

Appendix A
Appeal by Mr Browett
Additional Storey Extension at 45 Rother Avenue, Brimington,
Chesterfield.
CHE/21/00421/PA

1. Planning permission was refused on 11th October 2021 for Prior Approval for an additional storey extension at 45 Rother Avenue. The reasons for refusal were:

“In reference to Part AA.2 Paragraph 3 a (ii) 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 proposal is not considered to be acceptable in regards the visual impact on the dwelling. The development would lead to an adverse impact on the external appearance of the dwelling house. The additional height would spoil the existing appearance of uniformity in the street-scene resulting in the house looking prominent and incongruous. Therefore, the proposal would unacceptably harm the character and appearance of the dwelling and street, which is considered to be at odds with the advice set out in paragraphs 130 and 134 in the NPPF 2021.”

2. An appeal against the decision has been determined by the fast track written representation appeal method and has been dismissed.

Procedure

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 by the construction of additional storeys subject to limitations and conditions, including a requirement to submit an application for prior approval. Paragraph AA.2.3(a) to Part 1 requires the local planning authority to assess the impact of the proposed development in a number of respects, including in terms of the impact on the external appearance of the dwellinghouse.

4. The main issue in this case is the impact of the proposed development on the external appearance of the dwellinghouse.
5. The appeal property is a semi-detached dwelling located within a residential housing estate. It is positioned in a short row of similar semi-detached properties and next to a bungalow. Dwellings on this side of Rother Avenue are arranged in a linear form fronting onto the public highway. There are a mix of dwelling styles in the surrounding area, including bungalows, dormer bungalows, semi-detached and detached dwellings. Dwelling heights in the vicinity are exclusively either single storey, one and a half storey or two storeys. These factors contribute positively to the character and appearance of the area and to how the appeal dwelling sits within it.
6. The proposal would introduce one additional storey to the appeal dwelling. As the property forms part of a pair of semi-detached dwellings, this would lead to half of the building being a storey higher than the other half. It would also result in the appeal dwelling being substantially higher than the bungalow adjacent to it to the other side boundary. The inspector considered that these relationships would be visually jarring both individually and when taken together, they would disrupt the relative uniformity and consistency of the street scene and they would result in a development that would as a whole appear incongruous within its surroundings. This would cause significant harm to the external appearance of the dwellinghouse.
7. Reference was made to the ridge heights of the existing dwellings at 1 and 3 Totlely Mount in comparison to the ridge height of the appeal proposal. However, the inspector considered any similarity in height would arise because those dwellings are sited on a higher ground level due to the topography of the surrounding area and not because the dwellings themselves would be of an equivalent height above their respective ground levels. No 1 and No 3 also have a consistent ridge height extending across the building. The inspector considered the impact arising from those dwellings is therefore not comparable to the impact that would arise from the appeal proposal.

8. The appeal site is located within an established urban area and the proposal could potentially contribute to reducing pressure to provide additional living spaces in less preferable locations, including the Green Belt. However, the inspector was required to make his assessment as to whether or not prior approval should be granted on the basis that is set out in the GDPO. That is therefore the approach that he took in determining the appeal.

9. For the above reasons, the inspector concluded that the proposal would cause significant harm to the external appearance of the dwellinghouse. In reaching this conclusion he had regard to the National Planning Policy Framework and find that the proposal would fail to achieve well-designed places and to ensure that upward extensions would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.