
Appeal Decision

Site visit made on 4 February 2026

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/M3645/D/25/3376313

Woodside, The Crescent, Felcourt RH19 2LD

- 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 Jamie Micallef against the decision of Tandridge District Council.
 - The application Ref is 2025/1009/NH.
 - The development proposed is first floor extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of development set out above are taken from the application form. I note that elsewhere the address is given as Woodside, Felcourt Road, Felcourt, East Grinstead. The submitted plans are clear as to the location and extent of the site.
3. The above-mentioned Class of the General Permitted Development Order (2015) (the GPDO) permits the construction of one additional storey immediately above a dwellinghouse subject to limitations and conditions. The local planning authority may refuse an application where, in its opinion, the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any pertinent conditions, limitations or restrictions. This includes, at (h), that development is not permitted if the internal floor to ceiling height in any additional storey would exceed the lower of either 3 metres, or the floor to ceiling height in the principal part of the existing dwellinghouse.
4. An additional plan¹ addressing floor to ceiling heights has been submitted as part of the appeal. I see no reason to feel that it alters the substance of the proposal insofar as either the objections received during the application or the Council's assessment of its effects on amenity are concerned. On that basis I am content to consider the additional plan in my determination.
5. Paragraphs AA.2(3), AA.3(5), and (12) to Part 1 require the local planning authority to notify adjoining owners or occupiers of the proposed development, and take into account any resultant representations when assessing the impact on the amenity of all adjoining premises, including in respect of overlooking and privacy.

¹ Drg No 4983/PFPE Rev A

Main Issues

6. The main issues are whether the proposal would be permitted development under Class AA with particular reference to floor to ceiling heights and, if so, the effect of the proposal on the amenity of adjoining premises.

Reasons

Whether permitted development

7. The additional plan demonstrates that the floor to ceiling height of the proposed additional storey would not exceed that found in the principal part of the existing dwellinghouse and would be permitted development in that respect. I therefore proceed to consider the effect of the proposal on the amenity of adjoining premises.

Amenity

8. There are four premises adjoining the appeal site, Autumn Winds, Silton, Bracken Lea, and Silver Hill. Each is a detached dwelling. The Council is satisfied that the effects of the appeal scheme on Autumn Winds do not amount to a reason for refusal. For much the same reasons as set out in the Council report, I concur.
9. The Council's concerns regarding the effects on Silton are restricted to overlooking from the proposed master bedroom window of the appeal site dwelling. I see no reason to widen my assessment beyond that. A significant proportion of the garden for Silton is to the west of the house, alongside the appeal site. Whilst parts of that garden may be visible from the upper windows of Autumn Winds, any associated overlooking would be partial and over a reasonable distance. The appeal proposal, in contrast, would result in direct and comprehensive overlooking of the Silton garden over a very short distance. This would be invasive and significantly undermine privacy in the garden.
10. The proposed western rear bedroom window at the appeal site would allow views over the garden of Bracken Lea. However, given the orientation of the two homes, the height of a dense boundary hedge between them, the views being over a reasonable distance at an indirect angle and excluding large areas of the Bracken Lea garden, I am content that adequate privacy would be maintained.
11. Whilst raised up by an extra storey, when viewed from Bracken Lea the essential shape and form of the appeal site dwelling would remain much the same as it is now. In that respect it would not be alien or striking. The additional height would be somewhat prominent, bringing the appeal site dwelling upwards beyond a treeline that forms the backdrop to eastern views from the upper floor windows of Bracken Lea, and increasing its presence in views from ground floor windows and external areas. However, the use of a gable end would limit the visible bulk of the development in those views. Given this, and the reasonable distance between the two dwellings, I do not find that the effects of the appeal proposal on outlook from Bracken Lea would be harmful.
12. The proposed upper floor rear windows at the appeal site would face the rear half of the garden of Silver Hill. The boundary between the two is formed by a combination of a dense, tall hedge, and a tall close boarded fence with additional panels of trellis above it. The appeal site is on lower ground. These factors would

combine to restrict overlooking of the northern side of the rearmost part of the Silver Hill Garden.

13. Even so, the windows would still afford views over the southern side of the garden. Whilst those views would be over a reasonable distance, they would be direct and comprehensive. The resultant harm to privacy would be exacerbated by the prominence of the appeal scheme in northerly views from Silver Hill; Whilst the scheme would not harm outlook it would noticeably alter it, leading to a striking perception of being overlooked.
14. I see little reason to accept the appellant's contention that the rearmost half of the Silver Hill garden is significantly less sensitive to overlooking than the part nearer the house. Indeed, the fact that it is further from the dwellings that front Felcourt Road gives it more privacy, and I see no reason why that privacy ought not to be valuable. Moreover, I see little to suggest that how the rearmost part of the garden compares to other parts in terms of sensitivity to overlooking is an appropriate test to apply; The rearmost part appears to be in regular use and it becoming overlooked would cause harm.
15. I recognise that a degree of overlooking is a feature of the local area, as it is in many residential settings. That does not, however, justify or mitigate the introduction of new and greater overlooking to areas where occupiers have become accustomed to privacy.
16. I note the appellants argument that the terms of the GPDO indicate a presumption in favour of development. However, the regulations not only require that neighbouring amenity be considered, but that regard be had to the National Planning Policy Framework (the Framework) "as if the application were a planning application". This does not suggest that a different, more lenient approach to issues of amenity be taken where applications for prior approval are concerned.
17. I have considered whether planning conditions could be used to ensure neighbouring privacy. However, many of the relevant windows serve bedrooms, and it has not been demonstrated that obscured glazing could be used without unacceptable effects on the living conditions for occupiers of the appeal site.
18. The GPDO requires that I have regard to the Framework so far as it is relevant to the subject matter of the prior approval. The Framework requires planning decisions to create places that promote health and well-being, with a high standard of amenity for existing and future users. Whilst I have not found that the appeal scheme would cause harm to neighbouring outlook, it would nevertheless cause unacceptable harm to the amenity of adjoining premises due to overlooking. It would conflict with Framework in that respect.

Conclusion

19. For the reasons given above, the appeal is dismissed.

A Knight

INSPECTOR