



Appeal Decision

Site visit made on 20 May 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/A1910/D/24/3357369

**Cherry Tree Cottage, Long Lane, Bovington, Hemel Hempstead, Hertfordshire
HP3 0NE**

- 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 Augustine Woo against the decision of Dacorum Borough Council.
 - The application Ref is 24/02112/UPA.
 - The development proposed is for the construction of additional storey to 7.9 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision for clarity, as the application form refers to the appellant's supporting statement. This description aligns with that used in the appeal form.
3. Whilst the Council's decision notice clearly refused the application, the specific reasons for its decision are omitted. However, the Council's decision accompanying Officer report clearly sets out the reasons for its decision. I have defined the main issue on this basis.

Background and Main Issue

4. Schedule 2, Part 1, Class AA. of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), permits development consisting of the enlargement of a dwellinghouse consisting of the construction of (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.
5. Development is permitted under Class AA subject to limitations and conditions specified under AA.1. and AA.2. including a requirement that the developer applies for prior approval to the Local Planning Authority following the procedure set out in AA.3. 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.

6. The Council's reason for refusal set out in its Officer report, states that the proposed development would fail to comply with AA.1 (i) which states that development is not permitted by Class AA of the GPDO if any additional storey is constructed other than on the principal part of the dwellinghouse.
7. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 1, Class AA of the GPDO.

Reasons

8. Cherry Tree Cottage is a detached hipped roof dormer bungalow with a two-storey transverse gable roof to the rear. It has been previously extended to incorporate a loft conversion and various front, side and rear extensions¹. The proposed additional storey would be atop the hipped roof front section ('front section') and the transverse gable roof rear section ('rear section') of the building.
9. Under AA4. the "principal part" in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.
10. There is no dispute between the main parties that the rear section of the building sits slightly lower than the front section of the building. On this basis, the proposed development, which would include development over a section of the dwellinghouse which sits at a lower height, would fail to comply with AA.1 (i) of Class AA of the GPDO.
11. The appellant contends that the rear section of the building cannot be conceived as an extension, on the basis that it forms 'an integral part of the main part's architectural composition'. The appellant has drawn my attention to two other appeal decisions on different sites that they assert contained principal parts with rooflines of varying heights.
12. In relation to Glenwood House², the additional storey was proposed atop a central protrusion on a front elevation, lower in height than the main roof of the dwellinghouse. However, the Inspector in that instance considered that the central protrusion containing the main front door was a design feature of the dwellinghouse which formed part of the principal part of that dwellinghouse on this basis. The lower height of the rear section of Cherry Tree Cottage cannot similarly be regarded as a principal design feature, given its discreet positioning behind the front section of the building. Even though it is two-storey and ties into the front section of the building, it represents a larger proportion of the building overall and its height and position appears to have been deliberately designed to retain a degree of subordination to the front section of the building. The rear section of the building cannot therefore be regarded as the main part of the dwellinghouse.
13. In relation to 14 Barrow Hill Close³, whether that appeal proposal complied with AA.1 (i) of Class AA of the GPDO was not a matter of dispute between the main parties. As a consequence, the appeal decisions at both Glenwood House and 14 Barrow Hill Close are materially different from this appeal proposal and do not alter my findings which are based on the specifics of the case before me.

¹ Council refs: 4/01308/09/FHA, 4/00508/09/FHA, 4/01075/98/FHA, 4/01134/96/FHA and 4/1216/83.

² Appeal ref: APP/P0240/D/22/3293165

³ Appeal ref: APP/P3610/D/21/3268375

14. For the reasons given, I conclude that the proposed development would not be permitted development under Schedule 2, Part 1, Class AA of the GDPO.

Other Matters

15. Considerations in relation to the effect of the proposed development with regard to the prior approval matters specified in paragraph AA.2. of Class AA only apply if the proposal is permitted development. As the proposal would fail to constitute permitted development under Class AA, it is not necessary or appropriate to proceed to consider the prior approval matters as it would not alter the outcome of the appeal.
16. The appellant indicates that they were advised by the Council to submit the prior approval application. However, this is not a matter for this appeal, and I have made my decision based on the provisions of Schedule 2, Part 1, Class AA of the GDPO.

Conclusion

17. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR