



Appeal Decision

Site visit made on 16 February 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 FEBRUARY 2024

Appeal Ref: APP/L3625/D/23/3323063

Southside, Sturts Lane, Walton on the Hill, Surrey KT20 7RQ

- 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 Glen Starling against the decision of Reigate and Banstead Borough Council.
 - The application Ref 23/00469/PAP1AA, dated 13 March 2023, was refused by notice dated 27 April 2023.
 - The development proposed is the addition of one floor to the dwelling and replacing the existing roof.
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Decision

1. The appeal is allowed and prior 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 addition of one floor to the dwelling and replacing the existing roof at Southside, Sturts Lane, Walton On the Hill, Surrey KT20 7RQ in accordance with the terms of the application, Ref 23/00469/PAP1AA, dated 13 March 2023, and the following plans: 'Site Location & Block Plan' (Drawing no. SRF/02); 'Front Elevation - One Storey Added' (Project no. SD/003A); 'Side Elevation Facing Road - One Storey Added' (Project no. SD/003A); Rear Elevation - One Storey Added' (Project no. SD/003A); and Garden Side Elevation - One Storey Added' (Project no. SD/003A).

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO'), permits development consisting of the enlargement of a dwellinghouse by construction of up to two additional storeys, where the existing dwellinghouse comprises two or more storeys.
3. As detailed within the GPDO, development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority (LPA) for prior approval. The LPA may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
4. The provisions of the GPDO require the LPA to assess the development proposed solely on the basis of a limited number of considerations. The Council has raised concerns in respect of the effect of the development upon the

external appearance of the host property. My consideration of the appeal shall therefore focus on this matter.

5. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

6. The main issue is whether or not the proposal would accord with the provisions of Schedule 2, Part 1, Class AA of the GPDO, with particular regard to the external appearance of the dwellinghouse.

Reasons

7. Condition AA.2.(3)(a)(ii) establishes that before beginning the development, the developer must apply to the local planning authority for prior approval as to the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.
8. The appeal property is a sizeable, detached, two-storey dwelling set within a substantial plot off Sturts Lane. It lies adjacent to the M25 motorway, within a designated Area of Great Landscape Value (AGLV). The site is largely screened by mature vegetation, including a significant number of trees along its boundary with the M25. The dwelling's principal elevation faces away from Sturts Lane and therefore is not prominent from public vantage points. The side elevation of the dwelling that is orientated towards Sturts Lane is also not prominent, due to the distance it is set back from the highway and the presence of intervening vegetation.
9. The proposed development would incorporate matching materials, while the roof form would also reflect that of the existing property. Additionally, some architectural features are proposed that would also reflect the existing property, for example, the continuation of the hipped roof bay to the front elevation, along with the placement, scale and detailing of windows to the front elevation. Given the increase in height and bulk, the proportions of the proposed building would appear somewhat at odds with the original architectural intent of the dwelling. However, the GPDO expressly intends to enable the enlargement of existing dwellinghouses by construction of additional storeys. By definition, this would inevitably have some impact on the appearance of the host property, its proportions, and the surrounding area.
10. The height and massing of the proposed development may not be entirely reflective of the vernacular of traditional, detached, dwellings that are commonly found throughout the county. Nevertheless, for the reasons outlined above, I am satisfied that the addition of an extra storey, in this instance, would not unacceptably detract from the external appearance of the dwellinghouse. This includes in respect of the design and architectural features of the principal elevation of the host property and the side elevation that fronts a highway.

11. The Judgement in the CAB Housing case¹, held that the assessment of external appearance within the context of the relevant parts of the GPDO, relating to additional storeys, is not confined to the subject building's intrinsic design. Rather, it will be a matter of planning judgment as to whether consideration is also given to the effect in terms of the building's relationship with adjoining or nearby properties.
12. Sturts Lane is a narrow vehicular road bound by grass verges and significant mature vegetation. It has a rural character, with only limited residential properties along the street. The residential properties that are present vary significantly in their scale, design, and appearance, as well as the manner in which they address Sturts Lane.
13. The proposal would result in a much taller and bulkier dwellinghouse than others along the street. However, given its position set back from the highway and the presence of boundary fencing and mature vegetation, only glimpsed views of the appeal proposal are likely to be available. Furthermore, such views are likely to be highly transient in nature, while there is limited visual connection between several of the dwellings along Sturts Lane. Together the variety in built form within the vicinity of the site and the limited views of the proposal would ensure that the appeal scheme would also not cause harm to the character and appearance of the surrounding area.
14. Overall, I find that the proposal would have an acceptable effect in terms of the external appearance of the dwellinghouse itself and that of the surrounding area. Considering the development through the background/purpose of the permitted development right established by the GPDO, I am also satisfied that the proposal would not conflict with the design aims of the Framework.

Other Matters

15. I note the concerns of the Tadworth and Walton Residents' Association, these are mainly addressed in my above findings. However, in respect of the site's location within the Metropolitan Green Belt, Class AA of Part 1 of the GPDO does not require consideration of the effects of the development on a Green Belt, including any impacts on openness. This reflects that the permitted development rights are not withdrawn by the GPDO, either fully or in part, where the site is located within a Green Belt.

Conditions

16. Permission granted under Article 3, Schedule 2, Part 1, Class AA of the GPDO is subject to several conditions, which are set out at paragraph AA.2 and must be complied with. These include the use of similar external materials and completion of the development within 3 years. It is therefore unnecessary for me to repeat each of the relevant conditions. However, for the avoidance of doubt, I have referenced the submitted plans in my above decision.

Conclusion

17. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal is allowed, and prior approval is granted.

Lewis Condé

¹ CAB Housing Ltd v SSLUHC and Broxbourne BC [2023] EWCA Civ 194

INSPECTOR