



Appeal Decision

Site visit made on 14 July 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/A0665/D/25/3365264

The Summerhouse, Guilden Sutton Lane, Guilden Sutton, Chester CH3 7EX

- 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) (GPDO).
 - The appeal is made by Mr Peter Hawkins against the decision of Cheshire West and Chester Council.
 - The application Ref is 25/00450/PAA.
 - The development proposed is construction of vertical extension to create additional storey.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the application form. Although different to that given on the decision notice and appeal form, it still accurately reflects the appeal site location.
3. Schedule 2, Part 1, Class AA of the GPDO, permits development consisting of the enlargement of a dwellinghouse by the construction of one additional storey, where the existing dwellinghouse consists of one storey, together with any reasonably necessary engineering operations. In the event development is permitted under AA. (b) this is subject to limitations and conditions set out in Paragraphs AA.1 and AA.2.
4. The Council refused to grant prior approval as the appeal scheme would require the rebuilding of the original dwelling to facilitate an additional storey. The Council's decision notice also identifies that the scheme would fail to comply with the limitations and restrictions specified at AA.1(i) and AA.2.(3)(a)(ii). These relate to the additional storey being constructed other than on the principal part of the dwellinghouse and the external appearance of the dwellinghouse, including the design and architectural features.
5. The GPDO requires that regard must be given to the National Planning Policy Framework (the Framework) in prior approval cases so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Main Issues

6. Based on the above, the main issues in this appeal are:

- whether the proposed development meets the requirements of Class AA, Part 1 of Schedule 2 of the GPDO such that it would constitute permitted development; and
- if found to be permitted development, the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

7. The GPDO allow for any engineering operations reasonably necessary for the construction of an additional storey. The GPDO does not define reasonably necessary, and it is therefore a matter of planning judgement based on the evidence before me and my observations on site.
8. The building subject to the appeal is a detached single-storey dwellinghouse. The building, which was formerly used as an outbuilding, has been extended to either side. The building is of a single skin timber construction, sitting on a brick and concrete footing.
9. The proposed additional storey would accommodate four bedrooms, an en-suite and a shared bathroom. The proposal would also see the insertion of several windows and a new roof. There is no structural report to demonstrate that the existing dwelling is structurally sound and able to accommodate the likely loading to which it will be subject to with the erection of an additional floor and new roof.
10. Moreover, no substantive information has been provided as to the level of work that is proposed to facilitate the additional upper storey. The appellant states that the substantial footings and existing structural timber framing, alongside the new lightweight timber structure, would be sufficient should the walls need strengthening. This could be installed internally within the makeup of the walls, meaning no external changes would be required.
11. In my view, it is not the intention of the permitted development rights to allow rebuilding work which would exceed what is reasonably necessary for the creation of an additional storey on the existing building. There is no suitably detailed information before me as to the extent of the existing fabric of the building that would be retained or replaced.
12. Moreover, the submitted details are vague as to what strengthening to the existing building is required, particularly given its former use and single skin timber construction. It is unclear what the implications of this would be in terms of the overall strength of the existing building, the works that would need to take place and how much of the existing building would be retained upon completion.
13. Overall, in the absence of detailed information as to the full extent of works that are required to facilitate the additional storey, I am unable to conclude that the engineering operations do not go beyond those reasonably necessary and do not amount to a rebuilding of the host dwelling. I therefore cannot find the scheme to comply with paragraph AA. (b) of the GPDO. Accordingly, the proposal does not benefit from the permitted development rights under Schedule 2, Part 1, Class AA of the Order.
14. It follows that further assessment of other restrictions, limitations and conditions of Class AA, Part 1 is rendered unnecessary as it would not alter the outcome of the decision.

Other Matters

15. The appellant notes that no objections have been received from neighbouring occupiers. However, this does not overcome my findings above with regard to permitted development.
16. My attention has been drawn to an allowed appeal¹ under Part 1, Class AA. I do not have the full details of the decision. Nonetheless, and as identified above, individual judgements are often required by Class AA, notably the specific details in terms of the extent of engineering works that are proposed. As such, the example appeal has not been determinative to the appeal.

Conclusion

17. For the reasons set out above it follows that the proposal would not fall within the scope of the permitted development relied upon under Class AA, Part 1 of Schedule 2 of the GPDO. As such, it would not constitute permitted development.
18. The appeal is therefore dismissed.

A Hickey

INSPECTOR

¹ Ref: APP/P0240/D/22/3293165