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# Appeal Decision

Site visit made on 11 January 2023

**by David Smith BA(Hons) DMS MRTPI**

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

**Decision date: 16 January 2023**

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**Appeal Ref: APP/M3645/D/22/3290353**

**17 Stafford Close, Caterham, CR3 6JP**

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Rohit Raval against the decision of Tandridge District Council.
  - The application Ref TA/2021/1638/NH, dated 9 July 2021, was refused by notice dated 18 October 2021.
  - The development proposed is erection of single storey upwards extension over the main roof of the existing dwelling to create two bedrooms with ensembles.
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## Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of single storey upwards extension over the main roof of the existing dwelling to create two bedrooms with ensembles at 17 Stafford Close, Caterham, CR3 6JP in accordance with application Ref TA/2021/1638/NH, dated 9 July 2021 and the site location plan and drawing number 101 submitted with it, subject to the following condition:-
  - 1) The external materials to be used in the construction of the extension hereby approved shall match those used in the existing dwelling.

## Preliminary Matters

2. Class AA of Part 1 of the Order contains a permitted development right for the enlargement of a dwellinghouse by the construction of additional storeys. This provision is subject to several conditions and limitations. One of these requires an application for prior approval to be made as to the external appearance of the dwellinghouse.
3. In determining an application, the local planning authority must take any representations made into account. It must also have regard to the National Planning Policy Framework so far as relevant to the prior approval matters and as if the application were a planning application. The same approach will be taken in deciding the appeal.

## Main Issue

4. The effect of the proposed extension on the external appearance of the dwellinghouse.

## Reasons

5. The appeal property is a two-storey end of terrace dwelling located at the top of a residential cul-de-sac and adjacent to a group of lock-up garages. It is part of a uniform row of eight properties. In the wider area there is a larger block of flats to the north and the properties on the other side of the railway line to the east are at a higher level. Stafford Close is also well below the level of Stafford Road to the west.
6. The original description of development indicated that the additional floor would match the original dwelling with suitable materials and fenestration. Indeed, the gable end and roof pitch of the existing house would be repeated and the proposed windows in the front elevation would emulate those below. Although the principal elevation would have a more vertical emphasis, the proposal would reflect the design of the existing building and so would have a complementary external appearance.
7. The provisions of the Order do not refer to the need to assess the effect of upward extensions on the character and appearance of the surrounding area. It is nevertheless legitimate to consider the external appearance of the dwellinghouse within the context of its surroundings.
8. In this respect the proposal would be some 2.5m higher than the ridge of the terrace. However, the extended dwelling would be seen in conjunction with the taller development in the vicinity. From the rear it would be viewed against the large dormer at No 16. The resulting dwelling would appear as an 'end-stop' in Stafford Close. This architectural device is not uncommon and so the house as extended would not appear as an unnatural feature. In addition, due to the diversity of the wider locality and its secluded location, the dwelling as enlarged would not be visually dominant.
9. Therefore the effect of the proposed extension on the external appearance of the dwellinghouse would be satisfactory.

## Other Matters

10. Because of the separation to the properties in Stafford Road and their greater relative height, there would be no overlooking of them or loss of privacy or light. There are already rear facing upper floor windows at the appeal dwelling. Due to the angles, views down into the neighbouring conservatory at No 16 would be restricted and so the enjoyment of that property would not be significantly impaired. Indeed, no adverse impact on the amenity of any adjoining premises would occur.
11. Issues relating to parking are not covered by the prior approval process and any future change to a house in multiple occupation would require planning permission. However, the accommodation is intended to provide additional living space for the appellant's growing family whilst enabling them to remain in the community.

## Conditions

12. As specified by paragraph AA.3(14) of the Order, the development must be carried out in accordance with the approved details. Paragraph AA.3(15) allows for the imposition of conditions reasonably related to the subject matter

of the prior approval. In order to secure an appropriate appearance the use matching materials should be secured.

13. The Order also prescribes several conditions in relation to implementation in paragraph AA.2(3). In particular, before beginning the development a report for the management of its construction must be provided to the local planning authority. Development must also be completed within 3 years of the date of this decision and the local planning authority must be notified as soon as reasonably practicable after completion.

### **Conclusion**

14. For the reasons given the appeal should succeed and prior approval should be granted.

*David Smith*

INSPECTOR