



Appeal Decision

Site visit made on 7 August 2025 by S Indermaur BA (Hons) MSc MRTPI

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/D0121/D/25/3367556

12 Knightcott Road, Abbots Leigh, North Somerset BS8 3SB

- 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 the provisions of 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 Damon Cooper against the decision of North Somerset Council.
 - The application Ref is 25/P/0526/H2PA.
 - The development proposed is a proposed enlargement of a dwelling house by construction of an additional storey.
 - Application to determine if prior approval is required for a proposal to construct an additional storey to existing dwellinghouse, to a maximum height of 8.74 metres.
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Decision

1. The appeal is allowed, and prior approval is deemed to be granted 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) for an additional storey to an existing dwellinghouse to a maximum height of 8.74 metres, in accordance with application Ref 25/P/0526/H2PA, dated 13 March 2025, and the details submitted with it including plan no's 1553-23/ LP, 1553-23/2000B, 1553-23/2100B, 1553-23/2200B, and subject to the conditions set out in section AA.2 of Class AA.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main issue

3. Town and Country Planning (general Permitted Development (England) Order 2015 (as amended) (the 'GDPO') was amended on 31 August 2020 to introduce Class AA to Part 1 of Schedule 2 Article 3(1), setting out permitted development rights for development consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey.
4. All such development is subject to a requirement that details are submitted for prior approval in relation to the matters set out at Paragraph AA.2(3)(a)(i) to (iv). In this case, this was submitted by the appellant in the covering letter, and the Council did not contend this.
5. Councils are required to undertake certain consultations as part of the prior approval process, as may be relevant under Paragraphs AA.3(5) to (8). However, if

a Council considers that a proposal would fail to comply with the conditions and limitations of Paragraph AA.1 it may refuse the application on that basis, without considering the matters of prior approval, as set out in Paragraph AA.3(3 & 4). In this case, the Council considered that the proposal would fail to comply with Paragraph AA.1 (i). As such the Council did not have regard to the applicable conditions of external appearance of the dwellinghouse and the impact on the amenity of neighbouring occupiers.

6. Should the proposal fail to meet the conditions of Paragraph AA.1 it is not necessary or appropriate to consider whether prior approval should be granted for the matters set out at Paragraph AA.2(3) because such prior approval can only be granted for development that falls within the scope of the permitted development right.
7. I have not been provided with any evidence to suggest the proposal would not comply with any other sub paragraph of Paragraph AA.1. Consequently, I shall only consider whether the proposal would conform to the conditions and limitations set out in Paragraph AA.1 (i) in the first instance and if that is the case, I shall then consider whether to grant prior approval having regard to the matters at Paragraph AA.2(3).
8. In view of the above, the main issues are:
 - i) whether any additional storey is proposed to be constructed other than on the principal part of the dwellinghouse in conflict with Paragraph AA.1(i); and
 - ii) if the appeal succeeds in relation to main issue (i), whether prior approval should be granted having regard to the external appearance of the dwellinghouse and the impact on the amenity of neighbouring occupiers at 10 Knightcott Road.

Reasons for the Recommendation

Prior Approval - AA.1 (i) any additional storey is constructed other than on the principal part of the existing dwellinghouse

9. Paragraph AA.1 (d) states that development is not permitted by Class AA if “*the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise*”. Paragraph AA.1(i) goes on to outline that development is not permitted if any additional storey is constructed other than on the principal part of the dwellinghouse.
10. Paragraph AA.4 clarifies that the “principal part”, in relation to a dwellinghouse, means “*the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition*”. An additional storey is not proposed for any bay windows and outriggers, as they have a lower ridge height to the original roof.
11. The Council have reasoned that the property has been previously extended to the side, which would mean the proposal would not be constructed on the principal part of the original property and as such the development would not be permitted by Class AA. However, the subsequent addition in question is not of a lower height and is therefore not excluded as a definition for a principal part for the purposes of AA.

12. Consequently, the proposal complies with Paragraph AA.1(i) of the Order.

Neighbouring Amenity

13. With regard to Paragraph AA.2 (3) (i), the appeal property is located on a corner, with the nearest dwelling, 10 Knightcott Road, to the southwest. This neighbouring property has the same number of storeys as the existing appeal dwelling. However, it is positioned on a higher ground level, appearing taller than the host property. The neighbouring property and the appeal dwelling share a similar rear and front building line and there is a substantial gap between the two. There are no windows in the first-floor side elevation of the neighbouring property or the proposal of the appeal dwelling. Collectively these factors mean that the proposal would maintain existing levels of privacy, preventing overlooking from the proposed dwelling. Furthermore, the orientation of the properties and the sun direction would not cause a loss of light.
14. The proposed development includes windows to the front and rear elevations. The front window would face towards the appellant's garage and not directly onto a neighbouring property. The rear window closest to the neighbouring property would serve a bedroom and would naturally predominantly overlook the garden of the host dwelling. Although views of neighbouring gardens would be possible, given the orientation of the proposed windows, views would be oblique only. Furthermore, the windows proposed within the roof would be sloping. The roofspace would appear to not accommodate habitable rooms as shown on the proposed floor plans. As such, the proposal would maintain an acceptable level of privacy and prevent overlooking of neighbouring occupiers.
15. Overall, I am satisfied that the impact on the amenity of neighbouring residents, with particular regard to overlooking, privacy and loss of light, would be within acceptable limits.

External Appearance

16. The appeal property is a detached dwellinghouse that includes bay windows, and windows that are located within the hipped roof. A detached garage and hedges are to the front of the principal elevation, separated by a substantial distance. The dwelling has a single storey front extension and a first-floor roof extension. The properties located in the surrounding area demonstrate a mix of materials, roof forms, number of storeys and varied designs.
17. The design, architectural features and roof pitch of the proposal, including the principal elevation, would largely replicate that of the original property. The materials are also proposed to be of similar to those used in the construction of the exterior of the existing dwellinghouse. The scale of the proposal would be readily assimilated into this relatively large plot and complement the taller properties within the local area. Moreover, as the property is set down into the site and the frontage includes a garage, trees and hedges, the extended property would be partially obscured in views from the street. Consequently, the external appearance of the proposal would be sympathetic to the existing dwelling, and the introduction of another two-storey property would complement the local character.
18. Having regard to all of the above, I conclude that the proposed development would comply with Schedule 2, Part 1, Class AA of the GPDO and so would constitute permitted development. It has also been found that the proposed rear extension

would not result in unacceptable impacts on the amenity of the occupants of the adjoining property, 10 Knightcott Road and external appearance of the dwellinghouse as required by Paragraph AA.2.(1).

Other Matters

19. The matters set out within GPDO Paragraph AA.2.(3)(a) of Class AA do not include the effect of the development on the Green Belt, including any impact on openness. Therefore, even if the site is within the Green Belt, it has no bearing on my considerations in this appeal.

Conditions

20. Standard conditions are set out in Paragraph AA.2 of Class AA, whilst Paragraph AA.3.(15) allows further conditions to be imposed that are reasonably related to the subject matter of the prior approval.
21. The Council suggested a number of conditions which mirror the conditions set out in Paragraphs AA.2.(2)(a) and AA.2.(3)(c). As these conditions are automatically applied to prior approvals in Class AA it would be unnecessary to attach them as separate conditions.

Conclusion and Recommendation

22. For the reasons given above I conclude that the appeal should be allowed, and prior approval granted.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

B Plenty

INSPECTOR