



Appeal Decision

Site visit made on 6 December 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2021

Appeal Ref: APP/M3645/W/21/3274120

Robinslade, Wilderness Road, Oxted, Surrey RH8 9HS

- 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 Christian Tym against the decision of Tandridge District Council.
 - The application Ref TA/2020/1706/NH, dated 8 October 2020, was refused by notice dated 5 February 2021.
 - The development proposed is described as This application is to build two additional storeys in line with Part AA of the GDPO.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above is taken from the first line of the description in section 5 of the application form. As stipulated in section 5 it also includes commentary relating to the merits of the proposal in relation to the requirements of Class AA of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). I have taken the other information into consideration in determining this appeal.
3. The decision notice confirms that prior approval is not given but does not state the reasons. The Council's reasoning is explained with reference to what it considers are the relevant parts of Class AA in the delegated report. I have had regard to this in setting out the main issues below.
4. Paragraph AA.2(3)(a) explains that before beginning the development, the developer must apply to the local planning authority for prior approval as to (ii) the external appearance of the dwellinghouse, including the design and architectural features of— (aa) the principal elevation of the dwellinghouse.... My determination is made on the same basis.

Main Issues

5. The main issues are:
 - whether the proposed development is compliant with paragraph AA.1(f)(ii) of Class AA of the GPDO; and,

- whether prior approval should be given, having particular regard to paragraph AA.2(3)(a)(ii) with reference to the external appearance of the dwellinghouse.

Reasons

Permitted development

6. Paragraph AA.1(f)(ii) of Class AA states that development is not permitted if following the development, the height of the highest part of the roof would exceed the height of the highest part of the existing by more than 7 metres. To the front the existing dwelling is approximately 3m above ground level at the highest part of the surface of the ground adjacent to it. The two storey extension would result in the highest part of the roof being approximately 7.9m above ground level at the highest part of the surface of the ground adjacent to it. The alterations would result in the dwellinghouse being approximately 4.9m higher, so it would not exceed the 7m limitation.
7. For the reasons set out above, the proposed development would meet the provisions of paragraph AA.1(f)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO. It is therefore necessary for me to consider whether prior approval should be granted having regard to the conditions in AA.2(3)(a).

External appearance

8. The appeal site dwelling is single storey to its front, appearing as a low level building but with a total of three storeys of accommodation internally facing to the side and rear of the plot above the steep ground slope. The frontage includes a projecting garage and porch under an irregular pitched roof form and part clad front elevation. It has some limited similarities with the neighbouring Hilldrop. However, it significantly differs from the other dwellings within its visual context.
9. The dwellings in the area encompass differing ages and vernaculars. However, with the exception of Hilldrop most of the dwellings appear as two or two and half storeys. From what I could see those nearby and within the visual context of the appeal site all integrate hipped and hipped gable roof forms. This forms part of the prevailing character and appearance of the area. Some properties nearby might be higher and larger than the appeal proposal, such as Brentwood and Hammerwood. However, their pitched roof appearance results in them being in keeping with the character and appearance of the area.
10. The proposed development would result in a significant increase in the height of the dwelling. It would be clearly viewed as a three storey frontage with a mono-pitched roof and a much lower subservient projecting porch/garage element. The proposed design seeks to replicate the size and relative position of the existing front facing room window. However, the new front elevation would result in considerable increase in form, bulk, and scale due to large extent of front elevation wall and relatively small windows. It would fundamentally alter the design and appearance of the principal elevation of the dwellinghouse.
11. The resulting three storey bulky mono-pitched roof appearance would result in the appearance of the dwellinghouse being highly incongruent, discordant with and harmful to the character and appearance of the existing dwellinghouse and the area. The approved one storey extension results in a significantly lower

dwelling with a different appearance, so it attracts limited weight. The proximity of the dwelling to the plot frontage and the increased height means it would be highly visible within the visual context of a number of nearby dwellings, including when viewed from Wilderness Road and Farley Park. In this regard it would relate particularly poorly to Hilldrop and Treetops to the south west.

12. Some elements of change are implicit in the permitted development rights under Class AA. Compliance with all the conditions in AA.2.(2) does not negate the requirement to also address the conditions under Class AA.2.(3). The approach to prior approval under Class AA is explained in paragraph 13-122-20210820 of the Planning Practice Guidance. It states that prior approval enables consideration raised by a development, so that it does not significantly affect the neighbourhood, including with reference to the external appearance of the building and the design and architectural features of the principal elevation.
13. For the reasons set out above, the proposed development would be significantly out of keeping and harmful to the character and appearance of the principal elevation of the dwellinghouse and the area. Having regard to paragraph AA.3(12) of the GPDO, the proposed development would conflict with paragraphs 126 and 130 of the National Planning Policy Framework (2021). These expect development should be visually attractive as a result of good architecture, be sympathetic to local character, and create high quality buildings or places.

Other Matters

14. The Council's view in respect of the living conditions of neighbouring occupiers is not clear, as the analysis in its delegated report does not suggest the development would be harmful, yet it concludes there would be significant harm. As the appeal is dismissed for other reasons I have not considered this matter further.

Conclusion

15. For the reasons given above, prior approval is not granted, and the appeal is dismissed.

Dan Szymanski

INSPECTOR