



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: 12 September 2025

Appeal Ref: APP/N1730/W/25/3362833

Cygnus House, 1 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 In His Name Ltd against the decision of Hart District Council.
 - The application Ref is 24/02426/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. The creation of 14 no. apartments, 10 no. 2 bed unit and 4 no. 1 bed units. The erection of an external cycle store under the vehicular access ramp and raised deck car parking. The extension of the existing refuse store. 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. The creation of 14 no. apartments (10 no. 2 bed unit and 4 no. 1 bed units). The erection of an external cycle store under the vehicular access ramp and raised deck car parking. The extension of the existing refuse store. 1 no. additional parking space to the car park at 1 Cygnus House, Waterfront Business Park, Fleet, Hampshire GU51 3QT in accordance with the application 24/02426/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:
 - 24/06/72C (Site Plan)
 - 24-06-70-A (Proposed Elevations Additional Floors)
 - 24/06/73 (Cycle and Refuse Store)
 - 24-06-71-A (Proposed Elevations Additional Floors 2)
 - 24-06-74 (Proposed Plans Additional Floors)
 - 24-06-75-A (Proposed Plans Additional Floors 2)
 - 24/06/21 (Block Plan)
 - Schedule of Accommodation dated 09.12.24
 - Structural Feasibility Report Job. No. 2895 DB/JL 11/02/2025-T1.

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 24/06/72C and Cycles Stores and Refuse plan 24/06/73. 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. I am aware of a concurrent appeal¹ at NTT House, Waterfront Business Park where similar issues have been raised. That appeal will be determined on its individual merits and is the subject of a separate decision.

Background and Main Issue

4. Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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.
5. 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

6. The proposal involves the removal of the existing roof and the construction of two new floors to accommodate residential apartments. The roofspace currently accommodates a plant room and outdoor plant space.
7. 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.
8. 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

¹ APP/N1730/W/25/3362797

construction of the additional two storeys which fall outside of Paragraphs AA.(1)(a) to (d) are not permitted development under paragraph AA.(1).

9. 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).
10. Notwithstanding this, engineering operations only form one part of the definition of development set out in section 55 of the Act. 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.
11. 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 plant room and roof structure would be removed to make way for the new floors and roof above. The report includes diagrams showing the proposed alterations.
12. The Structural Clarification submitted in response to the Council’s Statement of Case however makes clear that only roof elements would be removed and no primary structural members would be affected by the proposal. The entire main frame and floor slab would remain in place and form the base for the extension and the building would accommodate the extra storeys using normal construction methods.
13. Even if these 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 the train station access 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.
16. Prior approval has already been granted for the change of use of the existing building to residential use. The site is in 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. 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.

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 western side of a business park on a road junction. Whilst the proposal would be seen from the adjacent roads and station forecourt, the proposed change to its appearance would not cause harm to the mixed character of its surroundings which include the station, a public house, decked car parks and commercial premises.
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. The Interior Daylight Assessment shows that all the apartments would receive good levels of natural light. They would be sufficiently far from neighbouring premises so as not to have an adverse impact on the amenity of the existing building or neighbouring premises. 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 proposed development is located within the Zone of Influence of 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