



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/21/3287828

20 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 A 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/21/1598/PADDF, 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 2 new dwellinghouses on a detached block of flats (Schedule 2, Part 20, Class A) (maximum height increase 5.496m)."
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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 (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 would conflict with any of the limitations set out in paragraph A.1. It must also comply with the conditions set out in paragraph A.2. The Council has not identified any 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] EWHC 208 (Admin) has been issued. This judgment addresses development under Part 20 of the GPDO. The comments of the appellant and Council were sought on the judgment and have been considered as part of my determination of this appeal.
5. A separate appeal by the same appellant has been submitted for the neighbouring property, No 16. This appeal is the subject of a separate decision.

Main Issue

6. The main issue is whether the proposed development would be acceptable in terms of its effect on the external appearance of the building.

Reasons

7. No 20 Warwick Road a three-storey building. Together with the neighbouring building No 16 it is one of the tallest buildings in the surrounding street scene. Warwick Road is characterised mainly by two to three storey buildings, although the neighbouring restaurant and garage are significantly smaller. No 20 is prominent in the street scene because of its height, width and detailed appearance which includes multiple dormer windows, projecting bay windows and a balcony to the front elevation.
8. The proposed increase in height to five storeys would make No 20 much taller than any other building in the street scene, which would be particularly apparent next to the neighbouring restaurant and garage. The resulting building due to its increased height together with its width and relatively ornate appearance would be unduly dominant and incongruous in the Warwick Road street scene, and out of keeping with the established scale of development.
9. 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. The proposed development would deliver new dwellings, which are needed in the area. It would support the Government's objective of boosting the supply of homes. The proposal is to extend an existing building, therefore making use of a brownfield site. The building is in a sustainable town centre location. Change in the appearance of a building is accepted as part of any development under Part 20, and the appeal site is not in a Conservation Area or other location that is particularly sensitive to change. The GPDO does not require that such development adhere to any established local height.
10. However, in this instance the increase in height of No 20 and resulting effect on the character and appearance of the area would be such that it would outweigh these considerations.
11. The appellant has referred to the similar proposal for an upward extension of two storeys to No 16 which is also in their ownership. However, no mechanism has been submitted that could guarantee both proposals would be carried out if both appeals were allowed. Even if I were to allow both appeals and Nos 16 and 20 were both extended, two five-storey buildings in this location would be overly prominent and dominant, notwithstanding their similar height and external appearances.
12. The appeal proposal would therefore not be consistent with the prevailing height and form of the Warwick Road street scene, so the external appearance of the building would not be acceptable. It would therefore fail to comply with condition A.2(1)(e) of Schedule 2, Part 20, Class A of the GPDO.

Conclusion

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

M Chalk

INSPECTOR