the first floor rear windows in the appeal property of Nos 21's and 48's back gardens and other gardens to Parkwall Road properties. The windows in the back of the proposed development would create higher viewpoints but these would not lead to any significant additional overlooking compared to the existing situation. The front windows in the additional storey would provide direct views of the road rather than towards gardens. Accordingly, they would not cause a harmful loss of privacy. The second floor windows in the rear and front may lead to a greater perception of being overlooked but I am satisfied that this would not unduly harm the living conditions of nearby residents.
17. For these reasons, I conclude the development would avoid unacceptable harm to the amenity of any adjoining premises by reason of overlooking, loss of light or for any other reason. In these regards, the development would accord with the provisions of the Framework that seek a high standard of amenity for the users of properties. The proposal would be acceptable in respect of prior approval matter (i) of paragraph AA.2 (3) (a) of Class AA.

Conclusion

18. I have found the development would accord with the clauses and conditions set out at paragraphs AA.1 and AA.2 (2) under Class AA and that it would avoid unacceptable effects on the amenity of adjoining residences. However, the proposal would have an unacceptable effect on the external appearance of the house and so prior approval in these regards should be refused. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR