
Appeal Decision

Site Visit made on 21 September 2021 by Emma Grierson BSc (Hons) MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/A5840/D/21/3276389

71 Gainsford Street, London SE1 2NB

- 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, Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr James Errington against the decision of London Borough of Southwark.
 - The application Ref 21/AP/0420, dated 5 February 2021, was refused by notice dated 30 March 2021.
 - The development proposed is the addition of a single storey to existing two storey terraced house.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) was amended on 31 August 2020 to introduce Class AA to Part 1 of Schedule 2, setting out permitted development rights for development consisting of works for the construction of up to two additional storeys on an existing dwellinghouse that consists of two or more storeys, or for one additional storey on an existing single storey dwellinghouse, together with any reasonably necessary engineering operations.
4. Development is permitted under Class AA subject to various limitations and conditions. Paragraph AA.1(a) to (k) sets out a number of limitations with which a proposal must comply to fall within the scope of development permitted by the Class. In this case, there is no dispute as the Council have confirmed that the proposal would comply with these limitations. In addition, paragraph AA.2 sets out a number of conditions that must be complied with. The Council state that the proposal would harmfully impact the external appearance of the dwellinghouse, thus contravening the requirements of paragraph AA.2(3)(a)(ii).
5. Given that planning permission is granted by virtue of the Order, subject to conditions and limitations, the proposal does not require regard to be had to

the development plan. I have therefore only had regard to the policies of the development plan in so far as they are material to the matters for which prior approval is sought.

Main Issue

6. The main issue in the appeal is whether prior approval should be granted with regard to the external appearance of the dwellinghouse.

Reasons for the Recommendation

7. The appeal property is a two-storey terrace dwelling located within Tower Bridge Square, a small estate made up of terrace dwellings and flatted blocks. The terrace in which the appeal property is located is made up of other two-storey dwellings, however the remainder of the buildings within the estate are three or four storeys in height. The thirteen properties in this row are relatively uniform in scale and appearance with a distinctive design that contributes positively to the character and appearance of the area.
8. The proposal would add an additional storey to the property, following the form of the existing dwellings, and would include further accommodation within the roof. It is noted that other planning applications have been submitted to the Council to extend other properties within the terrace in a similar manner and that planning permission has previously been granted to extend all thirteen properties by two storeys. However, as the proposal relates solely to a single property, the appeal must be considered on a standalone basis.
9. Surrounding properties, including those within Tower Bridge Square and those opposite the appeal site, are greater in height than the appeal property and the terrace in which it is located. Although the proposal intends to replicate the height of these properties, its isolated projection above the current height of the terrace would be an incongruous addition within the streetscene. This disproportionate height would be a substantial departure from the current modest size and residential appearance of the property, resulting in a dwelling with an unbalanced and overly dominant appearance. Consequently, the proposal would cause significant harm to the external appearance of the host dwelling.
10. The appellant indicates that the Order permits extensions up to two storeys and that the Council's objections do not relate to the appearance or architectural/design features of the dwelling itself. Stating that a divergent relationship with adjoining buildings is an inevitable consequence of this particular permitted development right. Paragraph AA.2(3)(a)(ii) requires an assessment of the external appearance of the dwellinghouse including the principal elevation and any side elevation that fronts a highway. Whilst the assessment should include those elements, the Order does not explicitly exclude consideration of other matters such as the height in the wider context and the resultant impact on the streetscene. Nevertheless, the harm to the dwelling itself, as identified above, would be regardless of the adjoining properties and the harm found to the overall streetscene.
11. Therefore, having regard to all of the above, I conclude that the proposed development would have a harmful impact on the appearance of the dwellinghouse and therefore would fail to comply with paragraph AA.2(3)(a)(ii)

of Schedule 2, Part 1, Class AA of the GPDO and so would not constitute permitted development.

Other Matters

12. The appellant highlights that the Council consulted a large number of third parties on the prior approval application, which was contrary to paragraph AA.3(5). This states that the local planning authority must notify each adjoining owner or occupier about the proposed development, however it does not restrict the consultation of other parties outside of this realm. Therefore, this factor has no impact on my consideration of the appeal and the harm found.
13. Reference is made to an appeal decision¹ for which prior approval was granted under similar provisions. Whilst the proposal also relates to additional storeys to a building, the appeal decision indicates that the appeal property is a modern, three-storey block of flats. Therefore, it is not directly comparable to the small terrace dwelling in the appeal before me.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR

¹ APP/T1410/W/20/3263486