



Appeal Decision

Site visit made on 19 October 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2023

Appeal Ref: APP/N0410/D/23/3315047

Heatherset, Farthing Green Lane, Stoke Poges SL2 4JH

- 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 Jagdev Bal against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/22/3359/PAHAS, dated 1 March 2022, was refused by notice dated 12 December 2022.
 - The development proposed is described as construction of additional floor to provide additional bedrooms and bathroom.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed upon. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above albeit I have removed superfluous wording that is not an act of development.
3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits, amongst other things, subject to conditions and limitations and in the case of the appeal scheme, development consisting of the enlargement of a dwellinghouse by construction of two additional storeys, where the existing dwellinghouse consists of two or more storeys, together with any reasonably necessary engineering operations.
4. The GPDO sets out that the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Main Issue

5. There is no dispute between the parties that the proposed development would be permitted under Schedule 2, Part 1, Class AA of the GPDO, provided it would meet the conditions set out at paragraph AA.2 of the GPDO. From the evidence before me, there is nothing to lead me to a different conclusion.

6. The main issue is, therefore, whether prior approval should be granted when the proposed development is assessed against condition AA.2 (3) (a) (ii) of the GPDO in relation to the external appearance of the dwellinghouse.

Reasons

7. The appeal property is two-storeys high with a lower single-storey garage to the side. This side of Farthing Green Lane, close by the appeal site, is made up of detached properties set back from the lane within well-sized plots. Many of the properties on this section of Farthing Green Lane are of different designs and styles, which include dormer bungalows. Despite this difference in house types, as a result of rooms within the roof spaces of the nearby dwellings, almost all the houses on the row are of a similar height and display a pleasant uniformity when viewed along Farthing Green Lane.
8. The additional storey would add significant height to the host dwelling, which would result in an elongated appearance and much taller than the adjacent properties, unbalancing the row of properties in which it appears. As a result, it would introduce an incongruous form of development spoiling the pleasant consistency of the roof heights, which adds to the character and appearance of the area, and the resultant house would be a dominant, uncharacteristic and obtrusive feature in that context.
9. In support of the scheme, the appellant has stated that the current design of the property does not sit comfortably on the site and is of poor design. Matching materials are proposed with windows positioned to match the first floor, which would be sympathetic to the host dwelling and surrounding properties. However, for the reasons set out above, I do not find that the appeal scheme would be better designed or more in keeping than the current design of the host property. This is because the existing dwelling shares similar characteristics in height and design to properties found nearby. This contrasts with the proposed design, which would intrusively interrupt the consistent roof heights found on this side of Farthing Green Lane, harming the overall pleasing sense of consistency on this section of the lane.
10. My attention has also been brought to an allowed appeal decision¹. Whilst I do not have full details of the scheme, the matter before the Inspector was for consideration under Schedule 2, Part 20, Class A of the GPDO. As such, it is materially different to the scheme before me, which is a consideration under Part 1, Class AA, and I can draw no comparisons which would alter my findings above.
11. Consequently, the proposal would not add to the overall quality of the area or be sympathetic to the surrounding built environment as required by Framework paragraph 130. Prior approval should, therefore, not be granted having regard to the external appearance of the dwellinghouse.

Other Matters

12. Notwithstanding the comments from the Parish Council, I note there have been no objections to the proposal from third parties. The absence of objections is a neutral matter which weighs neither for nor against the proposal.

¹ APP/T1410/W/20/3263486

Conclusion

13. For the reasons set out above, I conclude that prior approval should not be granted and, therefore, that the appeal should be dismissed.

A Hickey

INSPECTOR