



---

## Appeal Decision

Site visit made on 28 February 2023

**by V Simpson BSc (Hons) MSc MRTPI**

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

**Decision date: 24 MARCH 2023**

---

**Appeal Ref: APP/A3655/D/22/3303539**

**20 Larchwood Road, Woking, Surrey GU21 8XB**

- 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 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended.
  - The appeal is made by Mr and Mrs R Beaumont against the decision of Woking Borough Council.
  - The application Ref PLAN/2021/1311, dated 3 December 2021, was refused by notice dated 11 May 2022. The development proposed is 'Prior approval for the construction of an additional storey to the existing bungalow to a proposed ridge height of 8.35m'.
- 

### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended (the GPDO), for the construction of an additional storey to the existing bungalow to a proposed ridge height of 8.35m at 20 Larchwood Road, Woking, Surrey GU21 8XB in accordance with the application Ref PLAN/2021/1311, dated 3 December 2021, and the details submitted with it, and which include the Block Plan and drawing number 2110/1/PA.

### Preliminary Matters

2. The description of development has been taken from the appeal form. I have amended it to correct spelling where appropriate.
3. The proposed development as indicated on the first-floor plan initially submitted as part of the application, included the provision of bedrooms located to the rear of the house and either side of a more centrally located stairwell and en-suite bathroom. Amended floorplans were later submitted showing an alternative layout and glazing details. The application was determined on the basis of the amended proposals. The appellant seeks that this appeal be determined on the basis of the plans which were originally submitted in support of the application.
4. Annex M.1.1 of The Procedural Guide – Planning Appeals – England advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh application. Annex M.1.2 of the same guide further advises that if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. My consideration of the originally

submitted scheme would not prejudice the interests of the Council or any other interested parties. This is because they have had the opportunity to make comment on the originally submitted plans, and to submit representations following the lodging of the appeal. This appeal has therefore been assessed based on the plans upon which the application was originally made. I have had regard to the Wheatcroft principles<sup>1</sup> and the degree of engagement for all parties in coming to this view.

### **Background and Main Issue**

5. Under 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.
6. Paragraph (3) of Class AA.2. of the GPDO requires that before beginning the development, the developer must apply to the local planning authority for prior approval as to the impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light. Class AA.3. Paragraph (3) authorises the local planning authority to refuse such an application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development rights.
7. The main issue is the effect of the development on the living conditions of the occupiers of number 19 Larchwood Road (number 19), with particular regard to outlook and daylight.

### **Reasons**

8. In the gap between the single storey bungalow at number 19 and the dwelling on the appeal site (number 20) is a single storey garage building and a car port. As a result, there is a fairly substantial separation distance between the sides of the dwellings at numbers 19 and 20. There is also a tall close boarded fence which divides the properties. There are ground floor windows in the side elevation of number 19 which face the side of the dwelling on the appeal site.
9. At the time of my site visit, number 19 appeared to be subject of construction works/alterations. From the evidence before me, I cannot be certain of the extent of the work being undertaken. However, I note that there is an extant permission authorising side and rear additions to that dwelling<sup>2</sup>. The implementation of the planning permission would result in ground floor bedroom windows being provided which face the side of the dwelling on the appeal site.
10. The development subject of this appeal includes a proposal to raise the eaves and ridge height of the dwelling at number 20. Such a proposal would result in the scale, bulk and massing of the dwelling being increased. However, the reduction in outlook available to the occupiers of number 19, from the existing and/or authorised windows in their property would be very limited. This is due to the presence, height and proximity of the existing intervening boundary fencing, and the generous separation distance between the house at number 20 and the shared boundary.

---

<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

<sup>2</sup> application reference PLAN/2020/0861

11. In respect of daylight, the proposed upward extension would conflict with the guidance contained within Woking Borough Council's Outlook, Amenity, Privacy and Daylight Supplementary Planning Document 2022 (the SPD). However, the SPD advises that the guidance should be applied flexibly, having regard to the individual circumstances of each case. Whilst the upward extension would reduce the amount of daylight which would be able to enter the rooms adjacent to the side gable, for the same reasons as cited in respect of outlook, the reduction in daylight would be small. In the absence of any compelling evidence to the contrary, I find that the level of daylight to these rooms would continue to be sufficient to ensure a high standard of living for the occupiers of number 19.
12. For the reasons given above, the proposed development would not result in any unacceptable harmful effects on the living conditions of the occupiers of Number 19 Larchwood Road, with particular regard to outlook and daylight. Consequently, and in these respects, it would comply with the National Planning Policy Framework 2021, where it requires development to provide a high standard of amenity for existing users.

### **Other Matters**

13. The dwelling at number 20 has opening rooflights within its rear garden facing roof-plane. These windows serve 2 first floor bedrooms, as well as providing light over the stairwell. From the rooflight serving the bedroom closest to number 21 Larchwood (number 21), much of the mid and rear sections of the rear gardens serving both the host dwelling and of number 21 can be viewed. The proposed first floor window closest to number 21 would be larger and it would be located closer to the boundary between the properties than the existing rooflight. However, the presence of the single storey garage building which extends to the side and rear of the dwelling at number 21, would prevent any unacceptable loss of privacy over the section of the garden closest to the rear of the dwelling at number 21.
14. Due to the proximity of the appeal site to the junction between Larchwood Road and Gorsewood Road, it would also be possible for parts of the rear gardens at 63, 65 and 67 Gorsewood Road to be seen from the proposed first floor rear windows. However, due to the separation distance of these gardens from the rear of number 20, and the presence of the intervening garden at number 21, as well as the intervening boundary treatments, the occupiers of these properties would not incur any unacceptable loss of privacy within their rear gardens.
15. Within their delegated report the Council have indicated that the appeal site is located within zone B of the Thames Basin Heaths Special Protection Area (SPA). SPA's are recognised as European sites under the Conservation of Habitats and Species Regulations 2017.
16. Article 3(1) of the GPDO 2015 grants planning permission for the classes of development described as permitted development in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the

management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77.

17. The Council advise that no such application under regulation 77 has been made. However, it is a requirement that these regulations to be adhered to, prior to the commencement of the development.
18. The process outlined above is administered under separate legislation, which is distinct from the scope of this appeal decision. Therefore, there is no need for me to consider this matter further as part of my decision.

### **Conditions**

19. Sub paragraphs (2) and (3) of AA.2 identify conditions which must be met for development to be undertaken under Schedule 2, Part 1, Class AA of the GPDO. Amongst other requirements, is the need for the roof pitch of the principal part of the dwellinghouse following the development to be the same as the roof pitch of the existing dwellinghouse. It is also a requirement that the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house, and that following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse. The conditions also require the development to be completed within 3 years starting with the date prior approval is granted, and for the developer to notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. It is not therefore necessary to impose the first four conditions suggested by the Council, as to do so would duplicate parts of sub paragraphs (2) and (3).
20. The Council have requested a further condition be imposed requiring that certain windows/parts of windows be obscurely glazed and non-opening. However, even if the first-floor windows in the rear elevation were clear glazed and fully opening, I have found that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties. Therefore, such a condition is not necessary.

### **Conclusion**

21. For the reasons given above, I conclude that this appeal should be allowed and approval granted.

*V Simpson*

INSPECTOR