



Appeal Decision

Site visit made on 17 June 2025 by T Mansfield

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/N5660/D/25/3360966

51 Claylands Road, Lambeth, London, SW8 1PH

- 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 appeal is made by Mr Allen Loades against the decision of the London Borough of Lambeth.
 - The application Ref is 24/03086/P1AA.
 - The development proposed is described as: 'Application for prior approval for the enlargement of the dwellinghouse by construction of one additional storey at a total maximum height of 2.63m (overall building height to be 8.05m).'
-

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 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the enlargement of the dwellinghouse by construction of one additional storey at a total maximum height of 2.63m (overall building height to be 8.05m) at 51 Claylands Road, Lambeth, London, SW8 1PH in accordance with the terms of the application, Ref 24/03086/P1AA, and the details submitted with it including PRO – 101, PRO – 102, PRO – 103, PRO – 104, PRO – 201, PRO – 202, PRO – 203, PRO – 204 and PRO – 301, pursuant to Article 3(1) and Schedule 2, Part 1, Class AA.

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. Under Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse by the construction of additional storeys, subject to specific limitations and conditions and a requirement that the developer applies for prior approval to the Local Planning Authority.
4. There is no dispute between the parties that the proposal would comply with the limitations in paragraph AA.1. and the conditions in paragraph AA.2.(2) of Class AA. There is also no dispute with regard to the prior approval matters in paragraph AA.2.(3)(a)(i), (iii) or (iv). From the evidence before me I see no reason to disagree.

5. In the decision above I have removed wording from the description that does not describe the act of development proposed.

Main Issue

6. The only area of dispute relates to the prior approval matter in paragraph AA.2.(3)(a)(ii). Therefore, the main issue is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons for the Recommendation

7. The courts have held that when determining an application under Class AA, assessment of external appearance is not limited to the effect on the dwellinghouse, and the effect in terms of the building's relationship with adjoining or nearby properties can also be taken into account.¹
8. The appeal site is a two-storey mid-terraced property that is part of a wider 1970s estate. It is located close to, but outside of the St Marks Conservation Area (CA), the boundary of which excludes this estate entirely. The CA derives considerable significance from the architectural detailing and uniformity of its terraced rows of traditional properties, including the terrace opposite the appeal site.
9. The appeal property, aside from small elements of variation including window design, is largely uniform with the terrace to which it belongs, particularly in relation to scale and height. This modern style, simple form and absence of architectural embellishments draw a contrast in appearance when compared with the properties in the CA. Furthermore, the area of green space and tall trees in front of the appeal property establishes a significant degree of visual separation between the appeal site and the CA, especially during periods when the trees are in leaf. On balance, therefore, the contribution of the appeal property to the setting of the CA is limited.
10. On my site visit, I noted that both nearby to and in the same estate as the appeal site, there are sporadic examples where an additional storey has been constructed on properties. These properties are part of otherwise largely uniform terraces consistent in style with the appeal site. Some are close to a CA and others are not. Although some of the developments were granted permission through the prior approval process before the court judgement cited above, the extra storeys now form part of the character of the area.
11. These local developments have resulted in the appearance of some unbalanced terraced rows with regard to height. Whilst unusual, the appearance of such upward interventions is not however uncommon for the local area. Next to the estate, taller buildings have several lift shafts on their flat roofs that add isolated elements of increased height. One of these buildings and its lift shafts can be seen behind the appeal site, whilst from other angles tower blocks can be seen positioned such that they jut out above the terrace. Therefore, nearby buildings are not entirely uniform with regard to height and scale and such upward extensions are part of the character of the area.
12. By adding an additional storey to a middle property in an otherwise largely uniform terrace, the proposed development would unbalance the row and disrupt its consistent scale and appearance. However, taking into account local context, this would not represent an alien addition to the area, and it would respond to the

¹ CAB Housing Ltd v SSLUHC & Broxbourne BC [2023] EWCA Civ 194

character of local development. The proposed development would also respect the external appearance of the original dwellinghouse through its matching materials and flat roof.

13. Consequently, the proposed development would preserve the setting of the nearby CA and have an acceptable effect on the external appearance of the dwellinghouse and. It would therefore accord with the design and heritage policies contained in the National Planning Policy Framework.

Other Matters

14. Although the Council has referred to an example that was refused at appeal in the locality, I have not been provided with sufficient details to conclude whether the context or circumstances of that case are comparable to that of the appeal proposal. Accordingly, this example does not justify a refusal of the proposal before me.

Conditions

15. The development permitted by this appeal is subject to the conditions set out in Schedule 2, Part 1, Class AA, paragraph AA.2.(2) of the GPDO, which includes conditions for timescales and materials. Building in accordance with the approved details is specified as a procedural requirement in paragraph AA.3.(14) of Class AA. As such, these conditions do not need to be duplicated here.

Conclusion and Recommendation

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

T Mansfield

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed and prior approval is granted subject to the conditions set out in the GPDO.

L McKay

INSPECTOR