



Appeal Decision

Site visit made on 20 June 2022

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27TH June 2022

Appeal Ref: APP/A0665/D/21/3285899

6 Woodlands Road, Neston CH64 6RT

- 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 Mark McDonald against the decision of Cheshire West and Chester Council.
 - The application Ref 21/03646/PAA, dated 12 August 2021, was refused by notice dated 29 October 2021.
 - The development proposed is to extend the existing main part of the building at first floor level with another floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be granted planning permission by Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

Reasons

3. Under Schedule 2, Part 1, Class AA of the GPDO, planning permission is granted for the enlargement of a dwellinghouse consisting of works for the construction of up to two additional storeys on an existing dwellinghouse that consists of two or more storeys. However, there are limitations set by AA.1 of Part 1 which, if not met, mean that such development is not permitted by the GPDO.
4. One of the limitations whereby development is not permitted by Class AA is where the floor to ceiling height of any additional storey, measured internally, would exceed the lower of (i) 3m; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse.
5. The plans submitted with the prior approval application indicate that the floor to ceiling height of the existing ground and first floor rooms are around 2.4m and 2.3m respectively. From what I can ascertain, the plans indicate that the additional storey would have a floor to ceiling height which would exceed both 3m and the floor to ceiling height of the existing storeys of the house.

6. Therefore, the proposal does not satisfy the limitations in relation to ceiling heights and the development is not granted planning permission by Schedule 2, Part 1, Class AA of the GPDO.
7. As the proposal would not be permitted development, there is no need for me to consider the prior approval matters relating to the impact on the amenity of adjoining premises and the external appearance of the dwellinghouse.
8. For the above reasons the appeal is dismissed.

Mark Dakeyne

INSPECTOR