



Appeal Decision

Site visit made on 3 July 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/K3605/D/23/3317253

9 Courtleas, Cobham, Surrey KT11 2PW

- 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 Roger Price against the decision of Elmbridge Borough Council.
 - The application Ref 2022/3648, dated 1 December 2022, was refused by notice dated 18 January 2023.
 - The development proposed is the construction of an additional storey above the outline of the original footprint of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referenced development plan policies in its officer's report, which the appellant has responded to as part of the appeal. However, the principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and the provisions of Schedule 2, Part 1, Class AA of the GPDO do not expressly or otherwise require determination of the appeal on the basis of section 38(6) of the Planning and Compulsory Purchase Act 2004. I have therefore had regard to the policies of the development plan only in so far as they relate to the matters set out at paragraph AA.2 (3) of the GPDO.

Main Issue

3. There is no dispute between the parties that the proposed development would be permitted under Schedule 2, Part 1, Class AA of the GPDO, provided it would meet the conditions set out at paragraph AA.2 of the GPDO. From the evidence before me, there is nothing to lead me to a different conclusion.
4. The main issue is, therefore, whether prior approval should be granted when the proposed development is assessed against condition AA.2 (3) (a) (ii) of the GPDO in relation to the external appearance of the dwellinghouse.

Reasons

5. Courtleas is a cul-de-sac consisting of similar bungalows, with the exception of Tudor Court, a large historical house positioned at the entrance to the cul-de-sac. The bungalows follow the sloping topography of the highway, which drops from the entrance to the closed end of the cul-de-sac. The ground level of the bungalows generally steps down with the topography, with some elevated

slightly above the highway and others set below. While this has allowed some of the bungalows to construct a garage at a lower ground level resulting in a two-storey element to these properties, none of the bungalows have been extended upwards meaning there is a large degree of uniformity in their scale. Notwithstanding this, the bungalows vary in their form, features and materials.

6. The frontages of the bungalows are generally open with low walls and frontage planting. This together with the low profiles of the bungalows creates an open and verdant character. The sloping topography and arrangement of the bungalows adds to this character allowing views across the roofs of the bungalows to the wider landscape beyond.
7. The appeal property is a detached chalet bungalow, positioned at the far, closed end of Courtleas. Given its location and the topography, it is set below the highway and the neighbouring properties, Nos 8 and 10 Courtleas. It has a tall evergreen hedge to the front. However, given the curve and slope of the highway, part of its roof profile and ground floor is noticeable in the street scene. Although it could be considered undistinguished, the existing bungalow in its current form adds positively to the character and appearance of the area.
8. The proposed development would add a second storey to the appeal property. The additional storey would replicate the roof form, architectural detail and materials of the existing bungalow and would include an appropriate arrangement of fenestration. It would therefore be in keeping with the external appearance of the existing bungalow.
9. Nevertheless, the resulting two-storey house would appear incongruous in its single storey surroundings. Although the height of its ridge and eaves would be consistent with the neighbouring property, No. 10 Courtleas, the resulting scale and bulk of the two-storey house would be significantly greater than the neighbouring properties. I recognise that the heights of the bungalows along Courtleas vary. However, this is largely due to changes in the ground level and not any significant difference in the scale of the bungalows. These changes, which reflect the topography, are a part of the character of the cul-de-sac as a whole, as well as the immediate area of the appeal site. Therefore, despite the height of the proposed development being similar to neighbouring properties, the additional storey and resulting two-storey house would be at odds with its surroundings.
10. Given the consistency in scale, the resulting development, by virtue of the additional storey, would result in harm to the character and appearance of the area. In coming to this view, I have taken account of the CAB housing judgement¹, which supports a wider interpretation of condition AA.2 (3) (a) (ii) of the GPDO, where such effects are material.
11. The appellant refers to permission having been granted for a full first floor extension at No. 1 Courtleas and there are details of the permitted development before me. However, there are important differences between No. 1 Courtleas and the appeal property in terms of their site circumstances. Although both the appeal property and No. 1 Courtleas are set below the highway, the location of No.1 Courtleas at the entrance of the cul-de-sac and top of the hill, opposite Tudor Court, is very different to the location of the appeal property, as would be its effect on the character and appearance of the

¹ Cab Housing v The Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 208 (Admin)

area. As such, the extant planning permission relating to No. 1 Courtleas is not determinative, and I afford it limited weight in my decision. In any event, I have determined the appeal on its own planning merits. While schemes to enlarge existing bungalows upwards, such as the permitted development at No.1 Courtleas, could be acceptable, in this case, I have found the proposed development would result in harm to the character and appearance of the area.

12. In conclusion, for the reasons above, the resulting external appearance of the dwellinghouse, by virtue of its additional storey, would result in an unacceptable impact on the character of the area. Accordingly, it would conflict with the provisions of the National Planning Policy Framework (the Framework) that seek to create high quality, beautiful and sustainable buildings and places, by among other things, ensuring that developments are sympathetic to local character.
13. While Policy CS17 of the Elmbridge Core Strategy (2011) and Policy DM2 of the Elmbridge Local Plan: Development Management Plan (2015) are not determinative, they seek to protect the character and appearance of the area. For the reasons above, the proposed development would conflict with these policies.

Other Matters

14. The proposed development may be compliant with other aims of the Framework, such as the effective use of land. It would also result in benefits arising from the improved space within the house. However, the provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of the matters set out at paragraph AA.2 (3) of Schedule 2, Part 1, Class AA of the GPDO. I have determined the appeal on the same basis.

Conclusion

15. For the reasons above, the appeal is dismissed.

Hannah Guest

INSPECTOR