



# Appeal Decision

Site visit made on 24 October 2023

**by E Dade BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> November 2023**

---

## **Appeal Ref: APP/A1910/D/23/3315748**

### **9 Darrs Lane, Northchurch, Hertfordshire HP4 3RH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 & Mrs R Machell against the decision of Dacorum Borough Council.
- The application Ref 22/03103/UPA, dated 12 October 2022, was refused by notice dated 7 December 2022.
- The development proposed is construction of an additional floor on the footprint of the existing bungalow with an identical pitched roof.

---

## **Decision**

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for construction of an additional floor on the footprint of the existing bungalow with an identical pitched roof at 9 Darrs Lane, Northchurch, Hertfordshire HP4 3RH in accordance with the terms of the application, Ref 22/03103/UPA, dated 12 October 2022, and the details submitted with it including plan nos: PL/001 *Location & Site Plan*; PL/002 *Existing Plans & Elevations*; PL/003 *Proposed Plans (Prior Approval for Additional Floor)*; PL/004 *Proposed Elevations (Prior Approval for Additional Floor)*.

## **Preliminary Matters**

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 1, Class AA, Paragraph A.3(4) require the local planning authority to assess the proposed development on the basis of the conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2. My determination of this appeal has been made on the same basis.
3. The GPDO does not require regard be had to the development plan. Rather, paragraph AA.3(12) requires I take into account any representations received and have regard to the National Planning Policy Framework (the Framework). I have had regard to the policies of the Dacorum Borough Core Strategy 2013 (CS) only in so far as they are a material consideration relevant to matters of the character and appearance of the proposed dwelling.

## **Main Issue**

4. Where the existing dwelling is a single storey dwelling, and subject to meeting certain criteria, Class AA of the GPDO permits the enlargement of a dwelling through the addition of one storey.
5. The Council's assessment suggests the proposal would satisfy the conditions set out at paragraph AA.2 of the GPDO, with the exception of AA.2(3)(a)(ii) relating to the external appearance of the dwellinghouse.
6. On this basis, the main issue is whether the development would accord with the provisions of Part 1, Class AA of the GPDO, with particular regard to the external appearance of the building, including the design and architectural features of the principal elevation of the dwellinghouse.

## **Reasons**

7. The appeal property is a modest detached bungalow constructed from brick with a chimney at each flank wall, with a tile-hung front gable and tiled pitched roof. The dwelling occupies a relatively spacious plot, set back from the highway by a landscaped front garden, with a detached garage and driveway positioned to one side.
8. The proposal would involve the addition of a storey at first floor level. Whilst this would increase the height and bulk of the dwelling, the proposed front gable and chimneys match those of the existing dwelling, the layout and proportions of windows would reflect those located on the ground floor, and the angle of the roof pitch would be identical to that of the existing roof. The proposal would therefore broadly retain the architectural style and form of the existing dwelling. Furthermore, the proposed external materials, including roof tiles, uPVC windows, and tile hung walls at first floor, would match the appearance of materials used in the existing dwelling.
9. The change from one-storey to two-storeys would inevitably alter the building's visual appearance. However, the scale of the proposal would be commensurate with the built volume of the additional storey and would not appear disproportionate or out of keeping with other features, such as the shape and size of the ground floor storey and roof.
10. The appeal property is located within a group of bungalows, situated on either side of Darrs Lane, which are similar in scale and form to the appeal property. Bungalows are therefore formative of the character of the immediate area surrounding the appeal site. By virtue of its additional storey, the proposed development would appear noticeably greater in scale and bulk than existing bungalows along this section of Darrs Lane.
11. It has been put to me that the proposal would fail to integrate with neighbouring development and would be out of keeping with the character and appearance of the street scene. CS policies CS11 and CS12 require proposals to preserve attractive streetscapes, integrate with the streetscape character, and respect adjoining properties in terms of scale, height and bulk.
12. However, for the purposes of assessing whether prior approval should be granted, I consider the assessment of the matter in dispute is limited to the external appearance of the building. Moreover, I consider the GPDO does not require assessment of the effects of upward extensions on the appearance of

the wider area. The Framework and development plan policies are therefore only relevant in so far as they relate to the subject matter of the prior approval, in this case the external appearance of the building.

13. Darrs Lane is a steeply sloping street and two-storey dwellings at nearby Seymour Road, Covert Road, and at the upper section of Darrs Lane are elevated above the appeal site and appear visually prominent within the wider street scene. In addition, two-storey dwellings at Applecroft provide a backdrop of taller buildings behind the appeal property. The two-storey shopping parade and cluster of two-storey period properties at the bottom of Darrs Lane are also clearly visible from the appeal site. The topography provides distant views of hillsides, thus contributing height to the landscape. The topography and presence of existing two-storey dwellings within the wider area would aid in assimilating the proposed development into the street scene.
14. Even if a wider interpretation of the matters to be considered under prior approval were taken, the principle of upward extension of one additional storey is established by the permitted development right in Part 1, Class AA of the GPDO, and the matters requiring prior approval need to be interpreted in the context of that principle. The Framework and development plan should not be applied so as to frustrate the grant of permitted development rights through the GPDO. Class AA supports government's objective of significantly boosting the supply of homes as set out in paragraph 60 of the Framework, and a consequence of development permitted by the GPDO will be that in some circumstances there will be more substantial variations to buildings.
15. For the reasons set out above, the external appearance of the dwelling, including the design and architectural features of the principal elevation of the dwellinghouse, would appear acceptable when viewed by itself. For the purposes of Part 1, Class AA and having regard to the support for additional homes and increased densities in the Framework, the proposal would not be inconsistent with the overall street scene. The proposal would therefore accord with CS Policies CS 11 and CS12 which promote high quality site and neighbourhood design.

### **Other Matters**

16. From my site visit, I was able to view the appeal property within the context of neighbouring development. I am satisfied that the separation distances from surrounding dwellings would ensure adequate standards of privacy are retained, and that the proposed increase in height would not adversely affect living conditions of surrounding dwellings, such as through the degradation of television reception.
17. The proposal would result in the loss of a bungalow. However, construction of an upward extension is a permitted development right afforded by the GPDO, and the effects on the existing housing stock is not a criteria for the assessment of proposals for prior approval.

### **Conditions**

18. Planning permission granted for development under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO is subject to the conditions set out in paragraph AA.2 of that Class, which in summary specify that:

- before beginning the development, the developer must provide Council with a report for the management of the construction of the development;
  - external materials used in the development must be of a similar appearance to those used in construction of the exterior of the existing dwelling;
  - the development must be completed within a period of 3 years starting with the date prior approval is granted;
  - as soon as reasonably practicable after completion, the developer must notify the Council of the completion of the development; and
  - following the development, the building must be used as a dwelling within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
19. The Council's Environmental and Community Protection team has provided advice, regarding waste management, construction working hours, and best practice for dust, air quality, and invasive and injurious weeds, that is relevant to the required construction management report.

### **Conclusion**

20. For the reasons given I conclude that the appeal should be allowed.

*E Dade*

INSPECTOR