



Appeal Decision

Site visit made on 27 November 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/J1915/D/24/3344750

3 Barrells Down Road, Bishops Stortford CM23 2ST

- 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 A Groom against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0107/ASDPN.
 - The development proposed is the enlargement of the existing dwellinghouse by way of constructing an additional storey above the principal part of the two-storey detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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.
4. 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.
5. 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. I have proceeded on this basis.

Main Issue

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

Reasons

7. The appeal site is located in a prominent position at the junction of Elm Road and Barrells Down Road, the latter rising up a steady hill. The ridges of the residential properties stepping up Barrells Down Road is a particular characteristic of the street scene. The site is located outside of but immediately on the edge of the Bishop's Stortford conservation area.
8. The property consists of a detached house which appears as a single storey dwelling when viewed from the front on Barrells Down Road and as a two-storey property when viewed from the lower part of Barrells Down Road and from Elm Road.
9. I saw at the site visit that the wider area includes a variety of dwelling types, including terraced, detached and semi-detached, three and two storey dwellings and bungalows.
10. The submitted plans show the additional storey would extend the full width of the existing property and while I note that the new ridge would be below that of the adjacent property, No.25 Barrells Down Road, the appeal scheme would nonetheless diminish the stepping up of the roofs of properties as the hill rises on Barrell Down Road. The resulting three storey dwelling, when viewed from Elm Road, would appear as a prominent feature in the immediate setting of the appeal site and in particular when viewed from the junction of Elm Road and Barrell Down Road.
11. I note that the proposed fenestration and materiality of the extension is shown on the submitted plans as maintaining the proportions of timber and render elements of the existing dwelling, reflecting the character and appearance of the host building and the pallet of the area.
12. Nonetheless, based on the evidence before me and my observations at the site visit, I am satisfied that the appeal scheme would diminish the characteristic stepping up of properties on Barrells Down Road. Furthermore, while I acknowledge that the area includes 3 storey dwellings and that it is inevitable that the permitted development rights to add an additional storey will impact on the appearance of the host building, nonetheless, the resultant 3-storey dwelling would appear as an unacceptably prominent and incongruous feature compared to the original building and the immediate context of the appeal site.
13. Consequently, I find that the effect on the external appearance of the dwellinghouse would not be acceptable and that the proposal would therefore conflict with the requirements of paragraphs AA.2(2) and AA.2(3)(a)(ii) of Class AA.

Conclusion

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

Mr M Brooker

INSPECTOR