



Appeal Decision

Site Visit made on 24 August 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/P3610/D/21/3268375

14 Barrow Hill Close, Worcester Park KT4 7PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mrs M Williams against the decision of Epsom and Ewell Borough Council.
 - The application Ref 20/01734/PDEAA, dated 26 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is described as "Class AA - enlargement of a dwellinghouse by construction of additional storey immediately above the topmost storey of the principal part of the dwellinghouse".
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for Class AA - enlargement of a dwellinghouse by construction of additional storey immediately above the topmost storey of the principal part of the dwellinghouse at 14 Barrow Hill Close, Worcester Park KT4 7PT, in accordance with the application Ref 20/01734/PDEAA, subject to the conditions set out in section AA.2 of Class AA.

Procedural Matters

2. Schedule 2, Part 1, Class AA of the GPDO, permits development consisting of the enlargement of a dwellinghouse by construction of up to two additional storeys, where the existing dwellinghouse comprises two or more storeys, together with any reasonably necessary engineering operations.
3. Development is permitted under Class AA subject to limitations and conditions and a requirement that the developer applies for prior approval to the local planning authority.
4. 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.

Background and Main Issue

5. The application sought prior approval under Class AA of Part 1 of the GPDO for the proposed works, yet the Council proceeded to determine and refuse the application incorrectly under Class AD of Part 20 of the GPDO. That part of the Order relates to the development of flats on top of either a detached house or bungalow.

6. The Council communicated this error in writing to the applicant following the issuing of the decision, whilst also indicating that had it determined the application correctly under Class AA, it would nonetheless have refused the scheme on the grounds that it would overwhelm the original roof and detract from the character and external appearance of the host dwelling. It was confirmed that this would substitute the reason for refusal in the formal decision notice and would form the basis of its grounds in any subsequent appeal.
7. The appellant's statement of case is set out on the basis of the Council's revised concerns. I have accordingly dealt with this appeal in the same way.
8. Therefore, the main issue is whether prior approval should be granted, having particular regard to the resulting external appearance of the dwellinghouse.

Reasons

9. The majority of the dwellings on Barrow Hill Close form part of a distinctive terrace of three storey flat roofed maisonettes that line the road's southern frontage. The appeal dwelling along with its neighbour at No 15 Barrow Hill Close (No 15) comprise detached two storey dwellings of similar design and scale that are located at the end of the road off a shared private drive. Together they are located to the west of the maisonettes at a lower land level, whilst being set back from the road and close to a dense swathe of tall mature trees that enclose the cul-de-sac to the north, south and west.
10. The appeal dwelling occupies a discreet position at the western end of the cul-de-sac, whilst being predominately screened from the road by No 15. This contrasts to the more prominent maisonettes which are positioned close to the roadside boundary. These have a cohesive appearance and rhythm which make a more positive and telling contribution to the character of the road.
11. 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.
12. The appeal dwelling has a T-shaped footprint resulting in a structure that incorporates a series of intricate interconnecting roof slopes. The proposal would add an additional storey that would cover the majority of the dwelling, albeit leaving part of the existing eastern wing intact. It would result in the height of the dwelling increasing by around 2.5m.
13. 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 which would retain its original T-shaped form.

14. In terms of its effect on the area, the proposal would result in a larger dwelling that would contrast with the immediate and similarly designed neighbouring property at No 15, whilst being at odds with the scale of the slimmer maisonettes to the north-east. However, the altered appeal dwelling would nevertheless have a recessed and discreet position in the street. It would be set back from the hindmost elevations of the other dwellings, while being at a lower ground level to the maisonettes. Accordingly, it would not visually dominate or appear unacceptably stark amongst other buildings nearby.
15. At short range views from the western end of the cul-de-sac and the shared private drive, the extended appeal dwelling would be seen rising above the roof of the adjacent dwelling at No 15. Yet, in this context, the roof addition, would be framed by the dense covering of tall trees which would embed it into the landscape in a manner that would soften its appearance, further reducing its prominence in the area.
16. 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)(ii) of Class AA.
17. I have taken account of the requirements of the Framework and the Development Plan insofar as they relate to the subject matter of prior approval. However, given that I have found that the proposal would not cause harm to the appearance of the host dwelling and surrounding area I am satisfied that there is no conflict with relevant design related policies.
18. No further areas of dispute have been raised by the parties in respect of the remaining qualifying criteria under, Class AA, therefore from what I have seen, and the evidence before me I find no reason to reach an alternative conclusion.

Conditions

19. Standard conditions are set out in paragraph AA.2 of Class AA, whilst paragraph AA.3.(15) allows further conditions to be imposed that are reasonably related to the subject matter of the prior approval.
20. The Council suggested a number of conditions which mirror those set out in paragraphs AA.2.(2) and AA.3. As those are automatically applied to prior approvals in Class AA it is not necessary to attach them as separate conditions.

Conclusion

21. For the reasons given above the proposal would conform to the requirements and criteria of Schedule 2, Part 1, Class AA of the GPDO. Furthermore, the proposal would satisfy the aims of the Framework and local development plan insofar as they relate to the character and appearance of the original property and the surrounding area.
22. For the reasons given I conclude that the appeal should succeed.

RE Jones

INSPECTOR