



Appeal Decision

Site visit made on 31 October 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2024

Appeal Ref: APP/Q3630/W/24/3344949

Eastworth House, Eastworth Road, Chertsey, Surrey KT16 8SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Webuild Sussex Ltd against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/1839.
 - The development proposed is Prior Approval Application for an extension to the existing building to provide an additional two storeys to create an additional 50 residential units, under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AA (New dwellinghouses on detached buildings in commercial or mixed use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is set out in the cover letter in detail, however, the more succinct description on the decision notice appears accurate and that has been included on the appeal form. I have therefore used this in the above banner heading.
3. An updated elevation plan¹, with additional measurements noted on it, has been submitted with the appeal. It is understood that the Council declined to accept this plan when submitted shortly before their determination of the application. Interested parties have not been given the opportunity to make representations on the updated plan, giving rise to potential procedural unfairness. For that reason, I have not accepted the plan.

Background and Main Issues

4. Schedule 2, Part 20, Class AA of the General Permitted Development Order (GPDO) permits the enlargement of detached buildings in commercial or mixed use, consisting of the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey of the building, together with any engineering operations reasonably necessary for the purpose of that construction. This is subject to limitations and conditions.
5. The main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 20, Class AA of the GPDO, with particular regard to

¹ Plan Reference 1078-INK-EHS-ZZ-DR-A-01057 Rev P04 Dated November 2023

- whether the proposed floor to ceiling height of the fourth floor, measured internally, would exceed that of any storey of the principal part of the existing building, and
- whether the parts of the building to be extended fall under the definition of the 'principal part of the building'.

Reasons

Floor to ceiling heights

6. Development is not permitted by Class AA.1.(e) if the floor to ceiling height of any additional storey, measured internally, would exceed the lower of 3 metres or the internal storey height of any storey within the principal part of the existing building. There is no evidence to indicate that the floor to ceiling heights would exceed 3 metres in height and therefore it is necessary to consider the internal storey height of any storey of the existing building. The disagreement in this case relates to the internal height of the proposed fourth floor.
7. The appellant has set out the floor to ceiling heights for each floor, within its appeal statement. These measurements indicate that the height of the additional floors would not exceed that of the lower floors. However, there is a discrepancy between these, and the Council's measurements of the fourth floor which indicate that the fourth floor would have a higher floor to ceiling height than the existing lower floors. There are no section plans to allow for an internal measurement to be taken, to provide clarity on the matter. As such, notwithstanding the measurements provided by the appellant, there is insufficient evidence to demonstrate whether the proposed floor to ceiling height of the fourth floor, measured internally, would exceed that of any storey of the principal part of the existing building. Therefore, based on the evidence before me, the proposal fails to comply with criterion AA.1.(e).

Principal part of the building

8. The appeal building comprises a detached L-shaped three-storey office building. The building is as originally constructed and has not been extended. The proposal is for an additional two floors, to provide residential flats.
9. The second area of dispute focuses on whether the lower parts of the building fall under the definition of the 'principal part' of the building. Development is not permitted by Class AA.1.(d) if the additional storeys are constructed other than on the principal part of the building. The GPDO defines the principal part of the building, for the purposes of Part 20, as "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."
10. The L shaped building includes a corner element, which is taller than the remainder of the building. This element comprises a small portion of the overall building and is a feature which demarks the main entrance to the building and adds architectural interest with vertical glazing and a slightly higher roof pitch. Notwithstanding the external difference of this corner element, there are consistent finished floor plates across the whole building. Whilst the corner element may be taller in height, this appears as a feature within the building with the other parts forming an integral part, with the lower parts forming an inherent and main part of the building's overall composition.

There is no part of the building which exhibits the characteristics of an extension, subordinate or otherwise, with the entirety of the building comprising the principal part of the building.

11. Accordingly, based on the evidence submitted, I find that the parts of the building to be extended fall under the definition of the 'principal part of the building' and would therefore comply with Class AA.1.(d). However, as I have found above that the proposal would fail to accord with the criteria set out in AA.1. for other reasons, my findings on this matter do not alter the overall decision in this case.

Other Matters

12. It is noted that the Council has provided an assessment of the prior approval matters within its statement. This includes concerns regarding the flood risk impacts of the development. However, as I have found that the proposal would not constitute permitted development, it is not necessary to consider whether prior approval is required. As such, this has not been determinative.
13. I have had regard to the appellant's frustrations with the service provided by the Council, in particular with regard to the communication during the determination of the application. The appellant has also indicated that the proposal would be sustainably located, and that it would contribute to housing delivery within a borough which is not meeting its housing delivery targets. However, these matters do not affect whether the proposal complies with the GPDO, and as such attract negligible weight.

Conclusion

14. The proposal would not comply with paragraph AA.1.(e) of the GPDO and consequently prior approval cannot be given for the proposal. Therefore, and for the reasons given above, the appeal is dismissed.

R Lawrence

INSPECTOR