

Delegated Report

Prior Approval Extensions Application

Application no:	20230911
Location	6 Pickwick Gardens Northfleet Gravesend Kent
Proposal:	Prior approval application for a single storey rear extension with a depth of 4.50 metres, maximum height of 3.00 metres and eaves height of 3.00 metres.
Applicant:	Ms Balbir Kalkut
Site Visit	Desktop Assessment

Plans & Documents

Application Form;
Supplementary Information – Specification Notes;
Block Plan – Existing (received on 31.08.23);
Block Plan – Proposed (received on 31.08.23);
Site Location Plan (received on 31.08.23);
Drawing No. 230823/1 of 7 – Ground Floor Plans - Existing;
Drawing No. 230823/2 of 7 – First Floor Plans - Existing;
Drawing No. 230823/3 of 7 – Elevations - Existing;
Drawing No. 230823/4 of 7 – Ground Floor Plans - Proposed;
Drawing No. 230823/5 of 7 – First Floor Plans - Proposed;
Drawing No. 230823/6 of 7 – Elevations - Proposed; and
Drawing No. 230823/7 of 7 – Section Plans - Proposed.

Property Type

6 Pickwick Gardens is a semi-detached chalet bungalow style property.

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 2015 (as amended) for the erection of a single storey rear extension with a depth of 4.50 metres, a maximum height of 3.00 metres and an eaves height of 3.00 metres.

Relevant Planning History

No relevant history.

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 (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;

- 34 Dene Holm Road
- 8 Pickwick Gardens
- 4 Pickwick Gardens

No representations were received from the neighbouring properties consulted in this prior approval application. The consultation period expired on 21.09.23.

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 See below
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or	N

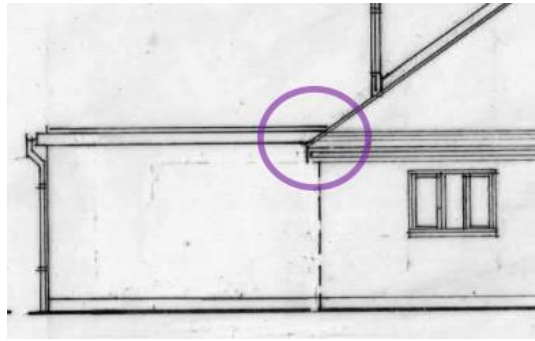
	(ii) fronts a highway and forms a side elevation of the original dwellinghouse	N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	Y 4.50m N 3.00m
(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 4.50m N 3.00m
(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
(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 Y See below Y See below

(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;	Y As per specif- ication notes
(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

The plans indicate the proposal would result in alteration to the roof of the dwellinghouse (A.1 (k)(iv)) and there would be an alteration to the flue or soil and vent pipe (A.1 (k) (iii)). The proposed single storey rear extension would need to adhere to all of the above and other relevant Classes to be considered permitted development and to obtain a Lawful Development Certificate.

A.1 (d) – as evidenced by the elevation drawings, the proposal would fail under A.1 (d) as development is not permitted should the proposal exceed the height of the eaves of the existing dwellinghouse. An inspector dismissed appeal ref: APP/Q5300/D/14/2214758 (See Appendix 1) whereby the scheme would fail under A.1 (j) (iii) and would have resulted in an extension that would be greater than half the width of the original dwellinghouse. Although this relates to a A.1 (j) (iii), the premise of the appeal decision can also be applied to this application, and the Prior Approval Application should be **refused**.

Proposed Elevation drawing indicating the proposal would exceed the eaves of the existing dwelling**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 single storey rear extension is within the parameters set out in the GPDO; 4.50 metres deep, a maximum height of 3.00 metres, with an eave height of 3.00 metres.

The adjoining properties were consulted in accordance with A.4 (5) and no representations were received. Therefore A.4 (7) has not been triggered and impact on neighbouring amenity does not require investigation.

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 proposal would exceed 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:	2 nd October 2023	Dated:	3rd October 2023

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