



Appeal Decision

Site visit made on 5 November 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2024

Appeal Ref: APP/W1525/D/24/3346757

Linden, Maldon Road, Margaretting, Chelmsford, Essex CM4 9JW

- 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 Mr & Mrs Alec Babbs against the decision of Chelmsford City Council.
 - The application Ref is 24/00343/HHPAA.
 - The development proposed is addition of one storey to existing dwelling house. Walls to be finished in brick to match existing with roof to match existing. Roof to have same pitch as existing roof. Windows to be white UPVC close match to existing. New floor to be created (height of floor does not exceed the height of any existing floor of the property). The elevations are proposed to be as shown on the submitted plans.
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Decision

1. The appeal is allowed and planning permission is granted for “addition of one storey to existing dwelling house. Walls to be finished in brick to match existing with roof to match existing. Roof to have same pitch as existing roof. Windows to be white UPVC close match to existing. New floor to be created (height of floor does not exceed the height of any existing floor of the property). The elevations are proposed to be as shown on the submitted plans” at Linden, Maldon Road, Margaretting, Chelmsford, Essex CM4 9JW in accordance with the terms of the application, Ref 24/00343/HHPAA, and the plans submitted with it including plan nos: LICM49JW_BP2.0 *Block Plan*; LICM49JW_SP2.0 *Site Plan*; LICM49JW-DR2.1 A *Existing Ground Floor Plan*; LICM49JW-DR2.1 B *Proposed Ground Floor Plan*; LICM49JW-DR2.1 C *Proposed First Floor Plan*; LICM49JW-DR2.1 D *Existing Elevations*; LICM49JW-DR2.1 E *Existing Elevations*; LICM49JW-DR2.1 F *Proposed Elevations*; LICM49JW-DR2.1 G *Proposed Elevations*; LICM49JW-DR2.1 H *Existing Roof Plan*; LICM49JW-DR2.1 I *Proposed Roof Plan*; LICM49JW_DR2.1 J *Proposed Cross Section*; LICM49JW_VS2.0 A *Visualisations of Existing*; LICM49JW_VS2.0 B *Visualisations of Proposed*; LICM49JW_VS2.0 C *Visualisations of Proposed*; LICM49JW_VS2.0 D *Visualisations of Proposed*.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 1, Class AA, Paragraph A.3(4) require the local planning authority to assess the proposed development on the basis of the conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2. My determination of this appeal has been made on the same basis.

3. The GPDO does not require regard be had to the development plan. I have had regard to the policies of the Chelmsford Local Plan 2020 (CLP) only in so far as they are a material consideration relevant to matters of the external appearance of the proposed dwelling.
4. GPDO paragraph AA.3(12) requires I take into account any representations received and have regard to the National Planning Policy Framework (the Framework) so far as relevant to the matter on which prior approval is sought. The Framework's policies are not intended to frustrate the purpose of the grant of permitted development rights through the GPDO.
5. The statutory requirements relating to prior approval are much less prescriptive than those relating to a planning application, and the GPDO does not withdraw Class AA rights from dwellings in the Green Belt. Therefore, whilst the site is within the Metropolitan Green Belt, it is not necessary to apply the Framework's policies which serve to protect the Green Belt from inappropriate development.

Main Issues

6. Where the existing dwelling is single storey, and subject to meeting certain criteria, Class AA of the GPDO permits the enlargement of a dwelling through the addition of one storey. The Council's assessment suggests the proposal would satisfy the conditions set out at paragraph AA.2 of the GPDO, with the exception of AA.2(3)(a)(ii) relating to the external appearance of the dwellinghouse.
7. The main issue in this appeal is whether the development would accord with the provisions of Part 1, Class AA of the GPDO, with particular regard to the external appearance of the building, including the design and architectural features of the principal elevation of the dwellinghouse.

Reasons

8. The appeal property is a detached bungalow constructed of buff brick with a grey/brown tiled roof and white shutters at the front windows. The dwelling has a modern appearance, with a simple form and low-pitched roof.
9. The appeal property is the last in a continuous row of dwellings which front onto the southern side of Maldon Road, extending between the junction with Main Road (B1002) to the rail embankment. Maldon Road is generally suburban in character and comprises a mix of two-storey dwellings, bungalows, and 1.5 storey chalet-style dwellings.
10. The appeal property is adjacent to a group of 1.5 storey dwellings. Amongst these dwellings, the single storey eaves height is a common feature.
11. However, neighbouring chalet 'Kennets' has a prominent front gable and is clad with black timber. It has a tall roof, comprised of red tiles and pitched dormers on the front roof plane. Nearby "Applebys" is a chalet-style dwelling, clad with cream timber, with a 1.5 storey side projection and detached pitched roofed garage. At the bend in the road is a further 1.5 storey chalet dwelling with a projecting front gable and hipped roof dormer. These neighbouring dwellings differ significantly in appearance from each other and are substantial in size, with tall roof ridges, and exceed the scale of the appeal property.

