



Appeal Decisions

Site visit made on 20 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15th April 2025

Appeal A Ref: APP/A3655/D/24/3352439

5 Berkeley Gardens, West Byfleet, Surrey KT14 6JT

- 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 Mrs Danni Carpenter against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0538.
 - The development proposed is Prior notification for the proposed enlargement of one storey dwellinghouse by construction of an additional storey.
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Appeal B Ref: APP/A3655/D/24/3355523

5 Berkeley Gardens, West Byfleet, Surrey KT14 6JT

- 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 Mr and Mrs Antony and Danni Carpenter against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0595.
 - The development proposed is the erection of a first-floor extension to create a two-storey house, addition of white render to first floor of all elevations and minor alterations to fenestration.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise stated.
4. Notwithstanding the reasons for refusal, in light of the evidence before me it is relevant to consider both appeals in terms of their effect on character and appearance. The views of the parties have been sought in this regard, although no responses were received.

Background and Main Issues

5. In relation to appeal A, schedule 2, Part 1, Class AA of the General Permitted Development Order (GPDO) 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.

6. 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.
7. The first main issue, in relation to appeal A only, is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class AA of the GPDO, with particular regard to:
 - whether the proposed floor to ceiling height, measured internally, of the additional floor, would exceed the lower of (i) 3 metres or (ii) the floor to ceiling height, of any storey of the principal part of the existing dwellinghouse
8. The remaining main issues, applicable to both appeals, are the effect of the proposals on:
 - the character and appearance of the area, and
 - the living conditions of No 4, with particular regard to daylight.

Reasons

Floor to ceiling heights (appeal A)

9. Development is not permitted by Class AA if the floor to ceiling height, measured internally, of the additional floor, would exceed the lower of (i) 3 metres or (ii) the floor to ceiling height of any storey of the principal part of the existing dwellinghouse.
10. Whilst there are no dimensions on the submitted section plans, they show that the additional floor would have an internal floor to ceiling height of less than 3m and the increase in the overall height of the building would also be less than this figure.
11. In comparing the floor to ceiling height against that of the existing ground floor, it is noted that the existing rear, flat roofed part of the building is of a lower height. In this regard, paragraph AA.4(1) defines the principal part as meaning the main part of the dwellinghouse excluding any front, side or rear extension or a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition. Based on this, I consider it to be the higher floor to ceiling height of the existing ground floor to be most relevant.
12. On this basis, the floor to ceiling height of the proposed additional storey, would be less than that of the main ground floor, and as such, would comply with paragraph AA.1(h)(i) or (ii) contrary to paragraph AA.3(3)(b) of Class AA, Part 1, Schedule 2.

Character and appearance (appeals A and B)

13. The appeal site comprises a detached bungalow with a shallow pitched roof, situated at the end of a cul-de-sac. A modest gap exists between the side elevation and the neighbouring bungalow, No 4. The cul-de-sac comprises a mix of two-storey dwellings and bungalows. The two-storey dwellings have attached single storey garages, which provide additional separation at first floor. The gaps between dwellings, in particular at first floor level, provide views of a verdant backdrop, made up of high hedgerows and mature trees.

