
Appeal Decision

Site visit made on 9 January 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2024

Appeal Ref: APP/B1550/D/23/3318760

3 Drakes Way, Rayleigh, Essex SS6 8BS

- 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 Clive Mansfield against the decision of Rochford District Council.
 - The application Ref 23/00032/DPDP2, dated 15 January 2023, was refused by notice dated 21 February 2023.
 - The development proposed is described as: "Additional storey to a cavity built bungalow with an under build garage. The existing and proposed walls will be a mix of face brickwork and render to match existing with white UPVC windows and doors. The roof will be pitched at the same angle as the existing and be complete with tile and white UPVC eaves to match existing."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. 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 enlargement of a dwellinghouse by construction of additional storeys, subject to limitations and conditions.
4. The parties agree the proposal accords with the requirements set out in Paragraph AA.1 in Part 1 of the GPDO so is permitted development, subject to the conditions in Paragraph AA.2. On the evidence before me, I see no reason to disagree.
5. Paragraph AA.2(3) requires the developer to apply to the local planning authority for prior approval as to the impact of the proposed development on the amenity of any adjoining premises, the external appearance of the dwellinghouse, air traffic and defence assets, and protected views, taking into account any representations received.

6. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. However, the changes have not affected how I have dealt with this appeal for an additional floor to an existing dwellinghouse. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to provide observations on the new Framework.

Main Issue

7. The Council has raised no concern with the effect of the proposed development on the amenity of any adjoining premises, air traffic and defence assets, or protected views. It has also raised no concern with its effect on the external appearance of 3 Drakes Way in isolation, noting the proposed use of matching materials and complementary design details. On the evidence before me, I see no reason to disagree with these conclusions. However, the Council is concerned with the effect of the proposal on the appearance of the street scene.
8. Both parties acknowledge the Courts have found¹ that consideration of the effect of the proposal on the external appearance of the dwellinghouse also extends to impacts on neighbouring premises and the locality. The Courts have said this is a matter of planning judgement for the decision-maker, which is me in the context of this appeal.
9. The main issue in this appeal is therefore the effect of the proposal on the external appearance of the dwellinghouse, including impacts on neighbouring premises and the locality.

Reasons

10. The appeal premises is a bungalow of modern design and is part of a row of similar dwellings with a largely consistent appearance. This general uniformity of height and design makes a positive contribution to the appearance of Drakes Way, notwithstanding that there are other styles of dwelling in the wider area.
11. The proposed development would add a storey in the middle of a roofscape that is otherwise consistent in height. Even if it would respect the scale of the host dwelling on its own, the upward extension would disrupt the rhythm of the row of bungalows and undermine the integrity of their design as a group of dwellings. It would therefore stand out as an incongruous element, harming the appearance of the neighbouring premises and the street scene as a whole. This detrimental impact would be visible from several locations, including Drakes Way and the dwellings to the rear of the site in Upper Lambricks.
12. The Framework seeks development that is visually attractive as a result of good architecture and that is sympathetic to local character including the surrounding built environment. Insofar as it is a material consideration, the proposal would not be consistent with this objective for the reasons given.
13. I therefore conclude the proposal would have a harmful effect on the external appearance of the dwellinghouse, including impacts on neighbouring premises and the locality.

¹ *CAB Housing Ltd v SSLUHC & Broxbourne BC* [2023] EWCA Civ 194

Other Matters

14. I acknowledge the proposal would provide improved and enlarged accommodation for the appellant's family and would in that respect make an efficient use of the appeal site. However, this is outside the scope of matters that can be considered in this case.
15. I note the appellant sought pre-application advice from the Council following previous refused applications. Be that as it may, I am required to consider this appeal on its individual merits based on the evidence before me.
16. It has been brought to my attention that a letter from a third party was sent after the deadline for such comments on the original application. Even if I were to disregard that letter, this would not change my finding in this appeal based on the other evidence before me.

Conclusion

17. For the reasons given above, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR