



Appeal Decision

Site visit made on 5 November 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/H5960/D/24/3341772

31 Willow Tree Close, Wandsworth, London SW18 3EL

- 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 1, Class AA, of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).
 - The appeal is made by Mr and Mrs Turtle-Reid against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/4606.
 - The proposed development is described as an “application for prior approval of a proposed additional storey to existing two-storey dwelling.”
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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 a proposed additional storey to existing two-storey dwelling at 31 Willow Tree Close, Wandsworth, London SW18 3EL in accordance with the terms of the application, Ref. 2023/4606, made on 5 December 2023 and the details submitted with it, namely plan numbers: 1339.L.001 (site location plan); and 1239. L.003 (proposed plans).

Preliminary Matters

2. In my decision above I have omitted unnecessary parts of the description of the proposal that were not acts of development.
3. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of one additional storey (as in this case) subject to limitations and conditions.
4. Paragraph AA.2.(3)(a) requires that before beginning the development, the developer must apply to the Council for prior approval in relation to certain matters. In this case the Council considered that the proposal met the limitations and restrictions of Class AA and it’s reason for refusal relates only to paragraph AA.2.(3)(a)(ii), regarding the prior approval matter of external appearance. Based on the evidence before me, I am also satisfied that the proposal would not fall outside any of the limitations and restrictions in paragraphs AA.1.(a) to (k) of Class AA, or result in adverse impacts in respect of the other prior approval matters. I have therefore confined my reasoning to the prior approval matter of external appearance.

5. The GPDO requires that when determining an application under Class AA, regard should be had to the National Planning Policy Framework (the Framework) as far as relevant to the subject matter of the prior approval. It was also held in *CAB Housing Ltd v SSLUHC & Broxbourne BC* (2023) that external appearance is not limited to the effect on the dwellinghouse and can include the effect on adjoining and nearby properties. The appeal proposal will be determined on this basis.

Main Issue

6. Accordingly, the main issue is the effect of the proposed development on the external appearance of the dwellinghouse, and the area.

Reasons

7. The appeal site comprises a two-storey brick built end terraced property in a row of three properties, which are in a back to back arrangement with a similar terrace of three properties. There are also terraces of three storey residential properties to the front and farther beyond the rear side of the appeal property, elsewhere on Willow Tree Close. These properties have a similar design and appearance to the appeal property, featuring horizontal boarding below some of their windows, and distinctive fenestration. I also saw on my site inspection that some of the rear elevations of the originally built two storey properties on nearby roads (Cargill Road and Vanderbilt Road), which are seen from Willow Tree Close have dormer extensions, giving them three storeys of accommodation.
8. The external appearance of the proposed additional storey of accommodation would reflect the design of the host property, replicating its distinctive fenestration and horizontal boarding, and roof form. This would also relate well to the external appearance of the other properties nearby on Willow Tree Close that have the same distinctive appearance and architectural features.
9. It is noted that no other similar additional storeys of accommodation have been added in the immediate area, and the proposal would make the appeal property taller than the other two storey properties in the same terrace. However, given the broad variation in the height of properties in this immediate area, which already includes some transitions between two and three storey accommodation and dormer roof extensions, it would not appear overly dominant, visually intrusive, or harmful to the external appearance of the area.
10. Consequently, I find that the external appearance of the proposal would be acceptable in terms of its effect upon the dwellinghouse and the area, and the proposal would accord with the requirements of paragraph AA.2.(3)(a)(ii) of Class AA of the GPDO. In addition, the proposal would comply with paragraph 135 of the Framework, that amongst other things requires development to function well and add to the overall quality of the area, be visually attractive, and be sympathetic to local character.

Other Matters

11. The appellants offer to install environmental enhancements to the appeal property is noted; however, they are not part of the appeal scheme before me, and they are not directly relevant to this Prior Approval application.

Conditions

12. The GDPO grants planning permission under Class AA subject to conditions including a date for completion; that the materials to be used have to be similar to those used on the exterior of the existing dwellinghouse; that no windows should be installed in the walls or roofs on side elevations of the dwellinghouse; that the roof pitch on the principal elevation matches that of the existing roof pitch on the same elevation; and following the development the dwellinghouse remains in Class C3 of the Schedule to the Use Classes Order. It also requires a report of the management of construction of the development to be submitted before the development begins, including hours of operation and mitigation of the adverse impacts of pollution on neighbours. As these are set out in the GPDO it is not necessary to repeat them on this decision.
13. The GPDO allows for prior approval to be granted unconditionally or subject to conditions that reasonably relate to the subject matter of the prior approval. However, in this case the conditions in Class AA, as described above, are sufficient to address the potential impacts of the proposed development.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, the appeal should be allowed, and prior approval should be granted.

A Hunter

INSPECTOR