

Delegated Report

Prior Approval Extensions Application

Application no:	20240397
Location	22 Trosley Avenue Gravesend Kent DA11 7QW
Proposal:	Prior approval application for a single storey rear extension with a depth of 6 metres, maximum height of 2.80 metres and eaves height of 2.80 metres.
Applicant:	Mrs Mandeep Gill
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 29/04/2024; and
Drawing Number HD0087-PL006 (Block and Site Location Plan).

Property Type

22 Trosley Avenue is a two storey terraced dwellinghouse.

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 6 metres, a maximum height of 2.80 metres and an eaves height of 2.80 metres.

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)

Neighbouring Properties

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;

- 17 Woodfield Avenue

- 15 Woodfield Avenue
- 23 Trosley Avenue
- 21 Trosley Avenue
- 25 Trosley Avenue
- 20 Trosley Avenue
- 24 Trosley Avenue

Two representations were received from the neighbouring properties consulted in this prior approval application. The consultation period expired on the 21st May 2024.

The material planning concerns/objections raised have been summarised below:

Material planning considerations:

- Concerns regarding the depth and height of the extension and impact on neighbouring outlook and overshadowing;
- Concerns over remaining garden area; and
- Out of keeping within the existing street scene.

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:

Relevant Planning History

No relevant history

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

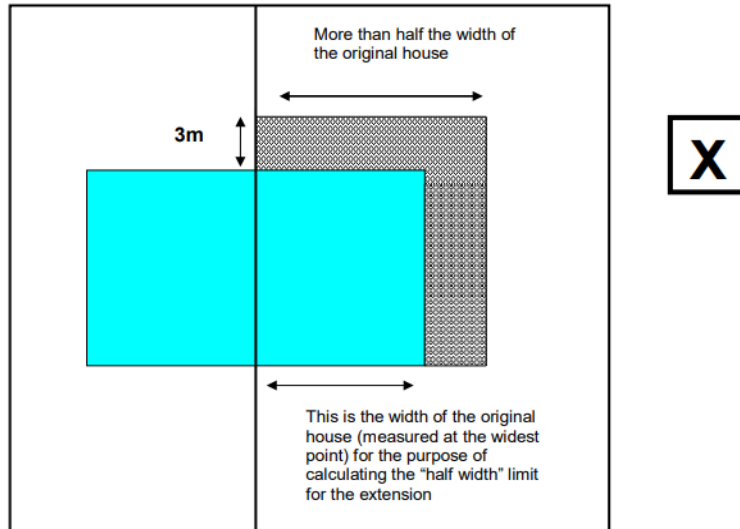
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	N
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; 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 6m N
(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 6m N 2.80m
(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 2.80m
(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 2.80m N Y 5.8m
(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/A*
(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*
(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 - although there was enough information to assess the Prior Approval Extension Application, some of the table above has been answered N/A as these parts of the GPDO cannot be definitively answered from the documents and plans provided. The proposed single storey rear extension

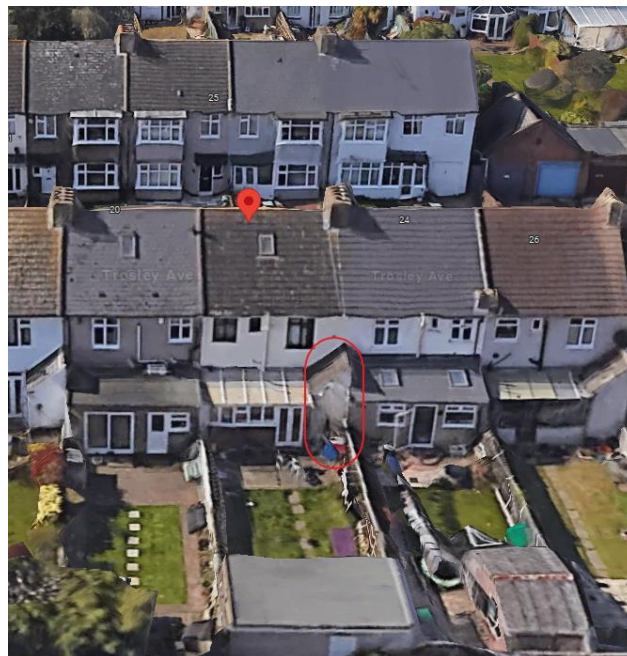
would need to adhere to all of the above to be considered permitted development and further information would be required in the event of a submission to obtain a Lawful Development Certificate

The proposed plans show the proposal would fail to comply with A.1 (j) (iii) as the total enlargement would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwelling. This is demonstrated visually below in the Government Technical guidance:



26

The property benefits from an existing rear projection (outlined in red below) which is original to the dwelling and forms an original side wall of the dwellinghouse.



This form of assessment has been supported on appeal for planning application reference 20211329 at 54 St James Avenue, Gravesend. The appeal reference is APP/K2230/D/22/3292207.

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 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.

The information provided show the proposed development is within the parameters set out in the GPDO; 6 metres deep, a maximum height of 2.80 metres, with an eave height of 2.80m metres.

The adjoining properties were consulted in accordance with A.4 (5) and two representations were received. Under Class A.4 (7) of the GDPO the impact on neighbours' amenity requires investigation; the material planning concerns raised are set out in the Neighbouring Properties section above.

In terms of the impact of the proposed development on the amenity of any neighbouring premises outlook, the single storey rear addition is considered to be minimal. The distance from the proposed rear extension across the private garden space to the adjacent properties on Woodfield Avenue is above the 21 metres sought in Gravesham's Residential Layout Guidelines (RLG) (1996) and no other impact from overlooking is considered to occur.

In terms of overshadowing the only properties that may be impacted by the proposed development would be the dwellings located immediately to the North (24 Trosley Avenue) and to the South (20 Trosley Avenue). It is not considered that any detrimental overshadowing or loss of light to the neighbouring occupiers will occur. This is due to the fact that both properties have previously also been extended to the rear and the proposed extension is of a modest height which is only marginally higher than the boundary fencing. As such this development would not unacceptably overshadow the adjoining property or result in a loss of light which could justify the refusal of the submission.

In terms of remaining ground space, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) and therefore this would not justify a refusal of the submission.

Lastly, in terms of the visual impact on the surrounding street scene, the proposal is located to the rear of the property and not visible from a public vantage point, and as such, this would not justify a refusal of the submission.

Overall the proposed rear extension is not considered to impact neighbouring properties amenity.

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

Conclusion

The proposed development does not comply with Class A.1 (j) (iii) of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and it is considered **PRIOR APPROVAL IS REQUIRED AND REFUSED**

Therefore, planning permission is required for the development.

Recommendation: <u>Prior Approval is Required and Refused</u>
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Case Officer:	Mrs Nina Goodbody	Team Leader:	Miss Faye Hobbs
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	3 rd June 2024	Dated:	03 June 2024