



Appeal Decision

Site visit made on 15 July 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal Ref: APP/C3810/D/24/3339003

Riverside House, 2 Fitzalan Road, Arundel, West Sussex BN18 9JS

- 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 Ms Bertille Guilbert against the decision of Arun District Council.
 - The application Ref is AB/117/23/PD.
 - The development proposed is erection of one and two additional storeys on existing dwellinghouse.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Bertille Guilbert against Arun District Council. This application is the subject of a separate Decision.

Preliminary matters and main issue

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 the enlargement of a dwellinghouse consisting of the construction of up to two additional storeys, where the existing dwellinghouse consists of two or more storeys, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction subject to limitations and conditions.
4. There are French doors at second floor level in the front and rear facing gable ends of the dwelling, which are not shown on the plans. The 2 storey rear facing bay has a flat roof, and not the gabled roof that is shown on the plans. Even so, there is no second floor plan before me. So, in determining this appeal, I shall consider the plans on which the Council made its decision, which were submitted with its questionnaire during the appeal process.
5. The main issue is whether the proposed development would be granted planning permission by Article 3, and Schedule 2, Part 1, Class AA of the GPDO.

Reasons

6. The appeal dwelling includes 3 pitched roofed 2 storey parallel ranges at roughly right angles to Fitzalan Road, and an attached pitched roofed single storey plus attic parallel range (south west range) by the south west side. The dwelling also includes a single storey front facing bay (bay) and a single storey front facing lean-to (lean-to). The proposal includes a single storey upward addition to the south west range and a two storey upward addition to almost all of the rest of the dwelling.
7. Paragraph AA4.(1) of the GPDO explains that "principal part", in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.
8. The south west range is of a lower height than the principal part of the dwellinghouse, which includes the three 2 storey ranges. Due to its subservient scale, low-key form, and its siting at the side and closer to the road than the rest of the dwelling, the south west range has the scale, form and character of an extension. So, the south west range is not a part of the principal part of the dwellinghouse. As the proposal would include a single storey upward addition to the south west range, which is an extension of a lower height than the principal part of the dwellinghouse, it would not comply with paragraph AA.1.(i) of the GPDO Schedule 2, Part 1, Class AA, which states that development is not permitted by Class AA if any additional storey is constructed other than on the principal part of the dwellinghouse.
9. Moreover, the bay and the lean-to are also of a lower height than the principal part of the dwellinghouse. Due to their modest scale, simple forms, and subordinate character, the bay and the lean-to have the scale, form and character of extensions. Because the proposal would include 2 storey upward additions to the bay and the lean-to, which are extensions of a lower height than the principal part of the dwellinghouse, they would not comply with paragraph AA.1.(i) of the GPDO Schedule 2, Part 1, Class AA.
10. Therefore, I consider that the proposed development would not be granted planning permission by Article 3, and Schedule 2, Part 1, Class AA of the GPDO.

Conclusion

11. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR