



Appeal Decision

Site visit made on 19 May 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/J4423/W/24/3356557

Hunter Court, Hunter House Road, Sheffield S11 8TY

- 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 A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr P Wren against the decision of Sheffield City Council.
- The application Ref is 24/00874/ASFPN.
- The development proposed is erection of one additional (fourth) storey to existing three storey block of flats known as Hunter Court introducing 6 x 1no. bedroom flats.

Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. As part of this appeal I have been provided with three different elevational drawings by the appellant. The first elevational drawing¹ is the one upon which the Council determined the prior approval application.
3. The second elevational drawing² was submitted to the Council during the determination period. However, from the evidence before me the Council refused to accept this revised drawing on the basis that it was submitted close to the target deadline and was therefore not fully assessed.
4. A third elevational drawing³ was submitted during the appeal process, in order to address a matter raised by an interested party.
5. The procedural guidance⁴ states *"The appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage."*
6. The procedural guidance goes on to acknowledge that where amendments are proposed during the appeal process, despite the general principle outlined above, the Planning Inspectorate will consider whether to, exceptionally, accept them.
7. With the above in mind, it is unclear as to whether all interested parties were aware of the second set of plans which were submitted with the appeal. Additionally, given the submission of the third elevational drawing after the expiry of the 5-week

¹ 279 – 04 Rev A

² 279 – 4 Rev B

³ 279 – 4 Rev E

⁴ Planning Inspectorate Procedural Guide: Planning Appeals – England (updated 17 September 2024)

deadline whereby interested parties made their comments, accepting this plan would deprive interested parties, and the Council, an opportunity to comment on it.

8. As such, having regard to the Wheatcroft⁵ and Holborn⁶ principles, as well as the procedural guidance, I conclude that it would not be fair or reasonable to determine the appeal against either of the revised plans submitted, as to do so would prejudice interested parties. Consequently, I have determined the appeal against the plans submitted to, and considered by, the Council when it made its decision.
9. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits development consisting of works 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 associated works listed (a) – (d).
10. Development permitted by Class A is subject to limitations which are specified in paragraph A.1, and conditions which are set out at paragraph A.2. The conditions at A.2 establish a requirement for developers to apply for a determination as to whether prior approval will be required in relation to a number of specified matters.
11. During its consideration of the application the Council determined that the proposal met the limitations specified within paragraph A.1. However, the Council refused the proposal in relation to the prior approval matters at A.2(1)(a) - *'transport and highways impacts of the development'*; and A.2(1)(e) - *'the external appearance of the building'*.
12. Notwithstanding the Council's assessment of the proposal against the limitations specified within paragraph A.1, an interested party raised a concern in respect of the floor to ceiling height of the additional storey exceeding the floor to ceiling height of the principal part of the existing building. Thereby asserting the proposal would not meet the limitations specified within paragraph A.1(e), which states:
 - e) *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 existing building.*
13. As the determining authority I must establish whether the proposed development complies with the applicable limitations or restrictions within the GPDO. Consequently, comments were sought from both the main parties in respect of this matter raised by the interested party, and this is discussed further below.

Main Issues

14. Having regard to the above, the main issues are:
 - Whether or not the proposal would satisfy the limitation at paragraph A.1(e) of Part 20, Class A;

⁵ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

⁶ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

and only if so;

- whether, or not prior approval should be granted having regard to the specified matters set out at subparagraphs (a) and (e) of A.2(1) of Part 20, Class A.

Reasons

15. The elevational drawing submitted to, and determined by, the Council shows the floor to ceiling height of the proposed additional storey would measure 2.6m in height. This plan does not show or annotate the existing floor to ceiling heights within the building. However, the appellant's submitted Planning, Design and Access Statement⁷ states that the plans show each existing floor has an internal height of approximately 2.5m. This is repeated at paragraph 2.9 within the Appellant's Statement of Case.
16. I appreciate that the word 'approximately' is used within the appellant's submission. Nevertheless, based on the appellant's own submitted information the floor to ceiling height of the proposed additional floor would exceed the specified floor to ceiling height of the existing building.
17. Furthermore, an interested party commented that the lowest part of the ceiling in the existing building is 2.37m. The proposed 2.6m floor to ceiling height would exceed this. As this matter was not raised by the Council in its refusal of the prior approval, both the main parties were invited to respond to the third party's specific comments on this matter.
18. The appellant responded by stating the submitted plans were informed by previous plans prepared by others and that in the interest of respecting the privacy of existing residents an intrusive measuring survey was not carried out. The appellant goes on to explain that there was no way of verifying the internal dimensions provided by the third party. However, the appellant appears to accept that the plans submitted with the original appeal documents, showing a proposed 2.6m floor to ceiling height for the additional storey, would fail paragraph A.1(e).
19. It is at this point whereby the appellant sought to submit a new (third) revised elevational drawing to show the floor to ceiling height of the proposed additional storey reduced to 2.35m, so as to be below the existing height quoted by the interested party. For the reasons already explained within the '*Preliminary Matters*' section of this decision letter, this amended drawing has not been accepted and will not be considered as part of this appeal.
20. In view of all the above, on the evidence that is before me, I find that the proposed floor to ceiling height (2.6m) of the additional storey shown on the submitted plans would exceed the floor to ceiling height of the existing building. Insufficient evidence has been provided by the appellant to demonstrate otherwise. I therefore conclude that the proposal would conflict with the limitations at A.1(e). Accordingly, it would not be development permitted under Part 20, Class A.
21. I note the request of the appellant for me, in the scenario whereby the amended plans were not accepted, to still undertake a comprehensive assessment regarding the matters of prior approval that were the subject of the Council's reasons for refusal. However, in light of my findings that the proposal would

⁷ Paragraph 2.8

conflict with the limitation at A.1(e), it would be unnecessary and inappropriate for me to proceed to consider the prior approval matters as the appeal scheme would not be permitted development.

Conclusion

22. For the reasons given, I conclude that the proposal would not be permitted under the limitations of Schedule 2, Part 20, Class A of the GPDO. The appeal is therefore dismissed.

R Major

INSPECTOR