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## Appeal Decision

Site visit made on 2 September 2025

**by J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11 September 2025**

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**Appeal Ref: APP/W1525/D/25/3368266**

**438 Linnet Drive, Chelmsford CM2 8AL**

- 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 Kavvas against the decision of Chelmsford City Council.
  - The application Ref is 25/00338/HHPAA.
  - The development is described as the addition of one storey to existing dwelling house. Walls to be finished in brick to match existing with a section finished with hanging tiles to match the 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 and have been designed to reflect the style of the existing property including window sizes and the use of matching materials.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In section E of the appeal form it is stated that the description of development has not changed from that stated on the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application form.

### Background and Main Issue

3. Schedule 2, Part 1, Class AA of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), permits development comprising 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.
4. The Council concluded that the proposal would comply with the conditions and limitations set out at paragraph AA.1 of Class AA, such that it would fall within the scope of permitted development rights, subject to consideration of relevant matters of prior approval. On the evidence before me I see no reason to take a different view.

5. The conditions of paragraph AA.2 (3)(a)(ii) require consideration of the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.
6. The main issue is whether prior approval should be granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, having particular regard to the effect of the proposed development on the external appearance of the dwellinghouse.

### **Reasons**

7. The appeal site comprises a two-storey dwelling fronting a pedestrian footway. To the rear of the site is a road providing access to properties from the main part of Linnet Drive. Development in the area primarily consists of two-storey terraced properties arranged in an ordered, linear form. The prevailing scale and layout of the built form of the area has a predominantly horizontal emphasis, characterised partly by the unbroken rhythm of the rooflines of properties in the area.
8. The external appearance of the existing dwelling at the site is defined in part by the two-storey scale of the terrace within which it is located. The uniformity of scale is an intrinsic part of the external appearance of the existing dwellinghouse. The existing appearance of the dwellinghouse makes a positive contribution to the character and uninterrupted scale of the terrace and the surrounding buildings.
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 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.
10. The proposal would extend the existing dwelling upwards through the provision of an additional storey. The elevations of the additional storey would reflect the layout of windows in the existing dwelling and would utilise matching external materials. Nevertheless, the raised height of the dwelling would disrupt the prevailing two-storey architecture of the area. The additional storey at the site, protruding above the neighbouring properties, would appear incongruous and would unbalance the coherent and consistent design and height of the terrace. Consequently, the external appearance would harm the character and appearance of the terraced dwellinghouse.
11. I conclude that the external appearance of the extended dwellinghouse would be harmful. The proposal would therefore not accord with the requirements of paragraph AA.2 (3)(a) (ii) of Class AA of the GPDO and would be contrary to Paragraph 135 of the National Planning Policy Framework, which requires development to, amongst others, be visually attractive and sympathetic to local character including the surrounding built environment.

### **Other Matter**

12. 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**

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

*J Pearce*

INSPECTOR