



Appeal Decision

Site visit made on 25 February 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Ref: APP/T2215/W/24/3349220

11-27 Hythe Street, Dartford, Kent DA1 1AB

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Kallarview Homes against the decision of Dartford Borough Council.
 - The application Ref is DA/24/00584/P20AA.
 - The development proposed is described as application under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 as to whether prior approval is required for construction of two additional storeys to provide 12 dwellings on detached building in commercial or mixed use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has not been provided in the application form. As such, I have used that provided in the appeal form in the banner heading above.
3. In the banner heading above I have used the post code set out in the Council's decision notice, which is consistent to that provided in the appeal form.

Procedural Matters

4. Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building. For development to be permitted it must satisfy the limitations set out at paragraph AA.1 and the conditions at AA.2. The conditions at AA.2 require developers to apply to the local planning authority for their prior approval in relation to a number of specified matters, set out at sub-paragraphs 'a to l'.
5. Paragraph AA.1(z) of Part 20 states that development is not permitted by Class AA if the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of Schedule 2. The evidence indicates that prior approvals pursuant to Class MA were previously granted¹ to change the first and second floors of the appeal building to residential flats.

¹ LPA Ref: 22/00856/PMA and 24/00308/PMA

6. The appellant has confirmed in writing that work has commenced in relation to the Class MA prior approval. Consequently, the change of use has been begun, contrary to paragraph AA.1(za) of Part 20, Schedule 2 of the GPDO. As a result, and irrespective of whether the proposal would accord with the other conditions and limitations imposed by the GPDO, the appeal must be dismissed and prior approval refused.

Conclusion

7. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR