
Appeal Decision

Site visit made on 17 May 2022 by M Long

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/L5810/D/21/3281518

175A Burtons Road, Hampton Hill, TW12 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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) (GPDO).
 - The appeal is made by Mr Harrison Gurney against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/1151/GPH07, dated 8 April 2021, was refused by notice dated 3 June 2021.
 - The development proposed is the erection of second storey over existing single storey dwelling to form two storey dwelling. Proposed fenestration and finishes on elevations to match existing in terms of style, colour & material.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concern relates only to condition AA.2(3)(a)(ii) and it refused prior approval on this basis. This requires consideration of the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.

Main Issue

4. The main issue is whether prior approval should be granted for the proposal having regard to the external appearance of the dwellinghouse.

Reasons for the Recommendation

5. The appellant has stated that the wording of AA.2(3)(a)(ii)(aa) should limit an assessment of the proposal's external appearance to the front elevation only, and not empower the decision-maker to assess the development in its wider context. However, a Judgement (CAB Housing Ltd and others v SSLUHC and others [2022] EWHC 208 (Admin)) was made which has clarified that for Class

AA proposals the control of the external appearance of the dwelling is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.

6. The appeal site is a single-storey, flat-roofed dwelling that is attached to No 175, a two-storey dwelling with a hipped roof. There is moderate spacing between the appeal dwelling and its neighbour to the east, No 173, which is also a two-storey dwelling. This area is characterised by a variety of housing styles, including a large number of semi-detached pairs. Most roof forms are hipped or pitched, but there are some flat-roofed, single-storey structures. On the whole, the detached dwellings and semi-detached pairs in the surrounding vicinity are separated by broadly consistent and notable distances at first floor level.
7. The proposed additional storey would match the external materials of the existing dwelling and the fenestration on the front elevation would align with the openings below. It would incorporate a flat-roof and the eaves would be raised above the height of the eaves at Nos 173 and 175. The additional storey would be separated from the neighbouring properties by modest distances.
8. Although the eaves of Nos 173 and 175 differ in height, they remain broadly similar and in keeping with the architectural style in this locality. The proposed eaves would be raised significantly above those of both neighbouring properties, the prominence of which would be exacerbated by the unusual flat-roof design at this level. The height of the proposed eaves would ensure acceptable space standards for the internal accommodation. Nevertheless, I must have regard to the external appearance of the dwellinghouse, including its impact on the locality, which would feature incongruously in this context.
9. The proximity of the additional storey to the neighbouring properties would appear out of keeping with the established pattern of spacing between dwellings at the first floor level in the vicinity. While the gap to No 173 would be the same at first floor level as the existing dwelling, it would nevertheless be significantly smaller than is usual for the area. The gap to No 175 would be smaller again. This proximity, in combination with the proposal's overall height, roof form and level of the eaves, would relate unsympathetically to the character and appearance of the Burtons Road streetscene.
10. Paragraph 120(e) of The National Planning Policy Framework (the Framework) supports opportunities to use the airspace above existing residential premises for new homes, rather than extending existing dwellings. In any event, the Framework seeks to ensure such developments are consistent with the form of neighbouring properties and the overall streetscene. In this instance, the unsympathetic design of the proposal, in particular its eaves, would relate poorly to neighbouring properties.
11. Overall, the proposal would result in unacceptable harm to the external appearance of the dwellinghouse and with the Framework requirement to achieve high quality design that adds to the quality of an area. Although not determinative in this prior approval appeal, the proposal would also conflict with Policies LP1 and LP2 of the Local Plan, adopted July 2018, which collectively, and amongst other matters, require development proposals to respect local character and context.

Other Matters

12. While the proposal would provide improved accommodation for the appellant, this matter does not form a consideration under the prior approval process and cannot override the harm found against the main issue.
13. Concerns have been raised regarding the Council's handling of the application process, in particular a lack of opportunities for communication. However, this is not a matter to which I can have regard in determining this appeal.

Conclusion and Recommendation

14. For the reasons given above, I recommend that the appeal should be dismissed and prior approval should be refused.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L McKay

INSPECTOR