



Appeal Decision

Site visit made on 9 April 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/H1840/D/24/3352571

Witts End, Worcester Road, Chadbury, Evesham WR11 4TD

- 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 M Watkins against the decision of Wychavon District Council.
 - The application Ref is W/24/01280/GPAA.
 - The development proposed is a proposed first floor to bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed wording from the description above which does not describe development.
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 additional storeys subject to limitations and conditions. Paragraph AA.2.(3)(a) requires that before beginning the development, the developer must apply to the Council for prior approval in relation to certain matters.

Main Issues

4. The main issue is whether or not the proposal would be permitted development pursuant to Schedule 2, Part 1, Class AA of the GPDO, with reference to:
 - the effect of the development on the external appearance of the dwellinghouse; and
 - the impact of the proposal on the amenity of adjoining premises with regard to privacy and outlook.

Reasons

Character and appearance

5. The appeal property consists of one of three single storey dwellings comprising a terrace. The uniformity and consistency of the dwellings, derived from their similar design and height, contribute positively to the coherent character and appearance of the terrace.

6. 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 principal 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 lists that follow are not exhaustive and that other factors could affect the external appearance of the dwellinghouse. Furthermore, the wording of (aa) and (bb) suggests that some assessment should be made of how the dwellinghouse would appear in the street scene, or in relation to a terrace.
7. The proposed additional floor to the appeal property would prominently sit higher than the existing ridge and eaves of the terrace, conspicuously doubling the number of storeys at this point. It would incongruously imbalance the terrace, detracting from its coherent and consistent design and height. The existing character of the terrace would therefore be harmed.
8. Consequently, I find that the external appearance of the extended dwellinghouse would be harmful, and the proposal would not accord with the requirements of paragraph AA.2 (3)(a) (ii) of Class AA.

Living conditions

9. The proposal would result in the massing and height of the roof increasing. However, the proposed extension would not result in an increase to the footprint of the property, and the additional storey would be seen in the context of the existing roof form.
10. The outlook from the rear of the adjoining property when looking down the good sized garden to the countryside beyond would remain unchanged. The outlook from the garden area when looking back to the terrace, would also remain mostly unchanged, with only additional built form above the existing roof level evident. The extension would not therefore be overbearing on the outlook from the rear of this dwelling or from its rear garden. Given the additional distance, there would also not be a harmful effect in this regard to the occupants of the next property in the terrace.
11. Given the land levels dropping to the rear, I observed that the garden areas of both the appeal property and adjoining neighbour experience some mutual overlooking from the ground floor rear windows.
12. Nevertheless, the extension would introduce three windows/openings at a higher level facing the rear. No floor plans are provided; however, the appellant sets out that the nearest two windows to the boundary with the attached neighbour serve a bathroom and en-suite. Conditions could ensure that these two windows are obscure glazed in order to prevent any overlooking.
13. The third opening is a Juliet balcony. It would not be possible to step out onto it, and as such, any overlooking from it would be oblique and limited on account of its position near the opposite side boundary. As a result, there would not be an unacceptable loss of privacy to users of the garden area of the adjoining neighbour.
14. The proposal would not therefore result in harm to the amenity of adjoining premises with regards to privacy and outlook. In this respect the proposal would accord with the requirements of paragraph AA.2 (3)(a) (i) of Class AA.

Other Matters

15. The legislation set out above allows for additional storeys to a dwelling that may be a terraced property, where this may be suitable. For the reasons set out above, I have found that in this instance, this is not the case.

Conclusion

16. Given my findings above with regard to the effect on the external appearance of the dwellinghouse, the proposal would not constitute permitted development under the terms of Schedule 2, Part 1, Class AA of the GPDO. Consequently, and having had regard to all other matters raised, the appeal is dismissed.

B Phillips

INSPECTOR