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# Appeal Decision

Site visit made on 8 August 2022

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 August 2022**

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**Appeal Ref: APP/Z3635/D/22/3290184**

**12 Thames Meadow, Shepperton TW17 8LT**

- 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 Class AA of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Robert Frater against the decision of Spelthorne Borough Council.
  - The application Ref 21/01570/PST, dated 6 October 2021, was refused by notice dated 1 December 2021.
  - The development proposed is prior approval notification for an additional storey above an existing detached bungalow measuring a maximum height of 6.15 metres (As shown on plans: 12TM/1/01; 02; 12TM/PD1/ 06 and location plan received 06.10.2021).
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site address and description of development above are taken from the appellant's appeal form and Council's decision notice as these are more precise than those given in the original application form.
3. I have also dealt with another appeal (Ref APP/Z3635/W/21/3284482) on this site. That appeal is the subject of a separate decision.
4. During the course of the appeal the CAB Housing Ltd<sup>1</sup> judgment was issued. The main parties had the opportunity to comment and I have taken any made into account.
5. 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) grants planning permission for the enlargement of a dwellinghouse by construction of additional storeys. The Council concluded that the proposal would comply with the conditions and limitations set out at paragraph AA.1 of Class AA, such that it would fall within the scope of permitted development rights, subject to consideration of relevant matters of prior approval. On the evidence before me I see no reason to take a different view.

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<sup>1</sup> CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

## **Main Issue**

6. The main issue is whether or not prior approval should be granted having regard to the effect of the proposal on the external appearance of the dwellinghouse.

## **Reasons**

7. The appeal site relates to a detached bungalow situated in a ribbon of residential properties within a defined Plotland Area on Thames Meadow. The appeal property features a shallow pitched roof with a flat roof extension to the side. The property is set back a short distance from the road with a private rear garden which is bound by the River Thames. Whilst there is some variety in the scale and design of properties on Thames Meadow, the prevailing character is that of detached bungalows, some of which include accommodation within their roof spaces. This contributes to a harmonious and ordered character to the area.
8. The proposed first floor extension, including its roof form, window arrangements and materials, would reflect the existing building. However, the addition of the first floor and consequent increase in scale, bulk and massing of the building would appear noticeably out of place with the existing property and neighbouring properties, which are predominantly single storey or chalet style bungalows. The proposal would be an incongruous feature which would fail to reflect the prevailing pattern and scale of development on Thames Meadow, the character and appearance of which would be undermined.
9. The appellant says that the scale of the proposed extension would be similar to those properties which have been extended elsewhere in Thames Meadow. However, whilst there are some dwellings which are larger in scale than others, the majority are designed as chalet type bungalows with accommodation within the roofs. The appeal proposal would result in the property appearing as a two storey dwelling which would not reflect the character of the existing property, those on either side of it, or the surrounding area more generally.
10. The appellant has also drawn my attention to two appeal decisions relating to prior approvals for additional storeys and their consideration of external appearance. However, full details of those development proposals have not been provided and the appeal decisions were issued prior to the CAB Housing Ltd judgment which confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality. On the basis of the information before me, the two appeal decisions referred to by the appellant do not provide reason to alter my findings.
11. Consequently, the development proposed would cause harm to the external appearance of the dwellinghouse, in conflict with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO. It would also conflict with the objectives of the National Planning Policy Framework (the Framework) in chapter 12, particularly paragraph 130 which, among other things, requires developments to add to the overall quality of the area and be sympathetic to local character including the surrounding built environment.
12. I have also had regard to the policies of the development plan only insofar as they are a material consideration relevant to the main issue. The development

proposed would conflict with Policies EN1 and EN2 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) which, among other things, require a high standard of design and seek to ensure that new development contributes positively to the street scene and character of the area.

### **Other Matters**

13. I am mindful that no objections have been received from neighbouring residents or statutory consultees in relation to this proposal, but this is not a ground for allowing the appeal unless founded upon valid planning reasons. I have found harm in this instance.

### **Conclusion**

14. Given my findings above with regard to the effect on the external appearance of the dwellinghouse, the proposal would not constitute permitted development under the terms of Schedule 2, Part 1, Class AA of the GPDO. Consequently, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*M Ollerenshaw*

INSPECTOR