



Appeal Decision

Site visit made on 4 February 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/V1260/W/24/3351828

Drew Grange, 411 Blandford Road, Poole BH15 4JN

- 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 A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr D. Brenchley against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is APP/24/00242/PA.
- The development proposed is two additional floors; 9 x 2 bed flats.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Paragraph B (15) of Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. My determination of the appeal has been made on this basis.
3. The appellant submitted an amended drawing numbered 223040-08A with the appeal, showing changes to the proposed floor plans. While the proposed amendments do not affect the external appearance of the building, the internal layout differs substantially from that determined by the Council, and on which the views of interested parties were sought. Consequently, my consideration of the amended scheme would deny those who should have been consulted through the application process, the opportunity of such consultation. Furthermore, if I were to accept the revised drawing, the development would not comply with the description given on the application and appeal forms. I have therefore determined the appeal on the basis of the plans considered by the Council.

Background and Main Issues

4. Subject to a number of qualifying criteria, Class A of Part 20 of Schedule 2 of the GPDO grants planning permission for the construction of up to two additional storeys of new dwellinghouses, immediately above the existing topmost residential storey, on a building which is a purpose-built, detached block of flats. Paragraph A.1 sets out the circumstances in which development is not permitted by Class A. The Council does not dispute that the proposal would be permitted development against the criteria in A.1.

5. However, paragraph 9A of Article 3 of the GPDO states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse -
 - a) where the gross internal floor area (GIA) is less than 37 square metres in size; or
 - b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27 March 2015 (the NDSS).

The Council contends that the proposal would result in dwellinghouses that do not comply with the NDSS criteria, so the proposal is not permitted by Class A.

6. Where a proposal meets all of the criteria of Class A and Paragraph 9A, Paragraph A.2 requires developers to apply to the local planning authority for prior approval as to a range of matters in (1) (a) to (j). The Council's reasons for refusal indicate that, if the proposal were permitted by Class A, prior approval would be refused under the matters described in (1) (e) and (g).
7. Therefore, the main issues in this appeal are whether the proposals would constitute permitted development under Schedule 2, Part 20, Class A of the GPDO and, if they do, the impact of the development on:
 - a) the external appearance of the building; and,
 - b) the amenity of the existing building and neighbouring premises including overlooking, privacy, and the loss of light.

Reasons

8. The NDSS specifies that a single storey 2-bedroomed dwelling should have a minimum GIA of 61m². The submitted drawings show that the proposed flats numbered 18, 20, 23 and 24 would have two bedrooms, but would only have a GIA of 44m², considerably below the standard set out in the NDSS. Furthermore, the NDSS requires that a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. The Council contends that the second bedroom in Flats 16, 17, 18, 20, 21, 22, 23 and 24 fail to meet this standard. Whilst the floor plans are not annotated with the floor areas of the individual rooms, it is evident, using the scale on the drawings, that all of these rooms fall well below 7.5m² in area. Neither of these conflicts with the NDSS specifications are disputed by the appellant.
9. The proposal submitted to the Council would, therefore, result in the development of new dwellings that do not comply with the NDSS. Consequently, by virtue of paragraph 9A of Article 3 of the GPDO, the proposal would not be permitted development, and the provisions of Paragraph A.2 relating to prior approval are not relevant. Accordingly, there is no need for me to consider the impact of the development on the external appearance of the building, or the amenity of the existing building and neighbouring premises.

Conclusion

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

Nick Davies
INSPECTOR