



Appeal Decision

Site visit made on 24 January 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/Z3635/D/24/3353599

12 West Close, Ashford TW15 3LN

- 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 2015 (as amended) ("the GPDO").
 - The appeal is made by Mr S Kent against the decision of Spelthorne Borough Council.
 - The application Ref is 24/00863/PAP.
 - The development proposed is an additional storey on an end of terrace dwelling house.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. It is not a matter of dispute between the main parties that the proposal complies with the limitations and restrictions of Paragraph AA.1 of Class AA of the GPDO. Based on the evidence before me, I have no reason to reach a different view.
3. However, the conditions of development permitted by Class AA are subject to, amongst others, Paragraph AA.2.(3)(a)(ii) of Class AA of the GPDO, which requires the developer to seek prior approval from the local planning authority as to the external appearance of the enlarged 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.
4. In assessing the effect of the appeal proposal on the external appearance of the building, the local planning authority has, under Paragraph AA.3.(3)(a) and (b) of Class AA of the GPDO, concluded that the appeal proposal does not comply with the condition in Paragraph AA.2.(3)(a)(ii) of Class AA of the GPDO, and it refused prior approval.
5. I therefore consider the main issue in this appeal is whether prior approval should be granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, having particular regard to the effect of the proposed development on the external appearance of the building.

Reasons

6. The appeal property is an end of terrace dwelling forming part of a short 2 storey terrace that is covered by a simple gabled roof with a uniform height and continuous unbroken ridge and eaves levels. It is set amongst a group of 2 storey terraces that are very similar in height, form and appearance. They are laid out in a distinctive pattern on land between the north side of West Close and the railway

line, either fronting onto the road or fronting onto one of the pedestrian paths that join it.

7. The character and appearance of the area is therefore defined by this strongly cohesive and well-ordered group of 2 storey terraces. The appeal terrace's height, form and appearance are consistent with the terraces in this group, and it therefore makes a positive contribution to the character and appearance of the area.
8. The elevated bulk of the proposed additional storey would significantly increase the appeal dwelling's height and massing. As such, it would project well above the roof level of the remaining dwellings within the host terrace, and those within the wider group. In views from the pedestrian path to the front of the appeal property and from West Close looking along this path, the proposed additional storey would appear as a visually incongruous and dominant addition to the host terrace that would harmfully disrupt and unbalance its appearance.
9. Seen in the context of the 2 storey terraces in the area, the proposed additional storey would negatively erode and undermine the appeal terrace's positive contribution to the character and appearance of the area, causing significant visual harm. The proposal's external materials and the pattern, proportions and designs of window apertures and frames would be in-keeping with the style of the host terrace. However, this would not overcome the visual harm caused by its height, scale and resultant elevated bulk.
10. The single storey bungalow at Number 75 is much lower in height than the 2 storey dwellings in the area. Both it and the detached 2 storey hipped roofed properties at Numbers 76-77 are of a different character and appearance to the group of terraces in the area, including the appeal property. Consequently, Numbers 75-77 do not establish a visual context for the 3 storey dwelling that would be created by the appeal proposal, nor are they sufficiently numerous as to establish a mixed street scene within which its elevated bulk would be satisfactorily absorbed into.
11. The existing evergreen trees growing on the appeal site and the trees alongside the railway line contribute little to the character and appearance of the area, nor would they satisfactorily mitigate the proposed development's visual harm. There is no substantive evidence before me to demonstrate that the existing evergreen trees could grow to form an impenetrable barrier to views of the proposed development. In any case, given their proximity to the appeal property's walls, I cannot be satisfied that a future owner would not seek to have those trees felled.
12. For these reasons, I conclude that the proposed additional storey would have a significantly harmful effect on the external appearance of the building. As such, it would be contrary to Paragraph 135 of the National Planning Policy Framework ("the Framework"), which requires development to, amongst others, be visually attractive and sympathetic to local character including the surrounding built environment.

Other Matters

13. The appeal proposal would meet the appellant's need for additional living accommodation which could not be met through converting the existing loft space. I see no basis to doubt that it would make more efficient use of the appeal property's existing footprint and could contribute to avoiding developing land not

covered by buildings, thus helping to reduce the loss of vegetation and porous surfaces. However, the benefits arising from the proposal would not be sufficient to outweigh the significant visual harm that I have identified above.

14. The appeal proposal would provide adequate living conditions for future occupiers and would not harm the living conditions of the occupiers of nearby properties. It would not affect listed buildings or conservation areas. However, an absence of harm, including in these respects, is a neutral factor that would not weigh in favour or against the proposal.
15. Under Part 1, Class AA of the GPDO, I can only have regard to the Framework, so far as relevant to the subject matter of the prior approval. In so doing I have found the appeal proposal to be contrary to Framework Paragraph 135. Had it been necessary to apply the Framework's presumption in favour of sustainable development, I am satisfied that the adverse visual impact of the appeal proposal would significantly and demonstrably outweigh its benefits.
16. On the evidence before me I am satisfied that the potential effects of my decision to dismiss the appeal on the rights of the appellant to a private and family life and home under Article 1 and Article 8 of the Human Rights Act 1998, would be proportionate in this instance.

Conclusion

17. For the reasons given above, I conclude that the appeal proposal would have a significantly harmful effect on the external appearance of the building and therefore prior approval should not be granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO. It follows that the appeal should be dismissed.

G Sylvester

INSPECTOR