
Appeal Decision

Site visit made on 12 July 2023

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal Ref: APP/B1605/D/23/3317915

4 Dymock Walk, Cheltenham, Gloucestershire GL52 5GE

- 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 Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Ms G Hole against the decision of Cheltenham Borough Council.
 - The application Ref 22/02075/PRIOR, dated 22 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is provision of an additional storey by removing and raising the existing roof - to include removal of existing roof trusses, installation of new roof trusses, together with building up existing walls to new height.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO planning permission is granted for enlargement of a dwellinghouse by construction of additional storeys subject to limitations and conditions.
3. Paragraph AA.2.(3)(a)(ii)(aa) and (bb)¹ set out that before beginning the development, the developer must apply to the local planning authority for prior approval as to the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse and any side elevation of the dwellinghouse that fronts a highway.
4. The principle of development is established by the GPDO, and I have only had regard to policies in the development plan and the National Planning Policy Framework (the Framework) insofar as they are relevant to making a planning judgement on matters of prior approval.
5. The appellant submitted additional plans with their appeal. However, I am mindful that these plans provide for development that would be substantially different in design² compared to the proposal subject to the original application.

¹ which is the correct citation of the relevant provisions and matters in dispute which include the principal elevation and side elevation based on the officer's report, and notwithstanding the Council's decision notice.

² Including different roof styles and heights

6. Consequently, in considering the Wheatcroft Principles, I cannot accept or consider the additional plans because to do so would unfairly prejudice those who were party to the original application.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

8. The site is located at 4 Dymock Walk which is a semi-detached two storey dwelling. It has been subject to single storey side and rear extensions, but these are sympathetic to the original dwelling and have not changed its scale to any significant degree.
9. When the principal elevation is viewed from Dymock Walk, it can be seen that the scale and proportions of the dwelling are such that it generally forms a symmetrical pair with its adjoining neighbour.
10. There are other dwellings of similar type, scale, and proportions within the immediate area. However, there are also other types of dwellings that exhibit different scales and proportions. Indeed, these have been arranged in a manner that does not create a uniform street scene, as evidenced by the appellant.
11. For example, there are terraced dwellings, including those directly opposite the site, that contrast with semi-detached pairs elsewhere in the immediate area. Furthermore, dwellings are generally varied in storey height and roof form, among other things.
12. However, my view is that these variations in scale and proportions remain coherent when taken in context. For example, there are semi-detached dwellings with stepped roofs, but the extent of each step and difference in ridge height between each dwelling is relatively modest. Therefore, when taken together, the appearance of such semi-detached dwellings remains coherent.
13. In relation to the terrace opposite, whilst the roof form is stepped and differences in ridge heights are more pronounced, the taller central dwellings are of similar heights and the shorter end dwellings are of similar heights. As such, when taken together, the terrace retains a degree of symmetry and coherence.
14. I note the Kempley Close example, and other similar examples identified by the appellant elsewhere in the immediate area. However, in my judgement the differences in height between the dwellings in these examples are not substantial.
15. Moreover, the dwellings in question are of markedly different styles and there is clear contrast between them in this regard. As such, given this difference in style, differences in height are not incoherent. Therefore, these examples are not comparable to this case, where the dwellings are consistent in appearance and more akin to symmetrical pairs.
16. In this context, the proposal would result in a substantial increase in the height of the existing dwelling. This would not exceed or be incongruous with the height of some other three storey dwellings in the immediate area.

17. However, it is clear that in relative terms there would be a substantial difference in height between the dwelling subject to the proposal and the neighbouring dwelling adjoining it when viewed in the context of the principal elevation from Dymock Walk.
18. Consequently, whilst I am mindful of the variation in the scale and proportions of other dwellings seen elsewhere in the immediate area, the increase in height at the site would be of such a scale that the external appearance of the principal elevation would result in an incoherent relationship between the semi-detached pair of dwellings.
19. The side elevation of the proposal would not be viewed in the context of the neighbouring dwelling adjoining. As such, any perception of incongruity would be limited, and the dwelling's scale would not be imposing in the context of other buildings of substantial height along the footpath. Consequently, the proposal would not be unacceptable in relation to Paragraph AA.2.(3)(a)(ii)(bb) of the GPDO.
20. Nonetheless, this does not change my conclusions about the proposal's effects in relation to the principal elevation. As such, it would not be acceptable in relation to Paragraph AA.2.(3)(a)(ii)(aa) of the GPDO and the proposal would appear out of proportion and overly prominent within the street scene and be harmful to the character and appearance of the area.

Other Matters

21. The appellant questions the relevance of the development plan documents, and guidance cited by the Council, in that they were adopted before the GPDO provisions came into force.
22. However, age alone does not determine relevance. It is obvious that permitted development rights facilitating an additional storey is unlikely to be subservient to the host building, and therefore the applicability of some of the Council's guidance citations is arguable.
23. Notwithstanding, it is still clear that the development plan documents, and guidance are relevant in a general sense. This is because they establish general principles requiring development to respond to the character and appearance of the area and be appropriate within a given context.
24. As such, the development plan documents, and guidance cited by the Council are generally consistent with the prior approval matters before me and therefore I have given the appellant's contentions about the relevance of the development plan documents and guidance limited weight in my decision.
25. I appreciate the appellant's point that they have sought to keep the increase in height to the minimum necessary to facilitate useable internal space.
26. I also acknowledge the principle of development around the effective use of land and that extensions help provide different types of housing configurations to meet population needs.
27. However, such increases in scale need to occur in an appropriate context, in accordance with the relevant matters of prior approval, and this is the basis of my decision.

28. The Council does not dispute the finer details of the proposal, including the use of materials and fenestrations, separation distances to neighbouring dwellings in relation to living conditions or land designations, among other things. Consequently, it has not been necessary to address these matters in my decision when assessing disputes relating to prior approval.

Conclusion

29. For the reasons given above, the proposal would harm the character and appearance of the area and prior approval cannot be granted in accordance with relevant limitations and conditions of the GPDO under Paragraph AA.2.(3)(a)(ii)(aa). Consequently, the appeal is dismissed.

Liam Page

INSPECTOR