

Delegated Report

Prior Approval Extensions Application

Application no:	20220914
Location	23 Pine Avenue Gravesend Kent DA12 1QY
Proposal:	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 K Singh
Site Visit	Desktop Assessment

Preliminary Matters

The agent was emailed on 31.08.22 to clarify the proposed development would not encroach on the neighbouring property boundary, and also to make some minor amendments to the plans in terms of scale bars and annotation. The agent provided revised plans and confirmed there would be no encroachment on 05.06.22.

Plans & Documents

Application Form;
Supplementary Information – Email from agent confirming there will be no encroachment (received 06.09.2022);
Drawing No. 01/DT/08/2022 – Ground Floor Plan – Existing and Proposed;
Drawing No. 02/DT/08/2022 – REVISED Rear and Right Side Elevations – Existing and Proposed;
Drawing No. 04/DT/08/2022 – Section A-A;
Drawing No. 04/DT/08/2022 – REVISED Block Plan – Existing;
Drawing No. 05/DT/08/2022 – REVISED Block Plan – Proposed; and
Site Location Plan (received 22.08.22.)

Superseded Plans

*Drawing No. 04/DT/08/2022 – Block Plan – Existing;
Drawing No. 05/DT/08/2022 – Block Plan – Proposed; and
Drawing No. 02/DT/08/2022 – Elevations – Existing and Proposed – Rear and Left.*

Property Type

23 Pine Avenue is a detached two storey 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 6.00 metres, a maximum height of 3.00 metres and an eaves height of 3.00 metres.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220341	Demolition of existing garage to the side and part of the rear bath room (previous extension) and erection of a two storey side extension and part single and two storey rear extension (including roof line) and changes to the front to make it a double fronted house moving the front door.	Refused	20.05.2022
19740154	Erection of a single storey extension for a private garage, lobby and bedroom with a bathroom.	Permitted	26.06.1974

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;

- 25 Pine Avenue
- 21 Pine Avenue
- 18 Milton Hall Road – this property is not listed on the application form however the Local Planning Authority note that this is an adjoining neighbour
- 20 Milton Hall Road – this property is not listed on the application form however the Local Planning Authority note that this is an adjoining neighbour

No representations were received from the neighbouring properties consulted in this prior approval application. The consultation period expired 13th September 2022.

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

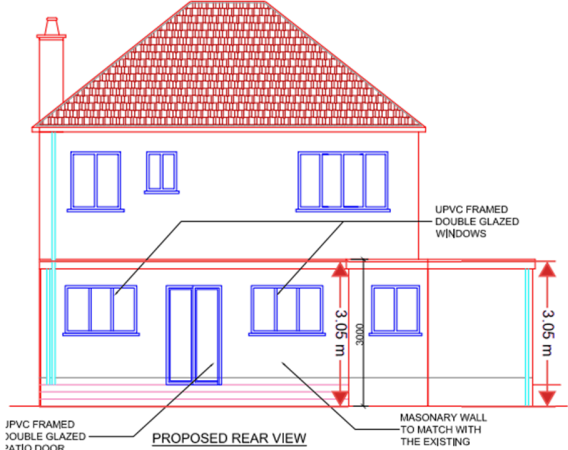
A.1	Development is not permitted by Class A if –	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	as a result of the works, the total area of ground covered by buildings within the 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
(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 3.05m
(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 3.05m
(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	Y 3.05m
(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);	Y
(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;	Y
(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	N/A

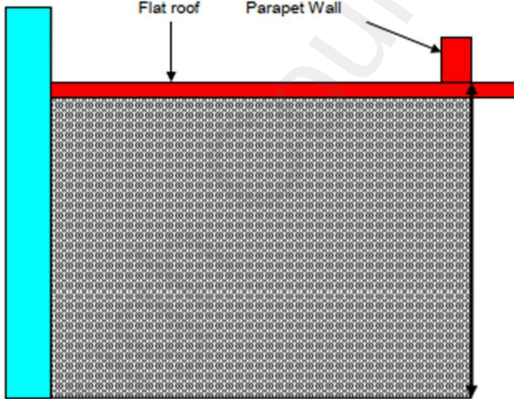
	dwellinghouse.	
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The proposed plans show the proposal would fail to comply with A.1 (i), as the development would be within 2.00m of the boundary, and the eaves of the enlargement would exceed 3.00m (indicated below).

Proposed Rear Elevation



Eaves height Information from Government Technical Guidance

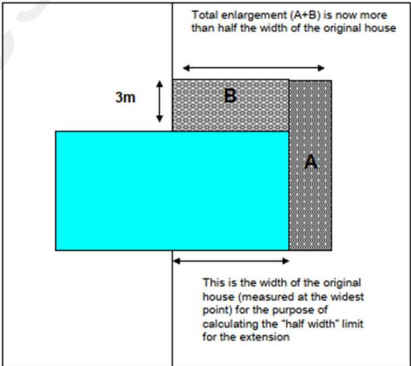


Eaves height is measured from the ground level at the base of the outside wall to the point where that wall would meet the upper surface of the flat roof - the overhang and the parapet wall should be ignored for the purposes of measurement.

In addition, the proposed extension would join an existing side extension which means an assessment under (ja) is required. Class A.1 (ja) states that “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)”. Therefore, the development fails under Class A.1 (i), as the eaves of the total enlargement are within 2.00m of the boundary and exceeds 3.00m (shown above). Furthermore, the proposed development fails under (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.

In some situations it may be that development is undertaken in separate stages. For example, a side extension may be built first, and then a rear extension added at a later date. In this case, under paragraph (ja) (see page 28) the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account.

For example:



In the example above, if the side extension A was built first, it would meet the requirement for being no more than half of the width of the original house. However, the later addition of the rear extension B would mean that the total width of A + B at the widest point would be more than half the width of the house. The rear extension would therefore require an application for planning permission.

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 8 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; application form, site location plan and additional plans.

The information provided, shows the proposed development fails under Class A.1 (i), as the development would be within 2.00m of the boundary, and the eaves of the enlargement would exceed 3.00m. Additionally, the proposed enlargement would fail under (ja) of the GPDO because the extension would have a width greater than half the width of the original dwellinghouse and the eaves of the total enlargement would exceed 3.00m and be within 2.00m of the boundary.

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.

Conclusion

The proposed development does not comply with Class A.1 (i) and (ja) 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 full planning permission is required for the development.

Recommendation: <u>PRIOR APPROVAL IS REQUIRED AND REFUSED</u>

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	23rd September 2022	Dated:	23rd September 2022