



Appeal Decision

Site visit made on 16 May 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022

Appeal Ref: APP/L5810/W/21/3288987

Courtyard Apartments, 70B Hampton Road, Teddington, TW11 0JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Bart William Properties Ltd against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 21/2773/GPH01, dated 29 July 2021, was refused by notice dated 6 October 2021.
 - The development proposed is described as "Notification for prior approval for the upward extension of two storeys to provide an additional 4 flats (C3) to an existing detached block of flats."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.
3. Development under Class A is not permitted if it conflicts with any of the limitations set out in paragraph A.1. It must also comply with the conditions specified in paragraph A.2. The Council has identified no conflict with paragraph A.1, and I see no reason to find otherwise.
4. Since this appeal was submitted a High Court judgment in the case of *Cab Housing & Others v Secretary of State for Levelling Up, Housing and Communities & Others* [2022] EHC 208 (Admin) has been issued. This judgment addresses development under Part 20 of the GPDO. The comments of the main parties on this judgment were sought and have been considered as part of my determination of this appeal.
5. The Council refers to policies in the London Borough of Richmond Upon Thames Local Plan in its reasons for refusal. However, the prior approval process does not require assessment of a proposed development against the policies of a development plan. I have taken note of the policies, but only so far as they are relevant to the prior approval.

Main Issues

6. The main issue is whether prior approval should be granted having regard to the external appearance of the building.

Reasons

7. The building is a three-storey block of flats with two forward projecting wings and a cross wing set back from the site's frontage onto Hampton Road. There is significant variety in the character of surrounding buildings both in the Hampton Road street scene and in Alpha Road from which the appeal property is also visible. Neighbouring properties are generally two or three storeys in height, although some properties also have a sunken lower level that is wholly or mostly below street level.
8. The proposed development would increase the height of the cross wing by one storey with additional accommodation in the roof involving front and rear dormers. The additional height of the building, taken together with the inclusion of four dormers to each of the front and rear roof slopes, would significantly increase the height and bulk of the building.
9. My attention has been drawn to the presence of four and five storey buildings in the wider area, as well as to mansard roof forms. However, in the immediate vicinity of the site the existing building is already the largest due to its height and footprint. The increased size resulting from the proposed development would result in a building that would be overly prominent, dominant and incongruous in its setting.
10. The proposed extension would be finished in materials sympathetic to the existing building. The general proportions of the extension and window alignment would also be in line with the existing building. However, this would not be sufficient to offset the harm arising from the additional height and bulk.
11. My attention has been drawn to two recent appeal decisions made by Inspectors following the *Cab Housing* judgment. I do not have the full details of these cases before me, but I have reviewed the decisions. In the Avenue Court case the Inspector found that the existing building was already of a much larger overall scale in comparison to its neighbours. While the appeal property in this instance is larger, it is not much taller than its neighbours. The Inspector was therefore dealing with a different circumstance to that before me. In the Austin House case, the Inspector found that the appeal property was a building that responded to a number of different urban contexts, none of which had an especially close visual or other tie with the appeal property, including in relation to the scale of different buildings. The context and setting of that appeal property therefore differed from this case, as the existing height of the building is in scale with that of the surrounding properties. Given the identified differences these decisions only carry moderate weight in my determination of this appeal.
12. Part 20, Class A, Paragraph B.(15) of the GPDO requires that decision makers have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval. The proposed development would deliver four new flats, supporting the Government's objective of significantly boosting the supply of homes. The development would make effective use of an existing building, avoiding the need to develop greenfield sites.

13. Nonetheless, the proposed development would not be consistent with the prevailing height and form of neighbouring properties and the overall street scene and would fail to add to the overall quality of the area or be sympathetic to local character. The external appearance of the building would therefore be unacceptable. The appeal proposal, as a result, would fail to comply with Condition A.2.(1)(e) of Part 20, Class A, of the GPDO.

Conclusion

14. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR