



Appeal Decision

Site visit made on 1 September 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2023

Appeal Ref: APP/X0415/D/22/3312210

Little Acre, Finch Lane, Little Chalfont, Amersham, Bucks, HP7 9ND

- 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 appeal is made by Mr A. Craveiro against the decision of Buckinghamshire Council.
 - The application Ref PL/22/2481/PAHAS dated 4 July 2022, was refused by notice dated 23 September 2022.
 - The development proposed is prior approval for the enlargement of a dwellinghouse by construction of an additional storey, comprising the removal of the existing roof, building up new walls with window openings on the front & rear elevations to match existing and the construction of a new roof covered in tiles to match existing.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') for the enlargement of a dwellinghouse by construction of an additional storey, comprising the removal of the existing roof, building up new walls with window openings on the front & rear elevations to match existing and the construction of a new roof covered in tiles to match existing, at Little Acre, Finch Lane, Little Chalfont, Amersham, Bucks, HP7 9ND in accordance with the terms of application Ref PL/22/2481/PAHAS dated 4 July 2022 and the plans submitted with it (nos. 210412-01A, 210713-01A and 210713-02), subject to the conditions at Paragraphs AA.2.(2) and AA.2.(3)(b),(c),(d) & (e) of Schedule 2, Part 1, Class AA of the GPDO.

Preliminary matters

2. In considering proposals for development under Schedule 2, Part 1, Class AA of the GPDO, a determination must first take place as to whether the proposal complies with the conditions, limitations or restrictions applicable to the development permitted.
3. In the event that the scheme complies with the said conditions, limitations or restrictions applicable to the development permitted, Paragraph AA.2.(3)(a) of the GPDO requires the local planning authority to then assess it against a range of prior approval matters, which include, amongst others, its impact on the amenity of any adjoining premises and the external appearance of the dwellinghouse.

Main issues

4. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted, with particular regard to condition AA.2.(2)(c) of the GPDO, namely, whether the roof pitch of the principal part of the dwellinghouse following the development would be the same as the roof pitch of the existing dwellinghouse.
5. In the event that the scheme complies with the above condition, further main issues arise in respect of the impact of the scheme on the prior approval matters to be considered under Paragraph AA.2.(3)(a) of the GPDO, with particular regard to;
 - the effect of the development on the amenity of neighbouring occupiers at Bottle Cottage, with particular regard to visual impact and privacy; and
 - the effect of the development on the external appearance of the dwellinghouse, with particular regard to the streetscene and setting of the neighbouring Grade II listed building, Bottle Cottage.

Reasons

Appeal site context

6. The appeal site contains a large detached bungalow with hipped roof and two front gable projections set well back from the road on a spacious plot ('the existing dwellinghouse'). Bottle Cottage, a Grade II listed building set in large gardens, abuts the appeal site to the north with a very limited setback from the highway.
7. Finch Lane contains a limited number of detached and terraced residential dwellings set in large gardens that vary in architectural style, maturity, setback from the road, scale and height. The single lane vehicular highway does not have any separate pedestrian footways and is enclosed by mature hedgerows and small woodland areas. Although a large commercial area lies to the west of Finch Lane (currently undergoing some development), this was not particularly noticeable, with views of it heavily filtered by the existing vegetation described above. Overall, I found the area to have a verdant, loose-knit and attractive countryside character.

Whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted, with particular regard to condition AA.2.(2)(c) of the GPDO, namely, whether the roof pitch of the principal part of the dwellinghouse following the development would be the same as the roof pitch of the existing dwellinghouse.

8. The appellant states that the roof pitch of the principal part of the proposed extended dwellinghouse will be the same as the roof pitch of the existing dwellinghouse (approximately 40 degrees) and therefore complies with condition AA.2.(2)(c) of the GPDO.
9. However, the Council consider that parts of the roof pitch of the existing dwellinghouse are different to that proposed in that the two front gable projections would be replaced by a new hipped roof and catslide roof.
10. Although the proposal would undoubtedly result in a differently designed roof, the GPDO wording indicates a relatively narrow assessment of the matter. In

particular, condition AA.2.(2)(c) of the GPDO specifically refers to the roof pitch; - it does not state that the roof must be of the same design, form, profile or same direction as the existing roof pitch.

11. In light of the above, I am satisfied that the roof pitch of the principal part of the proposed extended dwellinghouse would be the same as the roof pitch of the existing dwellinghouse. As a consequence, the development would satisfy the requirements of condition AA.2.(2)(c) of the GPDO and accordingly falls to be considered against the relevant prior approval matters.

Prior approval matter relating to the effect of the development on the amenity of neighbouring occupiers at Bottle Cottage, with particular regard to visual impact and privacy

12. By reason of; (1) the existing bungalow being set well inside the shared northern boundary with Bottle Cottage; (2) the use of a catslide roof with dormers as opposed to a full height additional storey; and (3) the presence of mature trees adjacent to the shared northern boundary, I am satisfied that there would be sufficient intervening distance and filtering of views to ensure that the scheme would not be overbearing to the occupants of Bottle Cottage.
13. Furthermore, I am also satisfied that the additional storey has been designed to restrict any windows directly overlooking the neighbouring property and garden at Bottle Cottage.
14. My attention has been drawn to another appeal decision by the Council which was partly dismissed on account of its overbearing impact on neighbouring occupiers¹. However, this scheme differed from that before me in that it was much closer to the relevant shared boundary. I have as a consequence assessed the proposal on its own merits in light of all the evidence which is now before me.
15. In view of the above, I conclude that the scheme would not be harmful to the amenity of the neighbouring occupiers at Bottle Cottage, with particular regard to visual impact and privacy.

Prior approval matter relating to the effect of the development on the external appearance of the dwellinghouse, with particular regard to the streetscene and setting of the neighbouring Grade II listed building, Bottle Cottage

16. The Council states that the assessment of the scheme on the external appearance of the dwellinghouse is not limited to the property itself, but can also include the impact of the scheme's appearance on neighbouring properties and the locality. The appellant does not dispute this and I see no reason to disagree with this position.
17. Given that the prevailing built form on Finch Lane varies in height and scale, I am satisfied that the introduction of an additional storey on the existing dwellinghouse will not look out of place. Furthermore, by reason of; (1) the existing dwellinghouse being set well back from the highway; and (2) the presence of mature trees adjacent to the shared northern boundary, I am satisfied that the additional storey will have a limited visual impact on the streetscene and not diminish the prominence, significance and setting of Bottle Cottage as a listed building.

¹ Planning appeal Ref: APP/X0415/W/20/3263934, decision dated 31 March 2021.

18. An interested party has raised concerns that the scheme will result in harm to the roots of ancient woodland trees. However, given that the scheme does not propose any increase in footprint of the existing dwellinghouse, I am satisfied that no harm to the roots of existing trees will arise.
19. In view of the above, I conclude that the development would not be harmful to the streetscene or the prominence, significance and setting of Bottle Cottage as a listed building.

Conditions

20. The GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I do not consider it necessary to impose the three standard conditions requested by the Council as these would duplicate the conditions already imposed by the GPDO relating to implementation period² and materials³. The remaining condition requiring the scheme to be carried out in accordance with the approved plans is set out within my formal decision.

Conclusion

21. For the reasons given above, I conclude that the proposal would comply with the conditions, limitations and restrictions specified in Schedule 2, Part 1, Class AA the GPDO and that prior approval should be granted. The appeal is therefore allowed.

Robert Fallon

INSPECTOR

² Paragraph AA.2.(3)(c) states that the development must be completed within a period of 3 years starting with the date prior approval is granted.

³ Paragraph AA.2.(2)(a) requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.