

## **AW362 PLANNING STATEMENT REVISION A PORCH OMITTED**

Application for a Lawful Development Certificate for a Proposed use or development

**Site Address:** 26 St. John's Road Higham Kent ME3 7BZ

**Applicant:** Mr and Mrs Spike

**Proposed development :**

Permitted development comprising roof extension, single-storey side extension ~~and front porch.~~



SITE PHOTOGRAPH (GOOGLE)

### **SITE DESCRIPTION**

The site is located to the east side of St Johns Road and comprises a semi-detached bungalow, built in 1950s/60s to the north-east side of Higham as part of a large post-war housing development comprising mostly bungalow dwellings with some dwellings, including the adjoining No.24 substantially extended.

The bungalow is set back to a building line c6.5m from the public footpath, with a drive/parking area to the front, a large, detached garage and a raised patio and lawn garden area to the rear. There are public allotments beyond to the east. Existing boundary treatments are close boarded timber fencing.

The existing materials are pebbledash walls with a brick plinth base, UPVC doors and windows and a plain-tile hipped roof and a flat-roof garage/store building. The existing detached garage is 8m deep x 2.84m wide built from rendered blockwork

Many of the nearby dwellings have been extended and altered, including adjoining dwelling No. 24, which has been recently widened and extended to 2 stories under planning permission ref 20170870 and 20190033.

No.26 obtained planning permission in 2021 for a single-storey side extension similar to the current proposal, ref. no. 20210347; works have not commenced and the permission is now lapsed.

### **PROPOSED DEVELOPMENT**

The applicant wishes to extend the dwelling using permitted development rights in a similar way to the previously approved design scheme, but with a wider section of side extension to the rear side, allowing suitable space for a kitchen table and dining area. The existing detached garage will be partly demolished with the front section retained as an external store.

The proposed design scheme, based on the existing, approved scheme is carefully considered to be an attractive and in-keeping modest development, subservient to and in scale with the existing building with materials to match existing. The development is not overly large for the site and host dwelling and suitable gaps are left to the boundary with No. 28, ensuring that the extension is not overbearing to the neighbour. There is no adverse impact to the adjacent dwelling in terms of loss of view or loss of light.

## PERMITTED DEVELOPMENT

The proposed built development fully accords with Permitted development rights set out in GPDO 2015 (as amended) Schedule 2 Part 1 *development within a curtilage of a dwellinghouse* Class A – Enlargement, improvement or other alteration of a dwellinghouse, Class B – Additions etc to the roof of a dwellinghouse e.g. Dormers, Class C – Any other alterations to a roof of a dwellinghouse ~~and Class D – Porches~~

These statutory PD rights provide the householder with an automatic National Grant of Planning Permission for the proposed works, and a Lawful development Certificate is sought to confirm that the proposed works are lawful

**Extension height:** Please note that ground level adjacent to the existing north side elevation is not uniform, and for the purposes of a Class A side-extension, the *Permitted development rights for householders Technical Guidance* states that that height should be measured from the ground level at the highest part of the surface of the ground next to the building as follows:

*“Height” - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)*

The proposal is permitted development in accordance with Schedule 2 as detailed below:

| SCHEDULE 1                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                          |
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| “Article 2(3) land” - this includes land within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area, and land within World Heritage Sites.                                                                                                                                                                                      | House is/is not on Article 2(3) land<br>PDR are not restricted                                                                           |
| “Original” - means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.                                                                                                                                                                                                                                             | Original House is not extended                                                                                                           |
| SCHEDULE 2 PERMITTED DEVELOPMENT RIGHTS                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                          |
| PART 1 DEVELOPMENT WITHIN A CURTILAGE OF A DWELLINGHOUSE                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                          |
| CLASS A Rear And Side Extensions                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                          |
| A.1 Development is not permitted by Class A if:                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                          |
| (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 (change of use)                                                                                                                                                                                                                           | N/A                                                                                                                                      |
| (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)                                                                                                               | COMPLIES.<br>The extended house will be less than 50% of the curtilage area                                                              |
| (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                                                                                                                                                                                                                       | COMPLIES.<br>The proposed roof does not exceed the existing main roof height                                                             |
| (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                                                                                                                                                                                                                             | COMPLIES.<br>The proposed eaves does not exceed the existing eaves height                                                                |
| (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/A The extension is neither to the front of the house or to the side facing a highway.                                                  |
| (f) 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                                                                                            | N/A Not a rear extension                                                                                                                 |
| (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 | NA Not a rear extension                                                                                                                  |
| (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                                                          | NA Not a rear extension                                                                                                                  |
| (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/A Extension not within 2m of boundary of curtilage                                                                                     |
| (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 dwellinghouse                                                                                             | COMPLIES<br>Side extension Height does not exceed 4m, Its Single storey. Less than half width of house. SEE DEFINITION OF 'HEIGHT' BELOW |
| (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);                                                                                                                                                             | COMPLIES                                                                                                                                 |
| k it would consist of or include -                                                                                                                                                                                                                                                                                                                                                        | N/A                                                                                                                                      |