12. Bungalow "Ynamit" has an L-shaped layout and hipped roof form and is set behind a dense hedge and visually separated from the appeal site by Maldon Road. Whilst nearby dwellings are principally 1.5 or single storeys, dwellings are not uniform in character, but comprises a mix of dwelling types and sizes.
13. A rail embankment runs beside the appeal site's side boundary and exceeds the height of the appeal property's roof ridge. The embankment is lined by tall trees which together contribute height to the streetscape. The tall, tree-lined embankment forms a dominant and imposing feature within the street scene.
14. Through the creation of a first-floor storey, the proposal would alter the appeal property from a bungalow to a two-storey dwelling. The proposed development would occupy the same footprint, and its roof pitch and materials would match the existing dwelling. The simple form would be retained, and the arrangement of first floor windows would reflect those at the ground floor. Whilst the proposal would increase the dwelling's height and volume, it would not harm its external appearance.
15. The appeal property is close to the shared boundary with neighbouring dwelling Kennets. However, the proposed upward extension would affect the main part of dwelling only. The projection closest to the shared boundary would remain of single storey height and the existing separation distance between the buildings would be maintained.
16. Due to its two-storey form and raised eaves height, the proposed development would differ in appearance from nearby dwellings. However, the proposed development would have the appearance of a traditional two-storey house. It would not appear as an alien feature within the street scene but would add further variety to an area characterised by its mix of architectural styles.
17. Dwelling frontages are relatively open, with low to medium height boundary treatments, and therefore the proposed development would be visible from the street. However, due to bend in the road to the north-west of the site and the rail embankment to the southeast, the proposed development would not be visible over long distances.
18. The visual impacts of the development would therefore be experienced within a small area in the immediate vicinity of the site, where the development would be viewed against a backdrop of the tall, tree-lined rail embankment. The height of the elevated, tree-lined rail embankment would assist in assimilating the proposal's mass and height into the street scene.
19. The height difference of the proposed development and some nearby dwellings would be minimal. Notably, the dwelling would exceed the height of Applebys by just 0.11m. Since the appeal property is located at the end of the row, the development would not interrupt the group of nearby 1.5 storey dwellings. Consequently, the proposed development would not appear excessive in scale when viewed within the context of the substantial chalet-style dwellings.
20. As set out above, whilst the immediate surrounding area comprises many single and 1.5-storey dwellings, there is significant variation in buildings height, scale, form, and appearance. This end of Maldon Road is not characterised by dwellings with simple, uniform and modest proportions, but rather by built development which is substantial in scale and varied in design. Due to the scale of adjacent properties and the presence of prominent

landscape features including the rail embankment, the height and scale of the proposed development would not appear out of keeping with the street scene. The external appearance of the dwelling, including the design and architectural features of the principal elevation of the dwellinghouse, would not therefore harm the appearance of the host dwelling or character of the area.

21. Having regard to the CLP, only insofar as relevant to matters of external appearance, the proposal would accord with CLP Policy DM23 which requires proposals respect the character and appearance of the area in which it is located and be compatible with its surroundings. The proposal would also support the aims of the Framework and national guidance which at paragraph 128 supports development that makes efficient use of land.
22. As such, the proposal would satisfy condition AA.2(3)(a)(ii) of the GPDO.

Conditions

23. Planning permission granted for development under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO is subject to the conditions set out in paragraph AA.2 of that Class, which in summary specify that:
- before beginning the development, the developer must provide a report for the management of the construction of the development;
 - external materials must be of a similar appearance to those used in construction of the exterior of the existing dwelling;
 - the development must be completed within a period of 3 years starting with the date prior approval is granted;
 - as soon as reasonably practicable after completion, the developer must notify the Council of the completion of the development; and
 - following the development, the building must be used as a dwelling within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Conclusion

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

E Dade

INSPECTOR