



Appeal Decision

Site visit made on 17 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 4 March 2025

Appeal Ref: APP/D3640/D/24/3353817

Greenfields, Pennypot Lane, Chobham, Woking, Surrey GU24 8DJ

- 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 appeal is made by Mr Andy Wallace against the decision of Surrey Heath Borough Council.
 - The application Ref is 24/0806/GPU.
 - The development proposed is Prior approval application for the enlargement of a dwellinghouse by construction of additional storey under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
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Decision

1. The appeal is dismissed.

Background

2. Schedule 2, Part 1, Class AA allows for the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwelling consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. This is subject to limitations and conditions.
3. The Council concluded that the proposal would comply with the conditions and limitations set out at paragraph AA.1 of Class AA, such that it would fall within the scope of permitted development rights, subject to consideration of relevant matters of prior approval. In this regard, the Council considers that the proposal would not comply with condition 3(a)(ii) having regard to the external appearance of the dwellinghouse.
4. The National Planning Policy Framework (the Framework) together with relevant development plan policies, can be relevant in the assessment of prior approval appeals, but only insofar as they relate to the development and prior approval matters. I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the external appearance of the dwellinghouse would be acceptable.

Reasons

6. The appeal site comprises a detached bungalow, with a pitched roof, the gable end of which fronts onto the highway. The existing bungalow features a large

chimney breast towards the front elevation and weatherboarding at roof level. In the immediate vicinity, other dwellinghouses comprise bungalows, including chalet bungalows with accommodation in the roof space. Examples of two-storey dwellings can be seen further along the road.

7. Condition 3(a)(ii) relates to the external appearance of the dwellinghouse, including the design and architectural features of the (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.
8. The use of the 'including' means that the matters that can be taken into account under external appearance, are not limited to those expressly specified, and the impact on the subject building itself. This is also established in case law¹ which sets out that the assessment can include the impact on the surrounding area.
9. The proposed additional storey would extend across the full depth of the existing bungalow and the height would exceed that of neighbouring properties. Due to the orientation of the existing bungalow, the first-floor side elevations would be particularly lengthy and would not include any windows or other architectural detail. The first-floor side elevations would be visible along a significant stretch of Pennypot Lane. Given these factors, the proposed development would appear unduly prominent and incongruous, causing significant harm to the appearance of the existing dwelling and the character of the immediate area.
10. Whilst I accept that the legislation precludes the inclusion of window in any wall or roof slope forming a side elevation of the dwelling house, there is no such restriction on other forms of architectural detail. As such, although I acknowledge that exercising permitted development rights to provide an additional storey would have some impact upon the appearance of an existing dwelling, it is far from inevitable that exercising such rights would result in the significant harm I have identified.
11. I have been referred to another appeal decision², in which an additional storey was granted prior approval. That appeal relates to a scheme within another borough, in a location which is not prominent from public from the highway. As such, whilst comparisons have been made, this case has its own site-specific circumstances which clearly differ from the proposal before me.
12. In light of the above, the proposal would result in a significant adverse effect on the external appearance of the dwellinghouse and the surrounding area. As such the proposal would conflict with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, insofar as it requires development to be of a high-quality design, which respects and enhances the local character. It would also conflict with the requirements of the Framework relating to good design.

¹ CAB Housing Ltd v SSLUHC and Broxbourne BC [2023] EWCA Civ 194

² Appeal Ref 3323063 - Southside, Sturts Lane, Walton on the Hill

Conclusion

13. The external appearance of the dwellinghouse would be harmful to the character and appearance of the area, as such prior approval should not be granted. Therefore, the appeal is dismissed.

R. Lawrence

INSPECTOR

