



Appeal Decision

Site visit made on 24 January 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/J2210/D/23/3330038

Wilmington Lodge, Trenley Drive, Canterbury, Kent CT3 4AW

- 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) (GPDO).
 - The appeal is made by Mrs Leah against the decision of Canterbury City Council.
 - The application Ref CA/23/01367, dated 19 July 2023, was refused by notice dated 15 September 2023.
 - The development proposed is the enlargement of a dwellinghouse by construction of an additional storey with a maximum overall height of 7.30 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 enlargement of a dwellinghouse by construction of an additional storey with a maximum overall height of 7.30 metres at Wilmington Lodge, Trenley Drive, Canterbury, Kent CT3 AW in accordance with the application ref: CA/23/1367 dated 19 July 2023, and the plans submitted within it including drawing Nos 2059.2/LOC/01.1/A; 2059.2/LOC/01.2/A; 2059.2/SK/03.1; 2059.2/SK/03.2; and subject to the conditions set out under paragraphs AA.2 (2) and (3) of Schedule 2, Part 1, Class AA of the GPDO.

Preliminary Matters

2. The description of development given on the application form is extensive in detail. I have had regard to this detail in my assessment. However, for the purposes of my banner heading, I have shortened this description, coinciding with that used in the Council's decision notice and appellant's appeal form.
3. Schedule 2, Part 1, Class AA of the GPDO, permits development consisting of one additional storey, where the existing dwellinghouse consists of one storey, together with any reasonably necessary engineering operations. This is subject to limitations and conditions set out in Paragraph AA.1 and Paragraph AA.2.
4. The Council has confirmed that the proposed development would fall within the scope of permitted development rights and accords with all the applicable requirements of paragraph AA.1 and all but one of the applicable requirements in Paragraph AA.2. I have no reason to conclude otherwise in respect of the Council's findings of compliance.
5. The proposal was refused solely on the basis of being contrary to Paragraph AA.2.(3)(a)(ii) of the GPDO, which requires prior approval for the external

appearance of the dwellinghouse, including the design and architectural features.

6. 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

7. 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

8. Dwellings in Trenley Drive comprise a mix of both one and two storey properties. There is variety in the design and appearance of individual dwellings, and some have additional accommodation in the roof space. For the most part they are set back from the road within well sized plots. Despite the presence of large utilitarian buildings and floodlights to the south, the area has a spacious, verdant and rural character.
9. The proposal would feature matching materials and a similar roof form to the existing bungalow and would include an appropriate arrangement of fenestration. The building would clearly be larger as a result of the additional storey but by introducing Class AA permitted development rights the Government clearly intended a degree of enlargement to residential properties in certain situations. Indeed, in this particular instance I find nothing to indicate that the additional storey would be out of keeping with the external appearance of the existing building itself.
10. Aside from being a loose knit group of buildings, there is no visual cohesion between the appeal dwelling and that of neighbouring properties. In particular, there is no homogeneity in terms of materials, external appearance or heights. Whilst most are single storey buildings, there is a more recent two storey dwelling which is close to, and evident from the appeal site. However, this building's greater height and visibility is not incongruous or jarring in relation to the other buildings or the wider setting.
11. The proposed additional bulk, height and scale of the appeal property would alter its visual relationship with the neighbouring dwellings. However, the result would not be too dissimilar to the one the nearby two storey dwelling now has to its neighbouring dwellings. Indeed, the appeal property is set further back from Trenley Drive than any of the other dwellings and so would have a lesser effect from that vantage point than the existing two storey building.
12. Furthermore, within the wider context of the site, there are the larger utilitarian buildings to the south and houses on Stodmarsh Road to the west, which include two storey dwellings. As such, the increase in height of the appeal building would have little impact on the overall character of the area.
13. Therefore, taking all of the above into consideration, I am satisfied that the proposal would not harm the existing building nor appear visually dominant in the street scene. Consequently, I find that the proposal would not appear out

of keeping with either its immediate context or the wider area and so no visual harm would occur. The proposal would therefore comply with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO, which relates to the impact on the external appearance of the dwellinghouse.

Conditions

14. Paragraph AA.2. of Class AA of the GPDO states that development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3). Therefore, it is not necessary for me to specify these as part of my Decision.
15. However, I have made it clear in the formal decision that prior approval is granted subject to these conditions, and that the scheme shall be carried out in accordance with the details on the submitted plans.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted.

Stewart Glassar

INSPECTOR