



Delegated Report

Prior Approval for Class AA Application

Planning Application No: 20230786

Location: 1 Willow Walk Meopham Gravesend Kent

Description: Application for prior approval under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for enlargement of a dwelling by construction of additional storey with a maximum height of 7.45 metres.

Applicant: Palvinder Philora

Site Visit Date: Previous Applications

Submitted Documents/Plans

Application Form
3429-006 – Existing Plans and Elevations
3429-008 Rev A – Proposed Plans
3429-009 Rev A – Proposed Elevations
3429-010 – Proposed Street Scene and Site Plan
Supporting Information Document

Relevant Planning History

Reference	Description	Decision	Decision Date
20230558	Demolition of existing detached garage and rear projection, erection of first floor extension to bungalow, single storey rear extension and side extensions incorporating garage to either side and alterations to fenestration.	Refused	24.05.2023
20221122	Demolition of existing detached garage and rear projection, erection of first floor extension to bungalow, single storey rear extension and side extensions incorporating garage to either side and alterations to fenestration.	Refused	29.11.2022
20030919	Erection of single storey extension to the northern side elevation to form double garage and enlarged dining room and a conservatory at the rear and construction of a new vehicular access.	Permitted	16.12.2003

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 AA.3 (5) of Class AA, 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;

- Owls Castle, Wrotham Road
- 3 Willow Walk
- Maycroft, Wrotham Road

No representations were received from the neighbouring properties consulted in this prior approval application.

However, a comment was received from the Dickens Protection Society as follows:

With reference to the above planning application, the Society has no objection in principal to the application, but in view of the very prominent corner site and changes made to the existing building could have a significant impact on the street scene. In this situation, in the Society's view, a full planning application should be required.

The consultation period expired on 21st August 2023.

Officer Assessment

The proposed enlargement of the dwellinghouse by the construction of one additional storey would be classed as "enlargement of a dwellinghouse by construction of additional storeys." Accordingly the development has been considered in relation to Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Permitted Developments Rights Restrictions

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

Application reference 20030919 applied the following condition, restricting permitted development rights:

(3) The garage hereby permitted shall be used for the accommodation of a private motor car (or cars) and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out on the site in such a manner or in such a position as to preclude vehicular access into the garage.

The proposal would not result in conversion of the garage and would not prevent its use for storage of vehicles.

Part 1 Class AA - The enlargement of a dwellinghouse consisting of the construction of -

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

- (b) *one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.*

AA.1	Development is not permitted by Class AA if —	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	the dwellinghouse is located on— (i) article 2(3) land; or (ii) a site of special scientific interest;	N N
(c)	the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;	N
(d)	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;	N
(e)	following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;	N (8m)
(f)	following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than— (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;	N (2.7m) N/A
(g)	the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres— (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;	N/A
(h)	the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;	N (2.4m)
(i)	any additional storey is constructed other than on the principal part of the dwellinghouse;	N
(j)	the development would include the provision of visible support structures on or	N

	attached to the exterior of the dwellinghouse upon completion of the development; or	
(k)	the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	N
AA.2	(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).	Y/N
(2) The conditions in this sub-paragraph are as follows —		
(a)	the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y
(b)	the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;	N
(c)	the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and	Y
(d)	following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.	Y
(3) The conditions in this sub-paragraph are as follows—		
(a)	before beginning the development, the developer must apply to the local planning authority for prior approval as to— (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; (ii) the external appearance of the dwellinghouse, including the design and architectural features of— (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway; (iii) air traffic and defence asset impacts of the development; and (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(3) issued by the Secretary of State;	See Analysis section below
(b)	before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;	N/A (at this stage)
(c)	the development must be completed within a period of 3 years starting with the date prior approval is granted;	N/A (at this stage)
(d)	the developer must notify the local planning authority of the completion of the	N/A (at this

	development as soon as reasonably practicable after completion; and	stage)
(e)	that notification must be in writing and include- (i) the name of the developer; (ii) the address of the dwellinghouse; and (iii) the date of completion.	N/A (at this stage)

AA.2 (3)(a) - Prior Approval Matters

The subject application has been made for 'Prior Approval' in accordance with paragraph AA.2 (3) of Part 1, Schedule 2 of GPDO 2015 (as amended). *"Before beginning the development, the developer must apply to the local planning authority for prior approval as to:*

- (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;*
- (ii) the external appearance of the dwellinghouse, including the design and architectural features of –*
 - (aa) the principal elevation of the dwellinghouse, and*
 - (bb) any side elevation of the dwellinghouse that fronts a highway;*
- (iii) air traffic and defence asset impacts of the development; and*
- (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(3) issued by the Secretary of State."*

(i) Amenity

Paragraph (i) concerns the neighbouring impacts of the proposed development including "impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light".

