



Appeal Decision

Site visit made on 7 August 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2024

Appeal Ref: APP/J2210/D/23/3335916

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

- 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 Mrs K Leah against the decision of Canterbury City Council.
 - The application Ref is CA/23/02109.
 - The development proposed is the addition of single storey to existing bungalow.
-

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 addition of single storey to existing bungalow at Wilmington Lodge, Trenley Drive, Canterbury, Kent CT3 AW in accordance with the application ref: CA/23/02109 dated 7 November 2023, and the plans submitted within it including drawing Nos 2059/LOC/01.1; 2059/PL/03.1/A; 2059/PL/03.3/A; 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. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 Paragraphs AA.1 and AA.2.
3. 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. I have no reason to conclude otherwise in respect of the Council's findings of compliance.
4. The proposal was refused 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. It was also refused as not having the same roof pitch as the existing dwelling and so was considered contrary to Paragraph AA2.(2)(c). The Council do not raise any further issues of non-compliance with the GPDO.

Main Issue

5. 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 external appearance and roof pitch of the dwellinghouse. In assessing the external appearance, case law has established that this can also include impact on neighbouring premises and the locality.

Reasons

6. There is variety in the height and type of built form in the area around the appeal site. However, buildings are generally set apart from each other which contributes to the area's spacious, verdant and rural character.
7. The proposal would clearly increase the size and prominence of the building, making it taller than its nearest neighbours. However, an increased height is an intended consequence of the permitted development right under Class AA so would not, on its own, provide a reason to withhold prior approval. More pertinently, there is no single design approach or consistent building height or size in the area. Furthermore, within this context, there are existing two storey dwellings on Trenley Drive and Stodmarsh Road. Given these factors, and that the appeal building is set back from Trenley Drive, the additional storey would not dominate the street scene or area. The spacious, verdant and rural character of the area would be retained.
8. External materials similar to the existing dwelling would be utilised. This is a requirement of the GPDO and would not be out of keeping with the building itself or the site's wider context, which contains a varied palette of external materials. The fenestration pattern would be commensurate with that of a larger building but not harmful to the building's appearance. Given the uncomplicated design of the existing dwelling, these factors together with the additional height would not cause harm to its appearance.
9. The proposed design would replace the barn hips of the existing bungalow with gabled ends to the new storey. However, the GPDO wording suggests a relatively narrow assessment as to the roof. The wording of condition AA.2(2)(c) of the GPDO refers specifically to the roof pitch. It does not state that the roof must be of the same design, form, profile or same direction as the existing roof pitch. Accordingly, based on the evidence submitted, I consider that following the development, the pitch of the roof would be the same as the roof pitch of the principal part of the existing dwellinghouse.
10. For the reasons given above, I find that the proposal would comply with the conditions, limitations and restrictions specified in the GPDO and that prior approval should be granted.

Conditions

11. 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). Whilst it is not therefore necessary for me to reproduce them in full, my formal decision notes that prior approval is granted subject to them, and that the scheme shall be carried out in accordance with the details on the submitted plans.

Conclusion

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

Stewart Glassar

INSPECTOR