



Appeal Decision

Site visit made on 13 June 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2022

Appeal Ref: APP/N0410/W/21/3287827

16 Warwick Road, Beaconsfield, HP9 2PE

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ronnie Morgan (West Lodge Capital Ltd) against the decision of Buckinghamshire Council.
 - The application Ref PL/21/1596/PADDC, dated 16 April 2021, was refused by notice dated 27 August 2021.
 - The development proposed is described as "Prior approval for proposed addition of two storeys to provide six new dwellings on an existing detached building in commercial use (Schedule 2, Part 20, Class AA) (maximum height increase 5.551m).".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council referred to Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) in its reason for refusal. However, it is clear from the delegated report that the proposed development was assessed against Schedule 2, Part 20, Class AA of the GPDO. I have determined the appeal accordingly.
3. Schedule 2, Part 20, Class AA of the GPDO permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building.
4. Development under Class AA is only permitted where no conflict exists with the limitations set out in paragraph AA.1 or the conditions set out in paragraph AA.2. The Council has identified no conflict with paragraph AA.1, and I see no reason to disagree with this conclusion.
5. Since this appeal was submitted a High Court judgment has been issued in the case of *Cab Housing & Others v Secretary of State for Levelling Up, Housing and Communities & Others* [2022] EWHC 208 (Admin). This judgment addresses development under Part 20 of the GPDO. The main parties were invited to comment on the judgment, and I have considered their comments in determining this appeal.
6. An appeal by the same appellant for the neighbouring property at 20 Warwick Road is the subject of a separate decision.

Main Issue

7. The main issue is whether the proposed development would be acceptable in terms of its effect on the external appearance of the building, including the design and architectural features of the principal elevation.

Reasons

8. No 16 Warwick Road is three storeys in height and, together with the neighbouring building No 20, is one of the tallest buildings in the immediate area. The Warwick Road street scene is characterised principally by a mix of two to three storey buildings of varied appearance. No 16 is a prominent feature in the street scene due to its height and relatively elaborate appearance including a projecting first floor bay window and the balcony to the dormer window above.
9. An increase in height of two additional storeys in this context would make No 16 substantially taller than any other building in the street scene. As a result it would be a dominant and incongruous feature not in keeping with the established pattern and scale of development in Warwick Road which continues into Penn Road where properties are of a similar two to three storey scale.
10. The GPDO requires that for prior approval proposals under Part 20 regard be had to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval. It is inevitable that development under Part 20, Class AA will result in some change to the character of the property and the wider street scene. The GPDO does not place any requirement on such development to not exceed established local height. No 16 is not in a Conservation Area, nor in any other such area that is particularly sensitive to change, and the development would maintain the general character and appearance of the building. The development involves the reuse of brownfield land. It would deliver additional housing, for which there is a need, in a sustainable town centre location.
11. Nevertheless, the scale of proposed development and the effect on the character of the area is such that these considerations would not outweigh the harm that would result from it.
12. The appellant has referred to the proposal for a similar upward extension to No 20, which is also in their ownership. However, there is no mechanism before me to guarantee that both proposals would be built out if I were to allow both appeals. Even if both developments were to be carried out, while their height and detailed appearances would be similar to one another, two neighbouring five-storey buildings in this street scene would still be overly prominent and dominant.
13. The proposed development would therefore not be consistent with the prevailing height and form of the Warwick Road street scene as the external appearance of the building would not be acceptable. It would therefore fail to comply with Condition AA.2(1)(e) of Part 20, Class AA of the GPDO.

Conclusion

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

M Chalk

INSPECTOR