



Appeal Decision

Site visit made on 23 April 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2025

Appeal Ref: APP/V1260/W/24/3351206

Chapel Court, 25 Chapel Road, Poole, Dorset BH14 0JH

- 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 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 Park Place Properties Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00456/PA.
The development proposed is the construction of two additional storeys with associated cycle/bins store.
-

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. A revised plan¹ was submitted with the appeal, removing illustrative furniture details from two of the proposed apartments. Given the minor nature of this amendment, there is no reason which prevents me from taking the revised plan into account within my decision.
3. Under Schedule 2, Part 20, Class A of the GPDO², development is permitted 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, together with other operations or work reasonably necessary to construct the additional storeys and new dwellinghouses. The conditions which a developer should also meet are set out in Class A.2 (1), including the need to apply for prior approval regarding various aspects of the proposal, in particular circumstances.
4. Consequently, the main issues are:
 - whether the proposal constitutes permitted development under Schedule 2, Part 20, Class A of the GPDO; and
 - if so, whether prior approval should be granted, having particular regard to the effect of the proposal on: (a) transport and highways impacts of the development; (e) the external appearance of the building; and (g) the impact on the amenity of the existing building and neighbouring premises.

¹ Dwg no. PA01-002 Proposed Floor Plans

² The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO)

Reasons

5. There is no dispute that the proposal meets the conditions set out under Schedule 2, Part 20, Class A of the GPDO. However, Section 3 (9A) of the GPDO stipulates that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse where the nationally described space standards (NDSS)³ are not met.
6. The evidence before me indicates that the gross internal floorspace for all the proposed apartments meets the minimum area required by Section 3 (9A). However, the NDSS also stipulates the minimum gross internal floorspace for different types of dwelling based on the number of bedrooms provided and the number of bedspaces which can be accommodated. Additionally, a dwelling with two or more bedspaces is required to provide at least one double or twin bedroom. On this basis, there is no area standard for a 2-bedroom, 2-bedspace dwelling, even if a dwelling has been designed as such.
7. As each of the proposed apartments include two bedrooms, the applicable NDSS minimum gross internal floorspace is the area standard for a single storey, 2-bedroom, 3-bedspace dwelling type. Based on the evidence before me, whilst the proposed apartments 11 and 14 comply with this standard, the gross internal floorspace of apartments 10 and 12 do not.
8. Consequently, I conclude that, as Section 3 (9A) of the GPDO would not be met, the proposal would not constitute permitted development in respect to Schedule 2, Part 20, Class A of the GPDO.
9. As considerations in relation to prior approval are a follow-on condition stage under Class A.2(1), they apply only where a proposal constitutes permitted development. Given my conclusion above, there is no need to consider whether prior approval is required in this case.

Conclusion

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

Juliet Rogers

INSPECTOR

³ Technical housing standards – nationally described space standard (NDSS)