



Appeal Decision

Site visit made on 26 November 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/L1765/D/24/3347908

7 Lynch Close, Winchester, Hampshire SO22 6DG

- 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 Ryan against the decision of Winchester City Council.
 - The application Ref is 24/00706/PNADD6.
 - The development proposed is addition of one storey to the original section of the single storey dwellinghouse.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form but I have removed the reference to the legislation as it does not relate to an act of development.
3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (the GPDO), permits development consisting of the enlargement of a dwellinghouse by construction of one additional storey, where the existing dwellinghouse comprises one storey, together with any reasonably necessary engineering operations.
4. Development is permitted under Class AA subject to limitations and conditions and a requirement that the developer applies for prior approval to the Local Planning Authority. The Local Planning Authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
5. The provisions of the GPDO require the Local Planning Authority to assess the development proposed solely on the basis of a limited number of considerations. The Council has raised concerns in respect of the effect of the development upon the external appearance of the host property. My consideration of the appeal shall therefore focus on this matter.
6. The National Planning Policy Framework (the Framework) and development plan policies, including supplementary guidance, can be considered relevant in prior approval cases but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

7. The main issue is whether prior approval should be granted having regard to the external appearance of the dwellinghouse.

Reasons

8. The appeal site consists of a detached single storey dwelling at the head of a short cul-de-sac. The neighbouring properties around the site and lining both sides of Lynch Close are also bungalows. The dwellings on either side of the entrance to the street are two storeys, but there is a physical separation of those properties from the tightly grouped bungalows on the cul-de-sac and they are more visually related to Kynegils Road. Whilst the site may not be visible from Kynegils Road, it is prominent on Lynch Close and the immediate built context that the site sits within is of detached single storey dwellings that are built to a similar design to the appeal dwelling. Overall, the street has a distinctly uniformed appearance and dwelling type that makes up the prevailing character of the area immediately around the site.
9. 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 principle 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 matters that can be taken into account under 'external appearance' are not limited to those expressly specified. Read in the context of this legislation, the word 'including' does not have an exhaustive effect. Furthermore, the wording of the legislation suggests that the control of the external appearance of the dwelling is not limited to impact on the subject building itself, but also includes the impact on the locality.
10. I acknowledge the appellant's reference to the maximum additional height that may be achievable under the legislation for an existing dwelling with more than one storey. However, the dwelling in this case is a single storey dwelling and the potential additional height that could be constructed on a dwelling with more than one storey would therefore not be a determinative matter in the consideration of the appeal. Furthermore, the assessment of the 'external appearance' should be made on each proposal's individual planning merits based on the evidence before the decision maker.
11. The proposal would add an additional storey to the appeal dwelling, but not over the flat roof extension attached to the rear of the dwelling. There would be a significant increase in the overall height of the dwelling and in the surrounding context of single storey dwellings, the resultant external appearance of the appeal property would be at odds with the appearance of the immediate environs of the site, and it would be visually dominant at the head of the cul-de-sac. The stepping down in height of each bungalow around the site would not sufficiently accommodate the considerable physical and visual increase in height of the dwelling. The overall increase in the height, massing and bulk of the dwelling would result in unacceptable harm to the prevailing character and appearance of Lynch Close.
12. The design incorporates a gable end facing the street. However, the additional storey results in the loss of overhanging eaves and bargeboards that are a feature of the bungalows in the area. This change would exacerbate the harm that I have already identified to the street scene.

13. For these reasons, I conclude that the proposal would unacceptably harm the character and appearance of the appeal building and the area, and it would conflict with the general advice contained in the Framework, which seeks to ensure that development is visually attractive and sympathetic to local character. As such, prior approval should be refused.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

K Reeves

INSPECTOR