



Appeal Decision

Site visit made on 07 November 2023

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/C3430/D/23/3319229

119 Springhill Lane, Lower Penn, Staffordshire WV4 4TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Ranjit Dudrah against the decision of South Staffordshire District Council.
 - The application Ref 22/01066/ROOF, dated 08 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is described as "proposed additional storey built directly above footprint of original 2 storey dwelling to create 3 storey dwelling".
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed additional storey built directly above footprint of original 2 storey dwelling to create 3 storey dwelling at 119 Springhill Lane, Lower Penn, Staffordshire WV4 4TW, in accordance with the application Ref 22/01066/ROOF, made on 08 November 2022, and the details submitted with it including plan numbers 22 13301, 22 133 02 and 22 133 03, and in accordance with the standard conditions set out under paragraphs AA.2.(2) and (3) of Class AA of the GPDO.

Preliminary Matters

2. Under Article 3(1) and Class AA of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), a development consisting of the enlargement of a dwellinghouse by the construction of additional storeys is permitted development, subject to various specified exceptions and conditions. One of these requires the developer to apply for prior approval of certain matters.
3. The National Planning Policy Framework (the Framework) and Development Plan policies can be considered relevant in prior approval cases but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

4. The Council refused to grant prior approval in relation to paragraph AA.2, and in particular, the effect of the proposal on the external appearance of the dwelling house. The Council has not argued that the proposal fails to comply

with any other conditions, limitations or restrictions under Class AA, and I have no compelling reasons to find otherwise.

5. As such, in the present case, the main issue is whether prior approval should be granted under class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the external appearance of the dwellinghouse.

Reasons

6. The appeal site consists of a large 2-storey detached dwelling which is set back from Springhill Lane. The appeal dwelling occupies a discreet position at the end of a shared drive whilst being predominantly screened from the lane by a thick screen of vegetation.
7. The site lies in a residential area that is characterised primarily by substantial individually designed single and 2-storey detached dwellings which are set back from the highway within spacious plots. Given the set back from the highway and the presence of boundary vegetation, the dwellings along the south side of Springhill Lane are not easily visible in conjunction with one another when viewed from the lane.
8. 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 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, as otherwise alterations could be made to the design and architectural features that could be considerably at odds with the surrounding area.
9. The proposal would add an additional storey to the appeal property. The proposed extension has been designed with matching features and materials to the existing building. The profile and pitch of the roof would remain unchanged, and the addition of an extra storey would not alter the proportions of the building to such an extent that it would detract from the appearance of the dwelling.
10. In terms of its effect on the area the proposal would result in a large dwelling that would contrast with the scale of the single and 2 storey properties within the lane. However, the altered appeal dwelling would have a recessed and discreet position in the street and would be screened from the surrounding area by boundary vegetation. Accordingly, it would not visually dominate or appear unacceptably stark amongst other buildings nearby.
11. My attention has been drawn to the Wombourne Railway Walk, however I have not been provided with full details of this. Nonetheless, given the considerable distance from the nearest public rights of way and public vantage points to the rear of the site and the presence of intervening vegetation, the altered dwelling house would not appear as an unduly dominant or discordant feature in views from lower ground to the rear of the site.
12. Consequently, I find that the appearance of the dwelling would be acceptable and the proposal would accord with the requirements of paragraphs AA.2.(2) and AA.2.(3)(a) of Class AA. I am satisfied that the proposal would not conflict

with the Framework requirement to achieve high quality design or the similar aims of Core Policy 4 and Policy EQ11 of the Core Strategy (2012) and the South Staffordshire Design Guide (2018).

Other Matters

13. I note the other matters raised by interested parties. However, issues relating to the site's location in the Green Belt are outside the terms of the Class AA procedure. I am therefore unable to give weight to these matters.

Conditions

14. Prior approval under class AA is subject to conditions specified in paragraphs AA.2.(2) and AA.2.(3). The Council has suggested a condition specifying the timescale for the completion of the development. As this condition is automatically applied it is not necessary to attach it as a separate condition.

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed, and prior approval granted.

N Robinson

INSPECTOR