



Appeal Decision

Site visit made on 5 December 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2023

Appeal Ref: APP/K2230/D/23/3326229

Willow Platt, Hermitage Road, Higham, Rochester, Kent ME3 7NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Gill against the decision of Gravesham Borough Council.
 - The application Ref 20230345, dated 13 March 2023, was refused by notice dated 24 May 2023.
 - The development proposed is described as an “enlargement of a dwelling by construction of additional storey with a maximum height of 7.95 metres.”
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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 an enlargement of a dwelling by construction of additional storey with a maximum height of 7.95 metres at Willow Platt, Hermitage Road, Higham, Rochester, Kent ME3 7NF in accordance with the terms of the application, Ref 20230345, dated 13 March 2023 and the details submitted with it, including Drawing Nos 001 Rev B, 002 Rev B, 003 Rev A and 005 Rev A and subject to the standard conditions set out in sub-paragraphs AA.2.(2) and AA.2.(3) of the GPDO.

Preliminary Matters

2. For clarity I have amended the description of development in the banner heading and paragraph 1 of my decision above, to leave out the superfluous wording in respect to the prior approval application process. The wording omitted relates to procedural matters and are not necessary to describe the development proposed.
3. The address in the banner heading above has been taken from the application form, albeit that the reference to Kent has been made after Rochester rather than preceding as shown on the application form.
4. The provisions of the GPDO as amended, under Article 3(1) and Schedule 2, Part 1, Class AA.2.(3)(a) requires the Local Planning Authority (LPA) to assess the proposed development on the basis of its impact on the amenity of any adjoining premises and the external appearance of the dwellinghouse, taking into account any representations received. My determination of this appeal has been made on the same basis.

5. In making my assessment of the merits of the proposal I have taken into account the judgement made in the High Court¹ referred to by the Council regarding the interpretation of Class AA of Part 1 of the GPDO. This judgement confirmed that “external appearance” of the dwellinghouse is not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations. Moreover, it indicates that control of the external appearance of the dwelling is not limited to the impact on the subject property itself, but also includes impacts on neighbouring premises and the locality.

Background and Main Issue

6. 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, or one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse. Development is permitted under Class AA subject to limitations and conditions and a requirement that the developer applies for prior approval to the LPA.
7. The Council’s reasons for refusing the application are that the proposed development would be harmful to the external appearance upon the host dwelling and the street scene, therefore prior approval cannot be granted as it falls outside the scope of Class AA. In view of the above, the main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class AA of the GPDO.

Reasons

8. The appeal property is a single storey detached dwellinghouse located in a rural location on the south side of Hermitage Road in Higham. The property is set back from the main roadside and is bounded by a large brick wall and gated accessway. The host property is set within a generous site which includes a large garden area to the rear. Opposite the site is a large area of rural green open space partially bounded by hedgerows, trees and established vegetation adding to the rural feel of the area.
9. Whilst occupying a fairly secluded site, there are other large two-storey dwellinghouses in the vicinity including Hillyfield and Great Hermitage House. The appeal site would be viewed within the context of these properties, despite their sporadic nature and the separation distance between them. During my site observations it was apparent that views of the appeal site from the adjacent highway were limited and partly blocked by boundary treatments, leading to glimpse views only.
10. The proposed development would add a second storey to the appeal property. From the plans before me, the proposal would replicate the roof form, architectural detail and materials of the existing property and would include an appropriate arrangement of fenestration. Thus, it would not appear out of character with the host dwelling.
11. The design of the architectural features of the proposed development, with particular reference to the front elevation, would be similar in appearance with the existing, albeit at a higher level. As such, the proposal would be of a scale

¹ CAB Housing Ltd, Beis Noeh Ltd and Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

and proportion that would be in keeping with the properties within its immediate surroundings. It would be seen in the context of the neighbouring properties, which are predominantly two-storeys in height, and as a result it would not appear as a prominent or discordant feature within the street scene.

12. I acknowledge that the property may well have been originally provided as an agricultural workers bungalow, and its single storey nature reflects a more subservient appearance in respect to the surrounding properties. However, whilst the increase in height of the proposed property would be more visual outside the site, the resultant external appearance of the appeal property would not be at odds with the appearance of the immediate area, nor would it appear visually dominant or oppressive. While the increase in height would make the appeal property larger, it would not result in any appreciable harm to the open and verdant character of the area. Consequently, the proposal would not harm the external appearance of the immediate surroundings.
13. For the above reasons, I conclude the resulting appearance of the dwellinghouse would not be visually dominant or out of keeping and would not result in any appreciable harm to the character and appearance of the area. It would therefore accord with the aims of Chapter 12 of the National Planning Policy Framework, which seek to create high quality development in so far as it is a material consideration relevant to the external appearance of the dwellinghouse as contained at Paragraph AA.3(12)(b) of the GPDO.
14. The Council's submissions confirm that the proposal accords with all other limitations and conditions under Class AA of Part 1 of Schedule 2 of the GPDO. I have not found anything to dispute this.

Conditions

15. Any planning permission granted for development under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO is subject to conditions set out in paragraph AA.2, sub-paragraphs (2) and (3). These specify that the materials used in any exterior work must be of a similar appearance to those used in the exterior of the existing dwellinghouse, the development must not include a window in any wall or roof slope forming a side elevation, the resulting roof pitch must be the same as the existing dwellinghouse, and the development of the dwellinghouse must be used as a dwellinghouse.
16. They also require the developer to provide the LPA with a report for the management of construction of the development, to complete the development within a period of 3 years starting with the date prior approval is granted and notify the LPA of the completion of the development.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed, and prior approval granted subject to the standard conditions.

Robert Naylor

INSPECTOR