



Appeal Decision

Site visit made on 23 September 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2025

Appeal Ref: APP/U2615/W/25/3366847

Burghwell House, Market Road, Burgh Castle, Great Yarmouth NR31 9EN

- 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 Tredwell Developments Limited against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/25/0253/PAD.
 - The development proposed is an upward extension to existing detached dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Tredwell Developments Limited against Great Yarmouth Borough Council and by Great Yarmouth Borough Council against Tredwell Developments Limited, which are the subject of separate decisions.

Preliminary Matters

3. The property name differs across various documents. Clarity has been sought from the appellant, and the correct name is reflected in the banner heading above.
4. The submitted plans show the proposed removal of the attached conservatory and construction of a garage and home office, which would be linked to the dwelling by a glass corridor. For the avoidance of doubt, these elements are not for consideration under this appeal, and I have based my decision solely on the proposed upward extension to the existing dwelling.

Main Issues

5. Article 3(1) and Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the enlargement of a dwellinghouse consisting of the construction of up to two additional storeys, where the existing dwellinghouse consists of two or more storeys, together with any engineering operations reasonably necessary for the purpose of that construction, subject to limitations and conditions.
6. Condition AA.2.(3)(a) of Class AA requires the developer to apply to the local planning authority for prior approval as to various matters, before beginning the development. Furthermore, the Council may refuse the application where it

considers that the proposed development does not comply with the provisions in the GPDO.

7. I have had regard to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the application for prior approval, in respect of the Council's fifth and sixth reasons for refusal, as required by paragraph AA.3.(12)(b) of Class AA.
8. The main issues are therefore:
 - Whether or not the proposed development would accord with the limitations of Class AA;
 - The effect of the proposed development on the external appearance of the dwellinghouse; and
 - The effect of the proposed development on ecology, with particular regard to protected species.

Reasons

The limitations of Class AA

9. The submitted plans do not show the internal floor to ceiling heights of either the existing dwelling or the proposed upward extension. The appellant has offered to provide sectional drawings. However, they are not before me. Although the external elevation plans appear to show that the floors would be broadly similar in height across the proposal and the large vertical window would cross multiple floors, there remains an absence of clarity. It is the responsibility of the appellant to provide evidence to demonstrate that the proposed development would be compliant with the limitations and conditions of the GPDO. Thus, it is unclear whether the floor to ceiling internal height of the additional storey, measured internally, would accord with the limitations at paragraph AA.1.(h) of Class AA.
10. Limitation AA.1.(i) states that development is not permitted by Class AA if any additional storey is constructed other than on the principal part of the dwellinghouse. Paragraph AA.4.(1) provides a helpful and clear definition of "principal part", which 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. I acknowledge that this definition is narrow. However, the GPDO sets specific conditions and limitations that need to be met for a proposal to qualify as 'permitted development', which set it apart in this respect from other ways of obtaining planning permission. The majority of the existing dwellinghouse is two-storey in height. It therefore follows that the existing single storey rear (north elevation) extension, which is lower in height, is not included within the principal part of the dwellinghouse. The plans provide measurement annotations that show that the overall depth of the proposed first floor would extend considerably further than the existing first floor, over the existing single storey rear extension. This confirms that an upward extension to the existing single storey rear element of the dwelling is proposed, which would not accord with paragraph AA.1.(i) of Class AA.
11. The materials used in the construction of the existing dwellinghouse include red brick, cream coloured render, grey concrete roof tiles, a combination of white and brown, wooden and UPVC framed windows and doors, and white soffits and fascia

boards. In stark contrast, the proposed materials include timber panelling, anthracite aluminium framed windows and doors, and black soffits and fascia boards. Whilst it is acknowledged that the materials do not need to precisely match those used in the construction of the existing dwellinghouse, the proposed materials in this case are considerably different both in terms of colour and material. Furthermore, the addition of timber panelling would be a completely alien addition to the property. Consequently, the proposed materials used in any exterior work would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, contrary to condition AA.2.(2)(a) of Class AA.

12. The existing dwellinghouse is orientated with its gable end facing onto Market Road. The respective elevation is predominantly characterised by large and evenly distributed windows, including bay windows, commensurate with being at the front of the property. It therefore follows that the side elevations of the dwellinghouse are those perpendicular to the front elevation facing Market Road (the east and west elevations). Condition AA.2.(2)(b) is clear in its wording that development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse. There is no provision for the decision maker to use discretion or apply judgement based on site specific circumstances. Furthermore, a window with obscure glazing would still be a window, the provision of which in a side wall of the dwellinghouse is prohibited by condition AA.2.(2)(b). Despite the appellant confirming that the side windows will be omitted to ensure compliance, the plans show that a significant number of windows are proposed to be included on both side walls of the dwellinghouse. No alternative plans are before me. It therefore follows that the proposed development would be contrary to condition AA.2.(2)(b) of Class AA.

External appearance

13. Condition AA.2.(3)(a)(ii) requires consideration of the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse.
14. Burghwell House is a modest and simply designed dwelling. Its setting within a particularly open rural landscape makes it particularly visible from both directions when travelling along Market Road. The main part of the property benefits from a pitched roof design with shallow fascia boards. The principal elevation is the south elevation, despite the entrance being located on the west elevation, because this faces the road and comprises the main architectural features of interest, such as evenly distributed windows, the ground floor of which have shallow bays, commensurate with the style of dwellings constructed in the later part of the 20th century. Whilst not being identical, other dwellings of a similar scale and pitched roof design are located on the opposite side of Market Road.
15. The principal elevation of the proposal would continue to be that which fronts onto Market Road and would include the main pedestrian entrance to the building and the very tall window to the internal stairwell. The proposal would include a flat roof design with deep fascia boards.
16. The proposed design of the principal elevation would show very little respect to the style and appearance of the existing dwelling. The flat roof design, whilst reducing the overall bulk of the resultant three storey dwelling, would appear box like in shape and bulky in appearance, exacerbated by the deep fascia boards.

Furthermore, the elongated windows and timber panelled feature wall would intensify the vertical aspect of the dwelling.

17. Due to the bulk, scale and design features of the proposal, the principal elevation would appear as an alien and incongruous feature within its rural landscape setting and prominence adjacent to Market Road.
18. Thus, the proposed development would have an adverse effect on the external appearance of the dwellinghouse, contrary to the design principles set out in the Framework.

Ecology

19. Paragraph 193 of the Framework states that planning permission should be refused if significant harm to biodiversity resulting from a proposed development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.
20. The proposed development would include the removal of the existing pitched roof of the dwelling to accommodate the upward extension, which has the potential to provide habitats for bats. Furthermore, the potential for bats to be present is amplified by the property's location relatively close to hedgerows, trees and field margins, which could provide foraging opportunities for this protected species.
21. In the absence of any ecological assessments or surveys, there is insufficient information before me to determine whether protected species are present, whether they would be harmed by the proposed development and if so, whether further species-specific surveys, followed by potential mitigation measures, would be required and effective.
22. The appellant has confirmed willingness to provide a preliminary ecological assessment and bat survey. However, ecological assessments and surveys should be undertaken early in the planning process, and it is not appropriate for them to be conditioned to allow them to be submitted and approved later.
23. For the above reasons, it has not been shown that the proposal would have an acceptable effect on ecology, contrary to the Framework's aims to conserve and enhance the natural environment.

Other Matters

24. The appellant asserts that the proposal benefits from deemed consent because the Council failed to issue a decision within 56 days of the date of the application. Unlike some other classes within the GPDO, the procedure for applications for prior approval under Class AA of Part 1, Schedule 2 of the GPDO makes no mention of any timescale for the local planning authority to determine such an application before deemed consent is effectively granted. Indeed, paragraph AA.3.(13) of Class AA is clear that the development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their approval. The proposal does not therefore benefit from deemed consent.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed.

L Fern INSPECTOR