The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2023

Appeal Ref: APP/N1540/D/23/3315544
25 Cooks Spinney, Harlow, Essex CM20 3BJ

- 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 Malcolm McClean against the decision of Harlow District Council.
- The application Ref: HW/PADAS/22/00510, dated 15 November 2022, was refused by notice dated 12 January 2023.
- The development proposed is described as raising the existing residential dwelling house by one storey. New roof is to match the existing roof in pitch existing roof tiles to be re used any replacement tiles to be like for like. Walls to be raised in matching red stock brickwork. Windows to be in matching white UPVC double glazing

Decision

1. The appeal is dismissed.

Procedural Matter

2. Class AA of Part 1 in Schedule 2 of the Order establishes that the enlargement of a dwellinghouse by the construction of additional storeys is permitted development. However, this provision is subject to several conditions, limitations, and restrictions. Amongst other things, these require the materials used in any exterior work to be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Furthermore, an application for prior approval must be made as to the external appearance of the dwellinghouse.

3. 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.

Main Issue

4. The main issue relevant to this appeal is the effect of the proposed development upon the external appearance of the building.

Reasons

5. The appeal proposal consists of the installation of an additional storey on the building. The dwelling currently consists of a two-storey house. The building has also been extended through the provision of a two-storey side extension; a conservatory to the side; and a single-storey front extension and porch.

6. The appellant's dwelling is in a short cul-de-sac. The neighbouring dwellings are in proximity to one another and are constructed to comparable proportions. The surrounding area also contains several dwellings constructed to comparable proportions to the appellant's dwelling.

7. The proposed development would add an additional storey to the dwelling. In result, the extra story would create a house that is substantially bulkier than the existing dwelling. This would be readily apparent on the front elevation of the house.

8. This would lead to an erosion of the area's character given that the existing dwelling and the neighbouring properties are located in proximity to one another. Therefore, the buildings are readily viewed alongside one another. Therefore, given that the appellant's dwelling would be noticeably larger, the creation of an additional storey would result in a discordant development.

9. This is a particular concern given the overall prominence of the appeal site. Views of the development would be possible from several neighbouring dwellings. These would include the properties that adjoin the appeal site in the cul-de-sac. Furthermore, in front of the appeal site is a terrace of dwellings that feature a large number of first-floor windows on their rear elevations. This means that there are a significant number of views of the proposed development.

10. In addition, owing to the pattern of development in the surrounding area, views would also be possible from several different vantage points in the surrounding area. This means that the incongruous form of the proposed development would be potentially experienced by a significant number of people and would therefore render it strident.

11. These factors will occur even though the proposed development would be constructed from materials of a comparable palette to the remainder of the existing building.

12. On my site visit, I noted some buildings in the surrounding area that had a height greater than two storeys. However, there are generally greater separation distances between these buildings and those of lower heights. This contrasts with the appellant's dwelling, which is notably closer to the neighbouring buildings. Therefore, the presence of buildings elsewhere does not overcome the adverse effects arising from the proposed development.

13. My attention has been drawn to the approval of additional stories on dwellings elsewhere. I do not have the full information regarding the planning circumstances of these, which means that I can only give them a limited amount of weight. Nonetheless, it is likely that given they are in different locations, the relationship between those sites and their surroundings will undoubtedly differ from the relationship between the appeal site before me and its environs. Therefore, the presence of previously permitted schemes elsewhere does not allow me to disregard my concerns.

14. It has been suggested that I should limit my considerations to the affects solely on the appellants dwelling by the proposed development. However, it is clear that the prior approval controls for Class AA of Part 1 include the external appearance of the dwelling. Therefore, it is possible to have regard to, amongst

other matters, the effect of the development upon the locality, rather than just the appeal site.

15. Therefore, I conclude that the proposed development would have an adverse effect upon the external appearance of the building. In consequence, the proposed development would be unacceptable.

Other Matters

16. The proposed development is unlikely to have an adverse effect upon the living conditions of the occupiers of neighbouring properties, or any heritage asset. Although matters of note, they do not outweigh my findings in respect of the main issue.

Conclusion

17. The effect of the development proposed on the external appearance of the dwellinghouse would not be satisfactory. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR