



Appeal Decision

Site visit made on 12 December 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2024

Appeal Ref: APP/A1530/D/23/3321603

8 Conway Close, Wivenhoe, Essex CO7 9RH

- 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 and Mrs Stacey against the decision of Colchester Borough Council.
 - The application Ref 223180, dated 19 December 2022, was refused by notice dated 10 February 2023.
 - The development proposed is additional storey to existing single storey dwelling.
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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 additional storey to existing single storey dwelling at 8 Conway Close, Wivenhoe, Essex CO7 9RH in accordance with the terms of the application Ref 223180 made on 19 December 2022, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class AA.

Preliminary Matter

2. The government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issue and I have determined the appeal on the basis of the new Framework.

Main Issue

3. The main issue is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

4. The appeal site is a detached bungalow located on a cul-de-sac which contains a number of detached and semi-detached bungalows of varying design. The site is located in a suburban area that contains a mixture of bungalows and 2-storey dwellings. This includes 2-storey dwellings at the entrance to the cul-de-sac as well as to the rear of the appeal site.

5. The Council submits that the proposed extension would dominate the host dwelling. However, it is inevitable that permitted development rights to add an additional storey will have some impact on the appearance of the host building. Mindful of that, the resultant 2-storey dwelling would not appear as unacceptably overdominant or obtrusive compared to the original bungalow. The design and architectural features of the principal and side elevation fronting the highway of the resultant dwellinghouse would reflect the character and appearance of the host building and the suburban setting.
6. Although the height and massing of the resultant building would differ from its immediate neighbours on Conway Close, the design of the bungalows within this cul-de-sac varies and the eaves and ridge lines are not well established or defining features. The detached nature of the existing and resultant building as well as the context established by nearby 2-storey dwellings would mean that the proposal would not appear as unduly incongruous. Despite the increase in height, the proposal would not be an overdominant feature on the skyline due to other 2-storey buildings in the vicinity and the sloping topography of the area.
7. Consequently, I find that the effect on the external appearance of the dwellinghouse would be acceptable and the proposal would accord with the requirements of paragraphs AA.2.(2) and AA.2.(3)(a)(ii) of Class AA.
8. No further matters of dispute have been raised by the parties in respect of the remaining qualifying criteria under Class AA, including the amenity of any adjoining premises. Based on what I have observed and read I see no reason to disagree.
9. Given the above, the development would therefore accord with the provisions of Schedule 2, Part 1, Class AA of the GPDO. I am satisfied that the proposal would not conflict with the Framework and the Development Plan insofar as they relate to the subject matter of prior approval. This includes Policies DM13 and DM15 of the Colchester Borough Local Plan 2022 and WIV14 of the Wivenhoe Neighbourhood Plan which relate to matters including the design of extensions of residential properties. The proposal would also not conflict with the Framework in respect of achieving well-designed and beautiful places.

Other Matters

10. Reference has been made to the housing stock in the area and the need for bungalows. However, these matters do not fall within the remit of this appeal in respect of prior approval.
11. The Council has referred to a number of appeal decisions which were dismissed. However, I have not been provided with sufficient evidence to demonstrate that these decisions are a direct parallel to the appeal before me, including in respect of the scale of development proposed, detailed design and site context. In any event, I have determined this appeal on its own merits.

Conditions

12. Standard conditions are set out in paragraph AA.2 of Class AA, which would address the conditions indicated on the Council's Questionnaire. The standard conditions also require a report for the management of the construction of the development to be submitted before the development begins, which should

address comments raised by consultees in relation to hours of construction and work affecting the highway, amongst other things.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

INSPECTOR