



Appeal Decision

Site visit made on 5 September 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett MRTPI, DipTP, BSc (Hons)

an Inspector appointed by the Secretary of State

Decision date: 9th November 2023

Appeal Ref: APP/T2215/D/23/3319364

Cleveland, 29 Longfield Avenue, Longfield, Kent DA3 7LE

- 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 Mrs Kiran Cheema against the decision of Dartford Borough Council.
 - The application Ref DA/22/01381/P1AA, dated 21 November 2022, was refused by notice dated 16 January 2023.
 - The development proposed is the enlargement of a dwelling by construction of additional storey, the maximum height proposed is 9.01metres.
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Decision

1. The appeal is dismissed.

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. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allows the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey¹, together with any reasonably necessary engineering operations.
5. However, this permitted development right is conditional (amongst other criterion) on the roof pitch of the principal part of the dwellinghouse (following the development) being the same as the roof pitch of the existing dwellinghouse, and in respect of internal ceiling height of the proposal.

¹ References to "storey" 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.

6. The existing roof has an eccentric pitch with the rear roof slope being of a shallower pitch. However, the proposal would have a traditional hipped roof which would have the same roof pitch all round. As such, the proposal would differ from the existing roof design. The appellant has not presented any evidence to dispute this. It is therefore my view that the proposal does not accord with the limitations and conditions of Part 1, Class AA in this regard.
7. Turning to the matter of the ceiling height, sub-paragraph AA.1(h) sets out that development is not permitted by Class AA if 'the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse'. The GPDO also sets out at paragraph AA.3(3) that a local planning authority may refuse an application where, in its opinion (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.
8. To that end, whilst the application form indicates compliance with this requirement, the plans submitted with the application appear to indicate that this may not be the case given the overall height of the resultant building. Given that it is unclear whether the proposal would accord with this provision, and in accordance with the provisions of paragraph AA.3(3), it is therefore my view that the proposal does not accord with the limitations and conditions of Part 1, Class AA in this regard.
9. As a result, the development cannot benefit from the permitted development rights given by Class AA and therefore planning permission is required for the proposal. Therefore, the appeal must be dismissed. Given the above, it is not necessary for me to consider the prior approval element relating to the external appearance of the dwellinghouse.

Conclusion and Recommendation

10. It is therefore considered that the proposal does not meet with the requirements as set out in sub-paragraphs AA.1(h) and Class AA.2(2)(c) of Schedule 2, Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

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 dismissed.

Chris Forrett

INSPECTOR