



Appeal Decision

Site visit made on 21 November 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/Z3635/W/25/3368564

Maynard Court, Rosefield Road, Staines-upon-Thames, Surrey TW18 4QD

- 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 GPDO").
 - The appeal is made by Mr S Bowyer against the decision of Spelthorne Borough Council.
 - The application Ref is 25/00423/PAP.
 - The development proposed is Prior Approval for the erection of two floors of residential flats on top of the existing detached block of flats. The proposed third and fourth floor extension would consist of 4 apartments per floor with associated parking and refuse facilities
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr S Bowyer against Spelthorne Borough Council. This application is the subject of a separate decision.

Background and Main Issues

3. There is no dispute between the main parties that the proposal complies with the limitations and restrictions in Schedule 2, Part 20, Class A, Paragraph A.1 of the GPDO which grants planning permission for the construction of up to two additional storeys of new dwellinghouses immediately above a detached block of flats. Based on the evidence before me, I have no reason to reach a different view.
4. However, the conditions in Paragraph A.2 require the developer to apply for a determination from the local planning authority as to whether prior approval is required. In this instance the local planning authority determined that the appeal proposal would be harmful to the character and appearance of the area, and the amenity of existing occupiers of Maynard Court, contrary to the conditions in paragraphs A.2(1)(e) and A.2(1)(g). It therefore refused to grant prior approval.
5. In accordance with the GPDO, I have only had regard to the National Planning Policy Framework ("the Framework") so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
6. Having regard to the Council's refusal reasons, the main issues in this appeal are the effects of the proposal on (i) the external appearance of the building and area, and (ii) the amenity of existing occupiers of Maynard Court with particular regard to access to light and privacy.

Reasons

External appearance

7. The appeal building at Maynard Court is a 3 storey flat block with a sizeable car park that is located at the corner of Rosefield Road and Kingston Road, which appears to be one of the principal routes through the settlement. In the area of the appeal site there are residential and commercial buildings on both sides of the road that are built to different architectural styles, proportions and materials.
8. Apart from the tall 5 storey buildings at Dorchester Court and Claydon Court, and a few 4 storey buildings including those at the junctions with Pullmans Place and Sidney Road, the vast majority of buildings fronting Kingston Road are 2 to 3 storeys high, mostly the latter. Therefore, despite their mixed appearances there is a marked consistency to the heights of the buildings along this section of Kingston Road.
9. This is particularly apparent in the area around the appeal site where the appeal building is seen with the adjacent 3 storey flat block at the junction of Greenlands Road, and the group of 3 storey buildings on the opposite side of the road that are broadly comparable in height. Seen in that context the 3 storey height of the appeal building reinforces the prevailing heights of buildings along this part of Kingston Road, including the relatively consistent ratio of building heights to the width of the street.
10. The appeal building has one of the widest facades in this area of Kingston Road and the proposed increase in height to 5 storeys would add significant bulk and mass to the building at an elevated level. In my judgment, the increased height and massing of the appeal building would be clearly apparent when seen in the context of the prevailing heights of buildings in the area, and it would loom large above the nearby buildings in street level views.
11. The differences in heights between the appeal proposal, its existing non-principal wing and those nearby 3 storey buildings would be abrupt and visually jarring given their relative closeness. Those additional floors would result in the building displaying a visible prominence and dominance on its corner plot that would contrast harmfully with the prevailing heights of buildings in the street scene. The relatively shallow pitch of the hipped roof form and the modest setbacks/steps in the façade would do little to alleviate the visual impact of the resultant extended building, particularly as the roof form would be clearly visible in medium distance views from the northwest.
12. The appeal building would be visible in street level views with the 5 storey buildings at Dorchester Court and Claydon Court, which are considerably taller than the others in the area. However, as they are the only 5 storey buildings in the area of the appeal site and they are set relatively far apart from one another, they read as exceptions to the character and appearance of the area. This is particularly so for Claydon Court, which despite being set well back from the road has an imposing scale in street level views that results in a jarring relationship with the lower height buildings nearby. I share the appellant's view¹ that Claydon Court is an exception to the character of buildings along the road.

¹ Page 10 of the Design and Access Statement

13. Furthermore, unlike both the appeal building in its proposed extended form and Claydon Court, the tall building at Dorchester Court stands within uncommonly generous grounds and is set a good distance away from the closest buildings. The form, proportions and pattern of window openings in Dorchester Court gives it a strong sense of verticality and it reads as a landmark-like building that is distinctly separate from the pattern of generally closely spaced buildings in the area. In street level views Dorchester Court sits comfortably within its grounds, and its considerable height and massing do not jar harmfully against the lower heights of the nearby buildings.
14. As such, those existing 5 storey buildings do not justify the harm that would be caused by the height and massing of the appeal building as proposed to be extended. Those buildings do not set a visual context for absorbing the prominence and dominance of its resultant height and massing.
15. The proposed additional storeys would largely replicate the fenestration pattern of the existing floors below, save for some larger openings to some rooms. Similar materials would be used with the addition of sizeable areas of light-coloured walling that seek to alleviate its massing. However, those factors would not overcome the significant harm that would arise from the increased height and massing of the appeal building in its proposed extended form.
16. There is a group of very tall buildings closer to the town centre of Staines in the area around London Road and the High Street, near to the junction with Kingston Road. Images of those buildings are before me². However, they do not alter my conclusions on this main issue as they are set well away from the area of the appeal site and viewed in a different context, with very limited intervisibility between them and the appeal site. Whilst the architects who prepared the appeal scheme are an award-winning practice it does not alter my conclusions on the visual effects of the appeal scheme.
17. The Council refused prior approval for a substantially similar scheme³ to the one before me in this appeal not because of its external appearance or impact on amenity, but because it had balconies that took it outside of the limitations in paragraph A.1. of Class A, and it failed the flood risk sequential test. Whilst the Council's decision on that scheme is a material consideration in the determination of this appeal, I am not bound by it. Moreover, for the reasons given above, I disagree with the Council's assessment of that scheme in which it is stated that an objection could not be sustained against the principle of a 5-storey residential building, particularly given the siting of Dorchester Court situated to the east of the site. For those same reasons, I disagree with the conclusions reached in paragraph 7.44 of the Council's Committee Report for the appeal scheme.
18. Whilst the scale of that previous scheme has been reduced in comparison to an even earlier scheme involving additional storeys above the non-principal wing of the building facing Rosefield Road, it does not make the appeal scheme acceptable or alter my conclusions on its visual effects.
19. For those reasons, I conclude that the proposed external appearance of the building would cause significant harm to the character and appearance of the area. Consequently, it would not satisfy condition A.2.(1)(e) of Class A.

