The Planning Inspectorate

Appeal Decision

Site visit made on 4 April 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2022

Appeal Ref: APP/P5870/D/21/3282111
176 Banstead Road, Banstead SM7 1QG

- 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(b) of the Town Country Planning (General Permitted Development) (England) Order 2015, as amended (the Order).
- The appeal is made by Mrs Angela Sales against the decision of the Council of the London Borough of Sutton.
- The application Ref DM2021/00768, dated 16 April 2021, was refused by notice dated 11 June 2021.
- The development proposed is the addition of one extra storey to existing dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Under Article 3(1) and Schedule 2, Part 1, Class AA(b) of the Order, planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, subject to any relevant exception, limitation or condition.

Main Issues

3. The main issues are:

   - whether the proposal would be permitted development under Class AA(b) of the Order having regard to the requirements of paragraphs AA.1(d), (h) and (i); and
   - if so, whether prior approval is required with regard to the conditions set out in paragraphs AA.2(3)(a)(i) and (ii).

Reasons

Permitted development

4. The existing dwellinghouse is a detached chalet bungalow. The proposal seeks to enlarge it by replacing the accommodation in the roof and increase it with a conventional first floor with a new roof above. This would create a two-storey house.

5. Under paragraph AA.1(i) development is not permitted by Class AA(b) if any additional storey is constructed other than on the 'principal part' of the dwellinghouse. Paragraph AA.4 defines the principal part of a dwellinghouse as

'the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition'.

6. The additional storey would be narrow in depth and span the entire width of the chalet bungalow, including above the part annotated in the 'as existing' ground floor plan as a lobby, study and bathroom[1]. However, this part of the existing dwellinghouse is, or includes, a single storey ground floor side extension added after the chalet bungalow was originally built. It is lower in height than the main, taller central part of the building which includes the accommodation in the roof. The additional storey would not, therefore, be constructed entirely on the principal part of the dwellinghouse.

7. Consequently, the proposal would not comply with paragraph AA.1(i) and as a result it would not be permitted development under Class AA(b) of the Order.

8. Paragraphs AA.1(d) and (h) are also in dispute. However, there is no need for me to consider these requirements because I have already found that the proposal would not be permitted development.

Prior approval

9. The conditions set out in paragraph AA.2(3)(a)(i) relate to the impact of the proposal on the amenity of any adjoining premises, and in (ii) to the external appearance of the dwellinghouse.

10. Given my finding in relation to the first main issue, I do not need to consider these prior approval matters as it would not alter the outcome of the appeal.

Conclusion

11. For the reasons set out above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR

[1] drawing number J003738-DD-03