



Appeal Decision

Site visit made on 12 February 2025 by N Manley BA (Hons) MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/Q3115/D/24/3351080

The Bungalow, Newells Farm, Newells Lane, Stadhampton OX44 7XJ

- 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 GPDO).
 - The appeal is made by Mr J Hunt against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S1644/PDS.
 - The development proposed is described as “prior approval application for enlargement of the existing dwelling house by the construction of an additional storey (Class AA)”.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO for the enlargement of the existing dwelling house by construction of an additional storey at The Bungalow, Newells Farm, Newells Lane, Stadhampton OX44 7XJ in accordance with the application P24/S1644/PDS, and the details submitted with it including plan nos A1.3; A1.4 and A1.5, pursuant to Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. No development description was provided on the application form. I have therefore taken the description from the appeal form, which I am satisfied accurately describes the proposal.
4. Under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys subject to limitations and conditions set out under Paragraphs AA.1 and AA.2.
5. As detailed within the GPDO, development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for prior approval. The Local Planning Authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.

6. The Council's concerns relate firstly to paragraph AA.1(h), which specifies development is not permitted by Class AA if the floor to ceiling height of any additional storey, measured internally, would exceed the lower of (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the dwellinghouse. The Council's concerns also relate to paragraph AA.2(3)(a)(ii), which requires consideration of the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation and any side elevation that fronts a highway.
7. Paragraph AA.3(12)(b) of Schedule 2, Part 1, Class AA sets out that the Local Planning Authority must, when determining an application, have regard to the National Planning Policy Framework (Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. I have proceeded on this basis.

Main Issues

8. The main issues are:
 - whether the proposal would constitute permitted development under Schedule 2, Part 1, Class AA of the GPDO, with particular regard to the requirements of paragraph AA.1(h); and
 - if the proposal is permitted development, whether prior approval should be granted, having particular regard to the effect of the development on the external appearance of the dwellinghouse.

Reasons

9. The appeal dwelling is situated within a generous plot, east of Brookhampton, a small hamlet adjacent to Stadhampton. Further east and close by, there are several structures which appear as agricultural buildings, varying in size and shape. The appeal property itself is a 1960s bungalow with a white render finish, featuring a rectangular plan and a pitched roof with gable elevations at both ends. A modest conservatory has been added at one end. Apart from the eastern boundary, the site is encircled by tall evergreen trees, providing substantial screening for the entire site. The site is separated from nearby settlements and dwellings by agricultural fields. These nearby dwellings mainly consist of two-storey dwellings, finished predominantly in red brick with some displaying a white rendered finish.

Whether the Proposal is Permitted Development

10. The submitted drawings before me show that the floor to ceiling height of the proposed additional storey would be 2329mm, matching exactly the height of the existing ground floor storey of the appeal property. Despite the absence of section plans, I find the submitted drawings, which include annotations of the floor and ceiling levels, to be unequivocal and straightforward. In other words, they clearly indicate that the proposal would meet the requirements set out in paragraph AA.1(h) of the GPDO.
11. Consequently, I conclude that the proposal would comply with the requirements set out under Schedule 2, Part 1, Class AA of the GPDO and therefore would be permitted development.

The external appearance of the dwellinghouse

12. The Council argues that the proposal would harm the character and appearance of the rural area. While the development would significantly increase the dwelling's height and mass, it would remain in keeping with the existing building's character and appropriately scaled within its spacious plot, which is largely screened by vegetation. Moreover, considering the varying nearby built context, I do not find that the proposed additional storey would appear out of place or harmful to the rural character of the area. Additionally, the surrounding extensive fields around the site would remain unchanged, ensuring the rural setting of the site is preserved.
13. For the above reasons, the proposal would not result in harm to the external appearance of the dwellinghouse. As such, there would be no conflict with the design aims of Section 12 of the Framework, particularly paragraph 135, which notably requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

14. I have had regard to all comments made on the proposal. Concerns have been raised regarding past applications on the site and future development in the area. However, my recommendation is based purely on the appeal proposal before me. Ultimately, the number and nature of previous and any potential future applications are not matters for me to consider within the scope of this prior approval appeal.
15. Comments have also suggested that increasing the property's size could generate more wastewater, strain existing infrastructure and increase flood risks. However, the proposal would only add an additional storey to an existing dwellinghouse without significantly altering the building's footprint. Having regard to the available evidence, I find that the impact of the proposal would be minimal.

Conditions

16. Standard conditions are set out in paragraph AA.2 of Class AA, whilst paragraph AA.3(15) allows prior approval to be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The conditions requested by the Council mirror to a large extent those set out in paragraph AA.2, particularly with respect to the use of materials of a similar appearance and the implementation period for the completion of the development. As those are automatically applied to prior approval granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, it is not necessary to attach them as separate conditions.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and prior approval should be granted.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's recommendation. On that basis the appeal is allowed and prior approval granted subject to the conditions set out in Schedule 2, Part 1, Class AA of the GPDO.

S Edwards

INSPECTOR