



Appeal Decision

Site visit made on 13 August 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/N1730/W/25/3362797

NTT House, Waterfront Business Park, Fleet, Hampshire GU51 3QT

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by B2 Waterfront Ltd against the decision of Hart District Council.
 - The application Ref is 24/02492/GPDBUC.
 - The development proposed is: The removal of the existing roof, and the construction of 2 no. floors, one in facing brickwork to match existing and one in lightweight zinc to the front elevation and two floors of lightweight zinc to the rear. The creation of 24 no. apartments, 19 no. 2 bed units and 5 no. 1 bed units. The erection of 4 external cycle stores to the south of the building 1 no. additional parking space to the car park.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the removal of the existing roof, and the construction of 2 no. floors, one in facing brickwork to match existing and one in lightweight zinc to the front elevation and two floors of lightweight zinc to the rear. The creation of 24 no. apartments, 19 no. 2 bed units and 5 no. 1 bed units. The erection of 4 external cycle stores to the south of the building 1 no. additional parking space to the car park in accordance with the application 24/02492/GPDBUC and the details submitted with it and subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following plans and documents:
 - 24-06-80 Rev. A (Proposed Elevations Additional Floors)
 - 24-06-81 Rev. A (Proposed Elevations Additional Floor)
 - 24/06/82/A (Site Plan)
 - 24-06-83 (Proposed Floor Plan 1)
 - 24-06-84 Rev. A (Proposed Plans 2)
 - 24-06-85 Rev. A (Proposed Additional Floors)
 - 24/06/97 (Cycle Stores)
 - 24/06/18 (Block Plan)
 - Schedule of Accommodation dated 20.12.24
 - Structural Feasibility Report Job. No. 2895 DB/JL 11/02/2025-T2.
 2. No external surface materials to be used to construct the additional storeys hereby approved shall be used until full details and samples of those materials have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved samples and details.

3. No dwelling hereby approved shall be occupied until the vehicle and bicycle parking spaces have been provided in accordance with Site Plan 24/06/82A and Cycles Stores plan 24/06/97. Thereafter those spaces shall be retained for the parking of vehicles and bicycles only.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. Paragraph C.(2) of Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) makes clear that references to a “storey” in Part 20 do not include any accommodation within the roof of a building. In its Statement of Case the Council withdrew its second reason for refusal due to this interpretation. I have found no reason to conclude differently and have considered the appeal on the basis that the matters raised in that reason are no longer in dispute.
4. I am aware of a concurrent appeal¹ at 1 Cygnus House, Waterfront Business Park where similar issues to this appeal have been raised. That appeal will be determined on its individual merits and is the subject of a separate decision.

Background and Main Issue

5. Schedule 2, Part 20, Class AA of the GPDO applies to the construction of new dwellinghouses on detached buildings in commercial or mixed use. Under paragraph AA.(1), development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey of the building is permitted development subject to limitations and conditions. The point at issue between the parties is whether the proposed development includes works which exceed those permitted by Class AA.
6. Against this background, the main issue is whether the proposal would be permitted development under Class AA of the GPDO with reference to the works required for the construction of the proposed development.

Reasons

7. The proposal involves the removal of the existing roof and the construction of two new floors to accommodate residential apartments. The roofspace and loft area currently accommodate the plant and equipment for servicing the building.
8. The development consisting of works for the construction of up to two additional storeys is permitted by paragraph (1) of Class AA. Paragraph (1) makes clear that these works are permitted together with any engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses.

¹ APP/N1730/W/25/3362833

9. The phrase “together with” in paragraph AA.(1) is an inclusive phrase which makes clear that the engineering operations referred to in paragraph AA.(1)(a) are also permitted development under paragraph AA. However, given that the description of permitted development includes the word “development,” that does not necessarily mean that any other development consisting of works for the construction of the additional two storeys which fall outside of Paragraphs AA.(1)(a) to (d) are not permitted development under paragraph AA.(1).
10. Whilst paragraph AA.1.(j) limits the engineering operations which may be carried out under paragraph AA.(1)(a), paragraph AA.1.(j) does not limit any other “development consisting of works for the construction of up to two additional storeys” which are permitted by the principal part of paragraph AA.(1). It applies only to the engineering operations permitted by paragraph AA.(1)(a).
11. Notwithstanding this, engineering operations only form one part of the definition of development set out in section 55 of the Act². The definition of development in section 55 also includes the carrying out of building operations. Structural alterations of, or additions to, buildings are explicitly included in the definition of building operations in section 55. This indicates to me that structural alterations may be carried out to buildings which, whilst they are “development consisting of works for the construction” of the additional storeys, are not necessarily engineering operations.
12. The nature of the proposed works is explained in the Structural Feasibility Report and subsequent Structural Clarification submitted with the appeal. The report and later clarification make clear that the existing roof and plant room would be removed to make way for the new floors and roof. The report includes diagrams showing the proposed alterations. The Structural Clarification submitted in response to the Council’s Statement of Case however makes clear that no primary structural members would be affected by the proposal. Moreover, it states that none of the components to be removed carry significant vertical or lateral loads for the building below and that, in engineering terms, the demolition and construction works are standard building operations and do not involve any unusual engineering processes.
13. The Council raises specific concerns regarding the removal or cutting back of steel columns above the second floor. Even if the proposed works fall outside the parameters of paragraph AA.1.(j) they are nevertheless development works permitted by the preceding principal part of paragraph AA.(1) and necessary to complete the development.
14. Therefore, for the reasons given above the proposal would be permitted development under Schedule 2, Part 20, Class AA of the GPDO having regard to the works required for the construction of the proposed development.