² Page 9 of the Design and Access Statement.

³ Ref. 24/00392/PAP

20. Framework paragraph 125.e) supports upward extensions above existing buildings where consistent with the prevailing form of neighbouring properties and the overall street scene. Framework paragraph 135 requires planning decisions to ensure that developments are sympathetic to local character, including the surrounding built environment. For the reasons given above, and insofar as relevant to this matter for prior approval, the appeal scheme would not be consistent with those objectives of the Framework.

Amenity of existing occupiers

21. There are relatively narrow windows in the south facing elevation of the appeal building's lower height non-principal wing that serve bedrooms. It is possible that the proposed additional storeys could reduce the amount of sunlight reaching some of those windows as the sun moves through the sky. This is because the elevated bulk of the proposed additional storeys would be considerably taller and set forwards of those bedroom windows owing to the step in the building's façade. There is no technical sunlight assessment to demonstrate otherwise and therefore this is a matter to be assessed using planning judgement.
22. However, any loss of light reaching those windows due to the built form of the proposed additional floors would persist for only a short period of time given the aspect of those bedroom windows relative to the angle of the sun as it moves through the sky. As such, any loss of light to those narrow bedroom windows would not be harmful to the living conditions of the occupiers of those flats. Furthermore, those bedrooms are also served by much wider west facing windows.
23. Although not included in the refusal reasons on the decision notice, the Council states that the enlargement of the car park would reduce the amenity of existing occupiers through making the existing amenity space smaller and removing trees. The condition in paragraph A.2(1)(g) requires prior approval as to the impact on the amenity including overlooking, privacy and the loss of light. In my judgement, the use of the word 'including' implies that those impacts are not part of a closed list. Therefore, I see no obvious reason why noise unrelated to the construction of the development and the loss of outdoor amenity space could not be relevant considerations.
24. However, the evidence before me does not indicate that the size of the retained amenity space would conflict with any accepted standards. It would appear capable of functioning as amenity space and as a buffer between the building and the car parking spaces. The number of car parking spaces would be increased, including several spaces being positioned closer to the external walls and windows of some flats. This would be expected to increase levels of noise and disturbance within the car park, and potentially audible from the rear facing flats.
25. Nonetheless, the appeal site's car park is already relatively large and located in a busy urban setting. Compared to the levels of noise and disturbance that would normally be experienced in such environments, and which I experienced at my site visit the use of those additional car parking spaces would not be harmful to the living conditions of the occupiers of the building. No technical noise evidence has been advanced to the contrary.
26. There are clear glazed windows likely serving habitable ground floor rooms in the wall of the building facing the amenity space and car park. There are footpaths

through the outdoor amenity space near to those windows. Therefore, residents of those flats are already likely to experience a level of overlooking, which in my judgement would not be harmfully worsened by the appeal scheme's reduction of that amenity space and by vehicles parking closer to those windows.

27. For those reasons, I am satisfied that the appeal scheme would not have a harmful impact on the amenity of the occupiers of the existing building and it would comply with the condition in A.2(1)(g). Therefore, the appeal scheme would accord with Framework paragraph 135.f) insofar as it requires that decisions should ensure that developments create places with a high standard of amenity for existing users.

Other Matters

28. The homes proposed in this appeal would contribute to housing delivery and make more efficient use of an existing building in a sustainable location near the railway station and bus stops. The evidence before me indicates there is a significant shortfall in the supply of housing against the requirement in the Council's area.
29. Schedule 2, Part 20, Class A of the GPDO anticipates that the appearances of buildings would change to enable the delivery of new dwellinghouses above purpose-built flat blocks. However, the extent of that change and its resultant impact on an area must be assessed on a site-specific and context specific basis through the prior approval mechanism. Whilst the delivery of homes is important, for the reasons I have given above the proposal's harm to the character and appearance of the area is determinative in this instance and type of application.
30. Except where addressed above, the representations submitted by interested parties are addressed in the Council's report. It is unnecessary for me to reach a finding on them as it would not have altered the outcome of the appeal.

Conclusion

31. For the reasons given above, I conclude that the external appearance of the building would have a significantly harmful effect on the character and appearance of the area. It would therefore fail to comply with condition A.2(1)(e) of Schedule 2, Part 20, Class A of the GPDO. Consequently, the appeal should be dismissed.

G Sylvester

INSPECTOR