



Appeal Decision

Site visit made on 25 July 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI MIEMA CEnv

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2023

Appeal Ref: APP/R0660/D/23/3319688

9, Derbyshire Road, Poynton, Cheshire SK12 1TZ

- 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 and Mrs Mackett against the decision of Cheshire East Council.
 - The application Ref 23/0500M, dated 5 February 2023, was refused by notice dated 30 March 2023.
 - The development proposed is prior approval for the construction of one additional storey to the existing dwelling, to increase the height to a maximum height of 8.62 metres.
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Decision

1. The appeal is allowed, and prior approval is given 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 the construction of one additional storey to the existing dwelling, to increase the height to a maximum height of 8.62 metres at 9 Derbyshire Road, Poynton, SK12 1TZ in accordance with the terms of the application, Ref 23/0500M, dated 5 February 2023, and the plans submitted with it.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal is permitted development.

Reasons for the Recommendation

4. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
5. The GPDO states that development is not permitted by Class AA where it falls within descriptions as set out in sub-paragraphs AA.1 (a) to (k). It is common ground that the proposals accord with all of the above sub-paragraphs with the

exception of sub-paragraph (d) and I have no reason to disagree with that assessment.

6. Sub-paragraph (d) sets out that development is not permitted by Class AA if 'the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise'. The GPDO definition of a 'storey', at paragraph AA4. (2 (b)), does not include any accommodation within the roof of a dwellinghouse, whether comprising part of the original dwellinghouse or created by a subsequent addition or alteration.
7. In considering what comprises an additional storey to the dwelling, I have had regard to the application and approved drawings from planning permission reference 06/0934P. From these drawings this development was a roof alteration including dormers, to create additional accommodation. Taking into account the definition of a storey set out at paragraph AA4.(2), I find that the existing accommodation within the roof space of the dwelling cannot be considered as an additional storey above the original dwellinghouse.
8. To that end, it is therefore considered that the proposal meets with all the requirements as set out in Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
9. I also note that the Council have considered the relevant matters of prior approval in their officers' report and have concluded that the proposal would be acceptable in terms of its external appearance, amenity considerations, air traffic/defence assets and protected views. I also concur with the Councils assessment in these respects.

Conditions

10. The Council has provided as list of suggested conditions in the event that the appeal is allowed. However, these conditions duplicate the standard conditions as a set out in the GPDO and as such it is not necessary for me to impose in my decision. That said, in order for the proposal to benefit from the permitted development rights set out in the GPDO, all of the standard conditions set out at paragraphs AA.2 (2) and AA.2 (3)(b)-(e) must be complied with.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, and prior approval should be granted.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Chris Forrett

INSPECTOR