Other Matters

15. Paragraph AA.2. of the GPDO requires that various other matters are considered in the determination as to whether prior approval is required. The site is located adjacent to a train station and is within a short walking distance of it. There are bus stops outside the station with connections to the town centre and other towns and the services and facilities they provide.

² Town and Country Planning Act 1990 (as amended)

16. Whilst prior approval has already been granted for the change of use of the existing building to flats, the site is an accessible location and I have not been provided with any compelling evidence that the projected traffic movements would have an unacceptable impact on highway safety. The Council accepts that the proposed bicycle parking provision accords with its standards. Whilst there are parking restrictions on roads around the site and the proposed number of car parking spaces would result in a cumulative shortfall in the number normally required by the Council, the proximity of the site to the town centre and to train and bus services means that there would not be reliance on the use of the private car. The modest shortfall in parking therefore would not have a severe impact on the road network as a result of the proposal. The Highway Authority raised no objections to the development and I have found no sound reason to reach a different conclusion.
17. Whilst the proposal would result in the reconfiguration of the existing roof, the alterations to create the additional upper storeys would largely reflect the character and appearance of the existing building. The building is located on the north eastern edge of a business park and, whilst the proposal would be seen from the access road and station forecourt, the proposed change to its appearance would not cause harm to the mixed character of its surroundings which include the station, decked car parks and commercial premises. The trees along the eastern boundary of the site and the adjacent nature reserve help screen the building from the reserve. The additional storeys, including the balconies, would not result in a significant increase in the height of the building or its visual impact on the nature reserve.
18. I have seen no clear evidence that the proposal would have an adverse impact on air traffic and defence assets or result in contamination risks. Nor does the Flood Risk Assessment identify any flooding risks in relation to the proposal. Whilst Class AA does not require that consideration is given to whether there is a need for one or two bedroom units, the proposed flats would have adequate natural light as a result of their large windows and are sufficiently distant from neighbouring premises so as not to have an adverse impact on their amenity. I have little reason to believe from the evidence before me that the proposal would have an adverse impact on business premises in the area. The Noise Impact Assessment concludes that the proposal is not expected to experience a significant adverse noise impact from other commercial premises. I have not been referred to any Directions relating to protected vistas and the Council accepts that the proposal complies with the requirements of paragraphs AA.2.(1)(k) and (l) regarding fire safety. I have found no sound reason to conclude differently.
19. The Council's officer report refers to the Thames Basin Heaths Special Protection Area. Article 3(1) of the GPDO grants planning permission for classes of development as set out in Schedule 2 subject to Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017. This provides that it is a condition of any planning permission granted by the GPDO that development which is a) likely to have a significant effect on a European site or offshore marine site, alone or in combination with other plans or projects and b) not directly connected with or necessary to the management of the site, must not begin until the developer has received written notification of the approval of the local planning authority under Regulation 77. A Regulation 77 application may be submitted and

determined separately to an application for prior approval and I have determined the appeal accordingly.

Conditions

20. Development under Class AA. is permitted subject to conditions at paragraphs AA.2. Conditions (3) and (4) of paragraph AA.2 require that the development must be completed within a period of 3 years starting with the prior approval date; and that before the development begins, the developer must provide the local planning authority with a report for the management of the construction of the development which sets out the proposed development hours of operation and how adverse impacts of noise, dust, vibration and traffic will be mitigated. Two of the Council's suggested conditions replicate these conditions and are therefore unnecessary.
21. The Council also suggests a condition requiring the development to be carried out in accordance with the approved plans. This is reasonable and necessary to provide certainty. Whilst the Fire Statement, Flood Risk Assessment, Internal Daylight Assessment, Transport Statement and Noise Impact Assessment all inform the plans and my consideration of the proposal, they do not include specific or precise requirements which need to be the subject of conditions. I have therefore not included them in the conditions.
22. Whilst the submitted plans state the materials to be used, it is reasonable to include a condition requiring that further details and samples are submitted to the Council for approval prior to their use. I have amended the Council's suggested wording accordingly. A condition requiring the provision of the car parking and bicycle parking spaces prior to the occupation of the flats is necessary in order to ensure that the transport and highway impacts of the development are managed.

Conclusion

23. For the reasons given above the appeal should be allowed and prior approval should be granted.

R Kent

INSPECTOR