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| (i) the construction or provision of a verandah, balcony or raised platform,<br>(ii) the installation, alteration or replacement of a microwave antenna,<br>(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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The development does not include any of these features, where "Raised" in relation to a platform means a platform with a height greater than 0.3 metres.     |
| A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if - (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; (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or (ca) 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<br>Not on article 2(3)<br>No proposed cladding                                                                                                           |
| A.3a Development is permitted by Class A subject to the following conditions-<br>(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | COMPLIES.<br>The development matches the existing design and materials.                                                                                      |
| A.3b any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A<br>No upper floor windows proposed                                                                                                                       |
| A.3c 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                                                                                                                                                          |
| "Height" - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. <b>Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.</b> )                                                                                                                                                                                                                                                                                           | COMPLIES<br>Ground level is not uniform but side extension is less than 4m high taken from the highest ground level adjacent to the existing side elevation. |
| <b>CLASS B - Additions etc to the roof</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                              |
| <b>B.1 Development is not permitted by Class B if –</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                              |
| 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 (change of use)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A                                                                                                                                                          |
| b any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | COMPLIES.<br>The proposed roof is no higher than the existing roof                                                                                           |
| (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | COMPLIES.<br>The proposed development is in the same plane as the front roof of the house                                                                    |
| d the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -<br>(i) 40 cubic metres in the case of a terrace house, or<br>(ii) 50 cubic metres in any other case                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | COMPLIES<br>Resulting roof space is less than 40m3                                                                                                           |
| e it would consist of or include - (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N/A<br>The development does not include any of these features                                                                                                |
| f the dwellinghouse is on article 2(3) land<br>In National Parks, the Broads, areas of outstanding natural beauty, conservation areas, and land within World Heritage Sites, roof extensions are not permitted development and will require an application for planning permission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A<br>Not on article 2(3) land                                                                                                                              |
| B.2a Development is permitted by Class B subject to the following conditions -<br>(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | COMPLIES.<br>Design and materials are to match existing                                                                                                      |
| B.2b the enlargement shall be constructed so that –<br>(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –<br>(aa) the eaves of the original roof are maintained or reinstated; and<br>(bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and<br>(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse                                            | COMPLIES.<br>The roof enlargement joins the original roof to the roof of a side extension.                                                                   |
| B.2c any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A                                                                                                                                                          |
| <b>CLASS C – Other alterations to the roof</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                              |
| <b>C.1 Development is not permitted by Class C if:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                              |
| 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 (change of use)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A                                                                                                                                                          |

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| b the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof                                                                                                                                                                                         | COMPLIES<br>Sunpipe panel projects less than 150mm above roof plane |
| c it would result in the highest part of the alteration being higher than the highest part of the original roof; or                                                                                                                                                                                                                                                                  | N/A                                                                 |
| d it would consist of or include- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or                                                                                                                                                                                                                                                       | N/A<br>No chimney, flue or SVP installed                            |
| C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be - (a) obscure-glazed; and (b) 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                                   | N/A                                                                 |
| <b>PORCH OMITTED</b><br><b>CLASS D Porches</b><br>This provides permitted development rights for the erection of a porch outside any external door of a house.                                                                                                                                                                                                                       |                                                                     |
| <b>D1. Development is not permitted by Class D if –</b>                                                                                                                                                                                                                                                                                                                              |                                                                     |
| (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 (change of use). The erection of a porch is not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4). | N/A                                                                 |
| (b) the ground area (measured externally) of the structure would exceed 3 square metres                                                                                                                                                                                                                                                                                              | COMPLIES<br>External area is 3m <sup>2</sup>                        |
| (c) any part of the structure would be more than 3 metres above ground level                                                                                                                                                                                                                                                                                                         | COMPLIES<br>Less than 3m in height                                  |
| (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway                                                                                                                                                                                                                                                          | N/A                                                                 |

## OTHER WORKS RELATING TO THE GARAGE

It is proposed to retain front part of the existing garage and demolish the rear section.

- Part-demolition of the garage is not considered development and is therefore allowable
- The retained garage will require construction of a rear end wall – it is proposed to construct this internally as a partition off the existing slab prior to demolishing the rear section, and it assumed that as internal works are not classed as development, this work is allowable without planning permission.
- To the rear section of the garage, prior to demolition it is proposed to infill the floor area between the existing block walls with hardcore with a slab finish. It is assumed that as internal works are not classed as development, this work is allowable without planning permission.
- If the garage infill works is deemed to be development requiring planning permission, the infill will be no more than 300mm above the existing garage slab level and made of a permeable surface finish to accord with permitted development rights Class E (h) (0.3m limit to raised platforms) and Class F - Hard Surfaces Condition (a) and Conditions F.2 (a) and (b)

## CONCLUSION

To sum up, the proposals fully accord with the GPDO conditions and restrictions outlined above, ie

- a roof extension of matching hipped form and materials less than 40m<sup>3</sup>
- a single-storey side extension no more than half the width of the original house, no more than 4m high measured from the highest area of ground adjacent to the extension, eaves height no higher than existing eaves and in matching materials with a pitched/hipped to roof, not within 2m of the boundary
- ~~A front porch with an external area of no more than 3m<sup>2</sup> and no more than 3m in height constructed of brick walls and a plain tile roof to match existing.~~

Any other associated building work to the existing garage will be internal works not requiring planning permission.

Furthermore, the proposal is a modest single-storey side extension in-keeping in scale, form, design and materials to the existing dwelling, with no adverse impacts to the host dwelling, the site, to the neighbours or to the surrounding area. The development therefore accords with local Development Plan Policies and national policy relating to attractive and in-keeping residential design.

On this basis the application should be approved.