



Appeal Decision

Site visit made on 22 April 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 JUNE 2024

Appeal Ref: APP/Q3630/W/23/3327782

Culverdon House, Abbots Way, Chertsey KT16 9LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Culverdon Holdings Limited against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/0907.
 - The development proposed is prior approval application for an extension to the existing building to provide an additional two storeys to create 26 residential units.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form and decision notice, as this accurately and succinctly describes the development proposed.

Main Issue

3. This appeal relates to an application for prior approval. Nevertheless, the point in dispute between the main parties is whether the development would be permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) subject to compliance with all relevant limitations and conditions.
4. Therefore, the main issue is whether the proposed development would be granted planning permission by Article 3 Schedule 2, Part 20, Class AA of the GPDO, with particular regard to whether the additional storeys are constructed other than on the principal part of the building, and whether the building is less than three storeys in height.

Reasons

Principal part of the building

5. The GPDO sets out that for the purposes of Part 20, 'principal part' means the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition.
6. Culverdon House is a part two storey part three storey building. The three-storey element includes the entrance with a gable roof feature, column detail and a hipped pitched roof. This detail carries round the corner on to the three-

storey south and north elevations where the gable and architectural detail are repeated. The two-storey section of the building occupies a larger footprint, but is set back from the three-storey side elevation extending along the Pyrcoft Road frontage and round on to Guildford Street. Although constructed together as a single building, the architectural detail of the two storey is less elaborate and is designed to be visually subservient in height and appearance to the three-storey part of the building.

7. Overall, the scale and design of the two storey part of the building is markedly different, so that it appears as an extension to the three storey principal part of the building. Accordingly, based on the evidence submitted, extending the proposed development over the two storey element of the building would not comply with the requirements of Part AA.1.(d) of the GPDO.

Whether the building is less than three storeys in height.

8. The term 'building' is given the meaning 'Includes any structure or erection and... includes any part of a building' by Article 2(1) of the GPDO. Under Class AA.1(a) Development is not permitted if— above ground level, the building is less than three storeys in height.
9. Although in common with the appellants interpretation that Class AA.1 (a) refers to any part of the building, the question before me is not whether the building or any part of it is at least three storeys in height, but whether the building or any part of it is less than three storeys in height. This recognises that the building may not be a uniform height and that there may be a principal part of the building, but provides further detail that development is not permitted if any part of the building which is of a varied height is less than three storeys in height.
10. It is not in dispute that part of the building is two storeys. As such, for the purposes of this appeal, the building is less than three storeys in height.
11. Therefore, for the reasons set out above, the proposed development would not comply with the requirements of Part AA.1.(a) of the GPDO.

Other Matters

12. The Council did not refuse the application with regard to whether the construction would be above the topmost storey. Therefore, and given my conclusions above, this is not a main issue in this case.
13. The explanatory note to this amendment to the GPDO establishes the context that certain new dwellinghouses on detached buildings in commercial or mixed used are permitted development. However, it also includes that to benefit from this right, they are required to meet conditions and limitations. I acknowledge the appellant's caselaw including in recognising that the explanatory memorandum explains the context of the legislation, and in giving common words used in a permitted development right their common meaning, unless there is something in the legislative context to displace that meaning. Even so, for the reasons above, this does not change my conclusion that the development is not permitted development in the terms set out in the GPDO.
14. For the reasons set out, the appeal scheme is not permitted development. Therefore, there is no discretion for me to consider the suggested benefits of

the proposed development. It is also unnecessary to proceed to consider the prior approval matters.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR