
Appeal Decision

Site visit made on 24 November 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2022

Appeal Ref: APP/Y3940/D/22/3297182

15 Highfield Rise, Shrewton, Salisbury SP3 4DZ

- 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 Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Ian De-Maria against the decision of Wiltshire Council.
 - The application Ref PL/2021/11842, dated 21 December 2021, was refused by notice dated 22 February 2022.
 - The development proposed is construction of upper storey to existing single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is permitted development under Schedule 2, Part 1, Class AA of the GPDO.

Procedural Matter

3. In the interests of clarity, the description of development in the banner heading above has been taken from the Council's decision notice. The appeal has been considered accordingly.

Reasons

4. Paragraph AA.1. (h) under Schedule 2, Part 1, Class AA of the GPDO is clear that development is not permitted where the floor to ceiling height of any additional storey, measured internally, would exceed the lower of (i) three metres or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse.
5. Notwithstanding the Council's measurements, which are slightly different compared to the appellant's, it is not disputed that the upper ceiling height would be greater than the lower ceiling height of the dwelling. This is shown on the cross-sectional drawing provided. Consequently, the development is not permitted under the GPDO.

6. Whilst the appellant suggests the measurements can be rectified, it is not for me to consider fundamental changes to the proposal under the appeal. For example, there is no evidence that it would be appropriate for changes of this nature to be secured by condition and that there is specific authority for doing so under this part of the GPDO¹.
7. Consequently, the only reasonable conclusion based on the evidence in front of me is that such changes would need to come forward under a fresh application submitted to the Council.

Other Matters

8. Given my finding on the main issue in relation to whether the proposal is permitted development, it has not been necessary to make a finding on matters of prior approval pursuant to the Council's second reason for refusal², as this would make no difference to the outcome of the appeal.

Conclusion

9. For the reasons given above, the development is not permitted under the GPDO, and the appeal is dismissed.

Liam Page

INSPECTOR

¹ There is no general authority to attach additional conditions pursuant to GPDO prior approvals.

² Or any evidence to that end, including other appeals cited by the appellant, among other things.