



Appeal Decision

Site Visit made on 12 October 2021

by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2021

Appeal Ref: APP/X5990/D/21/3274155

43 William Mews, London, SW1X 9HQ

- 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 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 Mrs Paula Buchanan against the decision of City of Westminster Council.
 - The application Ref 20/06905/APA, dated 30 October 2020, was refused by notice dated 16 April 2021.
 - The development proposed is for erection of a roof extension of the property by 3.5 metres with a matching roof pitch and materials to accommodate additional living space for the existing dwellinghouse.
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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 Prior Approval for the erection of a roof extension of the property by 3.5 metres with a matching roof pitch and materials to accommodate additional living space for the existing dwellinghouse, in accordance with the application Ref 20/06905/APA and the details submitted with it, and subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: EX02, EX03, EX04, P01, P02, P03, P04 and P05.
 3. The materials used in any exterior work shall match those used in the construction of the exterior of the existing dwellinghouse.
 4. Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated. The development shall be carried out in accordance with the submitted details.
 5. The developer shall notify the local planning authority of the completion of the development, in writing, as soon as reasonably practicable after

completion including the name of the developer, the address of the dwellinghouse and the date of completion.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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. As a prior approval there are two stages to assessment, the first being eligibility. The Council conclude that the proposal is eligible to be considered under the prior approval process and have not raised any conflict with the requirements of AA.1 (a)-(k) as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended (GPDO)). I have no evidence before me to conclude differently so, in that regard, the focus of this appeal will be the second stage of assessment – the prior approval merits assessment.
4. The National Planning Policy Framework (the Framework) and Development Plan policies, including supplementary guidance, 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

5. The main issue is whether or not the proposal would accord with the provisions of Part 1, Class AA, with particular regard to the external appearance of the dwellinghouse.

Reasons

6. The appeal site is a two-storey mid terraced town house dating from the 1960s. Occupying a small plot within a private mews of similarly designed dwellings but within a mixed and varied urban area, the proposal would see the construction of an additional floor involving the raising of the roofline by 3500mm. The proposal replicates both the existing roof pitch and fenestration detailing of the appeal property. The development would be constructed on the principal elevation of the dwellinghouse and accord with the height limitations set out in the GPDO. It would be built in matching materials and be articulated in a similar vein to the host property and thereby reflecting the character of the principal elevation.
7. I appreciate the concerns expressed by the Council and interested parties regarding the effect of the proposal on the character of the street scene given the uniformity in the architectural composition of this particular terrace within an attractive mews development. However, the wording of the GPDO relates specifically to the requirement to consider the external appearance of the dwellinghouse itself and not to the effects of the development on the surrounding area. The prior approval matters in respect of proposals under Part 1, Class AA do not mention the effects to the wider area.

8. The Council draws attention to the National Planning Policy Framework (the Framework) and its expectations that the planning system will deliver good design and address the connections between people and places and the successful integration of new development into its setting, which are key attributes of sustainable development. However, such matters have to be assessed within the remit and purpose set out in legislation. In so far as the appeal proposal is concerned, the GPDO expressly intends that enlargements of existing dwellinghouses involving the construction of additional storeys may take place irrespective of the impact on the surrounding area.
9. Given the above, the proposal would not result in unacceptable harm to the external appearance of the dwellinghouse when viewed in isolation as the GPDO suggests, particularly given my findings that the proposal would respect the architectural features of the principal elevation in terms of materials used and roofing and fenestration design.

Other Matters

10. A number of concerns have been raised by interested parties, notably regarding the effect of the development on the living conditions of neighbouring properties. As part of its assessment, the Council considered the impact of the proposal on the amenity of adjoining premises, as per the requirements of the GPDO. Moreover, a sunlight and daylight report was also considered as part of the assessment. The Council is satisfied that the appeal proposal would not give rise to such significant harm that would warrant a refusal under the GPDO, and I see no reasons to reach an alternative view.
11. I acknowledge the site's proximity to the Belgravia Conservation Area and Albert Gate Conservation Area. However, this has no bearing on the provisions of the GPDO and I am not required to take this factor into account.

Conditions

12. The GPDO explains that prior approval may be granted unconditionally or subject to conditions reasonably related to the impact of a proposal on the amenity of any adjoining properties. I have included conditions including the standard time limit for commencement of works and in relation to the specifying of approved plans to provide certainty. A condition relating to the use of appropriate materials is included to ensure that the development is visually acceptable. Conditions requiring the developer to submit a report for the management of the construction of the development and to notify the completion of the development to the local planning authority are included, in accordance with the relevant provisions of the GPDO.

Conclusion

13. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed and prior approval granted.

Gareth W Thomas

INSPECTOR