



Appeal Decision

Site visit made on 11 March 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/P0119/D/23/3332321

8 Oxleigh Way, Stoke Gifford, South Gloucestershire BS34 8AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Abanoub Ghobrial against the decision of South Gloucestershire Council.
 - The application Ref is P23/02130/PNHA.
 - The development proposed is described as 'The proposed works aim at adding a storey to the existing house.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from the application form. The Council's decision notice and notification letters use the description '*Enlargement of single storey dwellinghouse by the construction of 1 no. additional storey*'.
3. The existing property is a two storey dwelling and the proposal seeks to add a third. This is clear from the submitted plans. I note that a number of third party responses and the Parish Council point to this inaccuracy. The Council's Officer Report include references to the two storey nature of the existing dwelling and the third proposed storey. As such, I am satisfied that the nature of the proposal is clear, and the interest of natural justice would not be prejudiced by my consideration of the proposal before me.
4. The appellant has suggested amended plans which remove the proposed rear windows, and subsequently alter the internal layout. I have considered the revised plan under the principles established by the Courts. The amended drawings have not been the subject of consultation, and in my view, they materially amend the proposal. The appeal process should not be used to evolve a scheme. Therefore, were I to accept them then that may prejudice the interests of interested parties. Consequently, I have determined the appeal on the basis of the scheme considered by the Council.
5. 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 the enlargement of a dwellinghouse consisting of the construction of additional storeys subject to limitations and conditions. Paragraph AA.2.(3)(a) requires that before

beginning the development, the developer must apply to the Council for prior approval in relation to certain matters.

Main Issues

6. The main issue is whether or not the proposal would be permitted development pursuant to Schedule 2, Part 1, Class AA of the GPDO, with reference to:
- the impact of the development on the external appearance of the dwellinghouse; and
 - the effect of the proposal on the amenity of adjoining premises with regard to privacy and light.

Reasons

External appearance

7. No 8 Oxleigh Way forms part of a two storey semi-detached unit prominently located on the corner of Oxleigh Way and Sorrel Place, within a modern residential development. Whilst there are properties of varying scale and appearance within the surrounding development, there is a consistency to the wider design and siting.
8. Paragraph AA.2.(3)(a)(ii) of Class AA requires prior approval to be sought for 'the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.' The use of the word 'including' means that the lists that follow are not exhaustive and that other factors could affect the external appearance of the dwellinghouse. Furthermore, the wording of (aa) and (bb) suggests that some assessment should be made of how the dwellinghouse would appear in the street scene.
9. The proposed fenestration, materials and roof profile would match that of the existing property. However, the addition of a storey would mean that No 8 would unbalance and appear starkly unsympathetic to the two storey composition of the semi-detached unit. It would be prominently and incongruously taller than its attached neighbour and the matching dwellings opposite and detract from the coherent design of the surrounding development. There are three storey properties nearby, however these are formed of a purpose built and uniform terrace of townhouses or apartment buildings. As such, these are not comparable with the proposed development in terms of their visual impact upon the immediate street scene.
10. Consequently, I find that the external appearance of the extended dwellinghouse would be harmful, and the proposal would not accord with the requirements of paragraph AA.2 (3)(a) (ii) of Class AA.

Amenity of adjoining premises

11. Given the orientation of the appeal property and its attached neighbour, No 2 Sorrel Place (No 2), in addition to the other neighbouring dwellings, there is some element of mutual overlooking at the rear.
12. The additional storey would provide further fenestration, matching the existing first floor fenestration. These windows would create higher viewpoints, but these would not lead to any significant additional overlooking compared to the

existing situation. The windows may lead to a greater perception of being overlooked but I am satisfied that this would not unduly harm the living conditions of nearby residents.

13. The appeal property is to the south of the garden of No 2. Therefore, it is likely that the additional storey would lead to overshadowing of the neighbouring garden, particularly when the sun is low in the sky. However, I envisage that any loss of light would be modest as the development would be set off the boundary and the existing property already has an overshadowing effect. As such, the loss of light to No 2 would be limited and acceptable.
14. For these reasons, I conclude the development would avoid unacceptable harm to the amenity of any adjoining premises by reason of impact upon privacy and loss of light or for any other reason. The proposal would therefore be acceptable in respect of prior approval matter (i) of paragraph AA.2 (3) (a) of Class AA.

Conclusion

15. Given my findings above with regard to the effect on the external appearance of the dwellinghouse, the proposal would not constitute permitted development under the terms of Schedule 2, Part 1, Class AA of the GPDO. Consequently, and having had regard to all other matters raised, the appeal is dismissed.

B Phillips

INSPECTOR