14. There is general consistency in terms of the style and appearance of the dwellings, with common features including white weatherboarding at first floor level, gable ended dual-pitched roofs, glazing bars on the windows and plain clay roof tiles. The above factors contribute to a pleasant, attractive character.
15. The Woking Design Supplementary Planning Document 2015 (the Design SPD) advises that a minimum 1m gap should be retained between all two storey extensions and a side boundary, in order to avoid a terracing effect. Although this guidance is directed at side extensions, the proposed upward extension would introduce two-storey built form near a side boundary, as such, I consider this to be a relevant material consideration.
16. The proposed upward extensions would both maintain the existing gap between the appeal property, and the boundary with No 4. The existing gap also falls below the 1m separation guideline, however, there is still a good appreciation of the verdant backdrop to the dwelling, due to its single storey form. The gaps between existing two-storey dwellings at first floor level, are well in excess of the 1m guideline. As such, the separation between the first floor and the boundary would be significantly smaller than the prevailing pattern of development.
17. The effect of the small gap at first floor, would visibly erode the space between dwellings, and would also obscure views of the verdant backdrop. These effects would be detrimental to the street scene and the pleasant, attractive character of the cul-de-sac. My attention has been drawn to the gap between Nos 2 and 3, both two-storey dwellings. Although the gap at ground floor may fall below the 1m guideline, there is a good separation at first floor, as such, the appeal proposal is not comparable.
18. Additionally, in respect of appeal B, the proposal includes the loss of the window glazing bars, would introduce render at first floor and a greater depth at first floor than the other two-storey dwellings. These factors in combination, would erode the uniform appearance which positively contributes to the attractive character of the street scene.
19. Both appeals would therefore result in a detrimental effect on the character and appearance of the area, in conflict with policies CS21 and CS24 of the Woking Core Strategy 2012 (CS), policy BE1 of the Pyrford Neighbourhood Plan and the Design SPD. These policies and guidance, taken together and insofar as relevant, require that development avoids harm to the character and appearance of the area and that it respects and makes a positive contribution to the street scene.
20. In respect of appeal A, the proposal would therefore conflict with Condition 3(a)(ii), Class AA of the GPDO, relating to the external appearance of the dwellinghouse.

Living conditions

21. The additional first floor would be sited near to the shared boundary with No 4, the neighbouring bungalow. The nearest side elevation of this bungalow, contains a window and door, serving a sitting room.
22. I note that the appellants dispute the room being treated as a habitable room, due to its previous use as a kitchen and its modest size. However, it is the existing use

of the room that is most relevant, and the amenity SPD¹ identifies living rooms as habitable rooms, with no minimum size stipulations.

23. I was able to visit the room in question as part of my site visit, where I observed that the room was of a sufficient size for sitting in, reading and other activities typically associated with a living room. My visit took place in good weather on a bright, sunny day. Although light to the room was restricted, and artificial lighting was required, the open aspect above the rear portion of the roof enabled a degree of natural daylight to penetrate the room. It was clear that the limited level of daylight positively contributed to the occupiers' enjoyment of the room, and to a pleasant environment overall. Whilst I note the photographs showing the regular use of curtains and blinds within the room, these are easily pulled back, as was the case during my visit.
24. The increase in the height of the building, in the case of both schemes, would erode the open aspect which currently allows some light into the room. Even in the case of appeal A, with a slightly smaller first floor, this would unduly worsen the position in respect of daylight and in turn would adversely affect the occupiers enjoyment of the room. As part of appeal B, the first floor would extend over the flat roof element and its increased depth would thereby have a greater adverse impact on light to the room.
25. It is recognised by both parties, that the proposal would fail to comply with the 25-degree test², which is a measure of daylight. The amenity SPD recognises the test as a means to safeguard daylight to existing dwellings. I have also had regard to the appellants light assessment which finds that the proposal would worsen the situation in terms of daylight to the room.
26. In light of the above, the proposal would have a significant detrimental effect on the living conditions to no 4, with particular regard to light. The proposal would therefore conflict with Policy CS21 of the CS, insofar as it requires development to achieve a satisfactory relationship to adjoining properties, including avoiding significant harmful impacts in terms of loss of daylight.
27. In respect of appeal A, the proposal would therefore conflict with Condition 3(a)(i), Class AA of the GPDO, relating to the impact on the amenity of any adjoining premises including loss of light.

Conclusions

28. In respect of appeal A, whilst I am satisfied that the proposal would fall within the scope of permitted development rights, the external appearance of the dwellinghouse would be harmful to the character and appearance of the area, and it would harmfully impact on the amenity of an adjoining premises through loss of light. Accordingly, prior approval should not be granted, and therefore the appeal is dismissed.

¹ Outlook, amenity, privacy and daylight SPD, online version, February 2022

² As set out in the Building Research Establishment report - Site Layout Planning for Daylight and Sunlight (2011)

29. Turning to appeal B, the proposal would conflict with the development plan and there are no material considerations which indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal is dismissed.

R Lawrence

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/A3655/D/24/3352439	Mrs Danni Carpenter
Appeal B	APP/A3655/D/24/3355523	Mr and Mrs Antony and Danni Carpenter