

Delegated Report

Prior Approval Extensions Application

Application no:	20231082
Location	5 Upper Avenue Istead Rise Gravesend Kent
Proposal:	Prior approval application for a single storey rear extension with a depth of 6.00 metres, maximum height of 3.00 metres and eaves height of 3.00 metres.
Applicant:	Mr Jandoo
Site Visit	N/A photos provided

Preliminary Matters

The plans show the height of the extension would be 3.00m, rather than 3.45m as indicated within the description. As such, the description has been altered accordingly.

Plans & Documents

Application Form;
 Floor Plans and Roof Plan – Existing (received on 23.10.23);
 Drawing No. 00 – Location Plan and Block Plan – Existing;
 Drawing No. 02 – Elevations – Existing;
 Drawing No. 10 – Location Plan and Block Plan – Proposed;
 Drawing No. 11 – Floor Plans and Roof Plan – Proposed; and
 Drawing No. 12 – Elevations – Proposed.

Property Type

5 Upper Avenue is a semi-detached bungalow located south east of the highway.

Proposal

The application seeks prior approval under Class A, Part 1 Schedule 2 and Article 3 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) for the erection of a single storey rear extension with a depth of 6.00 metres, a maximum height of 3.00 metres and an eaves height of 3.00 metres.

Relevant Planning History

There is no relevant planning history for the site, however there is an application for a Lawful Development Certificate (20231083 - *Application for a Lawful Development Certificate in respect of the proposed dormer extension in the rear roof slope*) that is pending consideration at this time. This does not impact the assessment of this application.

Development Plan

Due to the nature of this application, the adopted plan and national planning policies are not relevant since it relates to whether the proposed single storey extension requires prior approval.

Planning Legislation

Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended)

Consultations, Publicity and Representations

In accordance with the amendments in relation to home extensions under paragraph A.4 (5) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the following adjoining neighbouring properties were notified of this application;

- 18 Upper Avenue
- 3 Upper Avenue
- 7 Upper Avenue
- 6 Elwill Way
- 4 Elwill Way
- 14 Upper Avenue
- 16 Upper Avenue

The consultation period expired on 13.11.23 and one representation was received. The neighbour representation objected to the proposed development, expressing concerns relating to light, proximity, foundations and drainage.

In accordance with Class A.4 (7) to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. This assessment is made below:

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Class A - The enlargement, improvement or other alteration of a dwellinghouse

A.1	Development is not permitted by Class A if –	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N

(c)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	N
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	Y
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	Y 6.00m N 3.00m (as per plans)
(g)	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N 6.00m N 3.00m (as per plans)
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N/A
(i)	the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	N Eaves are 3.00m max
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	N/A
(ja)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	N/A

(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N N N N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(d)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	Y/N
(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	N/A See below*
(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A
(c)	where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

Assessment Note

A.3(a) – not enough information was provided to enable this question to be answered. However, it is not directly related to the Prior Approval Extension Application itself. The proposed single storey rear extension would need to adhere to all of the above to be considered permitted development and further information would be required in the event of a submission to obtain a Lawful Development Certificate.

Analysis

Under Class A.1 (g) of the Town and Country Planning (General Permitted Development) (GDPO) (England) Order 2015, as amended, a single family dwelling can extend beyond the rear wall by 6 metres in the case of a semi-detached property, as long as it does not exceed 4 metres in height.

As set out in the GDPO, Class A.4 (2), the developer has provided sufficient information to support the application; application form, site location plan and additional plans.

The information provided show the proposed development is within the parameters set out in the GPDO; 6.00 metres deep, a maximum height of 3.00 metres (according to the plans), with an eave height of 3.00 metres.

The adjoining properties were consulted in accordance with A.4 (5) and one representation was received, therefore under Class A.4 (7) of the GDPO the impact on neighbours' amenity requires investigation. The representation expressed concerns about light, proximity, foundations and drainage.

Foundations and Drainage

Concerns regarding foundations and drainage would not form a material planning consideration and is unrelated to the assessment of neighbouring amenity.

Light and Proximity

As aforementioned above, a neighbour representation has expressed concerns in relation to light/proximity. No.7 Upper Avenue has an existing conservatory and No.3 projects much further south than 5 Upper Avenue:

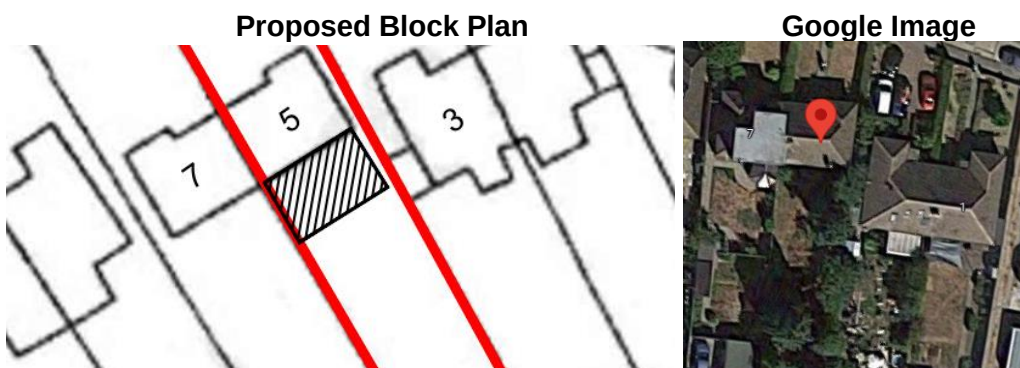


Photo of rear of property as shown on rightmove.co.uk



The floor plans show the extension would be constructed along the shared boundary with No. 7 and that there would be an approximate 1.00m gap between the proposed extension and the shared boundary with No.3. The photo above indicates No.3 has a side projection that includes windows on the flank elevation. With consideration that a 2.00m high boundary treatment could be installed along the shared boundaries without planning permission, the fact that the extension would be single storey and it would have a maximum height of 3.00m, the extension is not considered to be detrimental to neighbouring amenity.

It is considered that the details and documents provided with the application are sufficient and no further information is required under A.4 (8) to determine the proposed development.

Notwithstanding the above, the proposal as indicated on the plans would fail under A.1 (d) as the extension would rise above the height of the eaves of the existing dwellinghouse. As such the application should be refused.

Conclusion

The proposed development would fail under A.1 (d) as the extension would rise above the height of the eaves of the existing dwellinghouse. As such, the proposed development does not benefit from the provisions of Class A, Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Planning Permission would be required.

Recommendation: <u>Refusal</u>

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	20 th November 2023	Dated:	20th November 2023