



Appeal Decision

Site visit made on 5 December 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/X2220/D/23/3317457

Danehurst, Kingsdown Hill, Kingsdown, Kent CT14 8EA

- 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) (GPDO).
 - The appeal is made by Mr Steven Garrett against the decision of Dover District Council.
 - The application Ref 22/01540, dated 18 November 2022, was refused by notice dated 13 January 2023. The development proposed is a second floor extension over existing first floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the GPDO, permits development consisting of the enlargement of a dwellinghouse by the construction of up to two additional storeys, where the existing dwellinghouse comprises two or more storeys, together with any reasonably necessary engineering operations. This is subject to limitations and conditions set out in Paragraph AA.1 and Paragraph AA.2.
3. The Council has confirmed that the proposed development complies with all the requirements set out in paragraph AA.1 and all but one of the requirements of AA.2. I have no reason to conclude otherwise in respect of the Council's findings regarding these other limitations and restrictions.
4. The proposal was refused solely on the basis of being contrary to what the decision notice refers to as 'condition AA.2(3)(ii)'. It seems to me that this is a typing error and the correct reference should have been AA.2.(3)(a)(ii), which requires prior approval for the external appearance of the dwellinghouse, including the design and architectural features. Given that both the officer report and Appellant's statement focus on the issue of the design and appearance of the works and their effect on the wider area I am satisfied that the Appellant was not prejudiced by this error.
5. The National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases but only insofar as it relates to the development and prior approval matters. I have proceeded on this basis.

Main Issue

6. The main issue is therefore whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the effect of the external appearance of the dwellinghouse. In assessing such

proposals, case law has established that this can also include impact on neighbouring premises and the locality.

Reasons

7. Kingsdown Hill is defined by a mix of two storey and single storey dwellings. Whilst there is variety in the design and appearance of individual dwellings, and some may have additional stories in the roof space, the dwellings generally are not overly large. For the most part they are set back from the road behind front gardens and driveways within well sized plots. Boundary planting and views of the wider countryside beyond contribute to the overall context. Thus, the area has a spacious and verdant character which is enhanced by the modest scale and bulk of the buildings.
8. The proposed additional storey has been designed with render and roof tiles to match the existing building. However, the use of hanging tiles introduces a new material, which although principally confined to the side and rear elevations would be evident in views of the building from the street. From such viewpoints the hanging tile, together with the resulting roof form, would add an incongruity to the building that serves only to add prominence to the overall increase to the height of the side eaves as well as the roof as a whole.
9. It appears that the design and materials are attempting to give the appearance of the third floor being within the roof space, as opposed to being a more obvious additional storey. Nevertheless, the resulting bulk, scale and massing cannot be disguised. Indeed, they would combine to give the building a somewhat top-heavy appearance that would be visually dominant in the street scene, and at odds with the scale, massing, and height of dwellings nearby. Whilst land levels vary in Kingsdown Hill and there is variation in the heights and appearance of buildings in the vicinity, none of this justifies the introduction of such a conspicuous and harmful addition to the appeal building.
10. Consequently, I conclude that the proposal would appear out of keeping with, and result in visual harm to, both the building and locality. Therefore, the proposal would not comply with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO.
11. The proposal would be contrary to the Framework which supports upward extensions where development would be consistent with the prevailing character and the overall street scene. Furthermore, the proposal would fail to meet the Framework's expectations of good design and development that is visually attractive and sympathetic to local character.

Other Matters

12. I have not been provided with the full details of the previous scheme for an additional storey but in any event each case must be determined on its own merits, which is what I have done in this appeal.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Stewart Glassar

INSPECTOR