Having had regard to the scale, position and relationship between the neighbouring dwellinghouses, there are considered to be no concerns regarding overlooking, privacy and loss of light.

(ii) External Appearance

Paragraph (ii) relates to "the external appearance of the dwellinghouse, including the design and architectural features - (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway". However, at a recent High Court judgement (CAB Housing Ltd, Beis Noeh Ltd and Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)) (Appendix 1) the Judge upheld that a broader interpretation of the GPDO AA.2(3)(a)(ii)(aa) of Part 1 the 'external appearance' of the dwellinghouse is not limited to the principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations. Therefore, in essence the considerations pertaining to external appearance could embrace the visual impact of the proposal on premises other than the subject dwelling, including streetscapes.

This particular property holds greater prominence to the street scene than others, given its corner location on Willow Walk and Wrotham Road Street (A227). It is also noted that although not a deep dwellinghouse, it is a spacious dwelling as a result of its wide frontage which, again gives it a greater prominence and impact to the character of the area. Prior to the works undertaken following approval in 2003, the dwellinghouse was relatively unchanged. Those works resulted in enlargement to the north side elevation and rear.



Having undertaken a site visit recently for previous planning applications, it is evident that the existing dwellinghouses nearby in the immediate vicinity on both Wrotham Road and Willow Walk are generally bungalows. Where there are first floors, these are generally serviced by roof dormers rather than extending the exterior walls vertically. This use of dormers to provide additional space is an appropriate measure for an area such as this with a mixed residential/rural character. There are some exceptions to this where there are two storey elevations visible from the front. For instance, Dorman's Cottage, located on Wrotham Road 110 metres north of the subject dwellinghouse. Dorman's Cottage, forms part of a cluster of dwellinghouses on South Street originally built between 1940 and 1960. The subject dwellinghouse is a later addition along with other neighbouring properties on Willow Walk and appears on the historic maps at some time between 1960 and 1990. There are other two-storey dwellinghouses to the south end of this property on Wrotham Road and some newer built dwellinghouses two-storey in nature to the southeast, at the end of Willow Walk. Having assessed the character in terms of building heights, to summarise; it is evident that most are bungalows, some with dormer roof conversions, essentially chalet style properties. There are exceptions which are two storeys. However, the two storey dwellinghouses in the wider area are set further back, less prominent in their location and generally do not have as wide of a frontage as the subject dwellinghouse.

In the delegated report for planning reference 20221122 the assessment stated:

'It is the prominent position and wide frontage which would make the first-floor extension of this dwellinghouse unusually prominent, bulky and overbearing. This overdevelopment of this dwellinghouse, when considering the large side extension and rear single storey extension already completed previously, would be significantly over and above the scale of the original building, eclipsing the original scale of the dwellinghouse in a manner which would be uncharacteristic for this residential area which is a rural settlement with a mixed residential and rural appearance. A two-storey dwellinghouse in this location in principle would not be objectionable in itself as there is some character of two-storey dwellinghouses. The issue here is that the extension would result in overbearing and prominent bulk and would not be subservient. Given the existing, position layout and width of the dwellinghouse, it is unlikely that this would easily be resolved by extending the dwellinghouse.'

Taking into context, the position, width and prominence of the building on the corner plot, alongside with the wider character of the area, of low form dwellinghouses, it is considered that the dwellinghouse would result in extensions and alterations disproportionately over and above the existing dwellinghouse, in a manner uncharacteristic of the rural character of this residential settlement and in a prominent position which would have significant impact to the areas character and street scene.

The additional storey would have a harmful external appearance upon the host dwelling and the street scene. This brings the proposal into conflict with the GPDO AA.2(3)(a)(ii)(aa) of Part 1. Therefore, the development is not permitted by Schedule 2 and Article 3 of the 2015 Order. It follows that the development proposal would not fall within the definitional scope of Class AA, therefore, the prior approval application should be refused.

(iii) Air Traffic

The LPA do not consider that the proposed development would impact air traffic or defence assets, as set out in paragraph (iii).

(iv) Protected Views

The LPA do not consider that the proposed development would impact on a protected view identified in the Directions Relating to Protected Vistas, as set out in paragraph (iv).

Conclusion & Recommendation

Prior Approval is Required and Refused in respect of the external appearance of the proposed development and its impact upon the principal elevation of the existing dwellinghouse.

- 1. The additional storey would have a harmful external appearance upon the host dwelling and the street scene, which brings the proposal into conflict with the Schedule 2, Part 1, Class AA.2(3)(a)(ii) of The Town and Country Planning (General Permitted Development) Order (as amended). Therefore the development proposal would not fall within the definitional scope of Class AA and the prior approval application should be refused.*

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Lisa Williams	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	11th September 2023	Dated:	12 September 2023