

Our ref: PR3569/SC

Date: 4 July 2022

Mr Shazad Ghani
Service Manager Planning
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Dear Mr Ghani,

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) : Schedule 2 Part 1 Class AA

Application for prior notification for the enlargement of a dwellinghouse by the construction of additional storeys

Long Acre Pear Tree Lane Shorne DA12 3JT

Please find submitted on behalf of the applicants Mr and Mrs King an application for prior approval of an upward extension by means of a partial second floor addition at Long Acre Pear Tree Lane Shorne DA12 1AU.

Class AA.2 (3) states that

- (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 issued by the Secretary of State;

The application comprises the following documents and drawings.

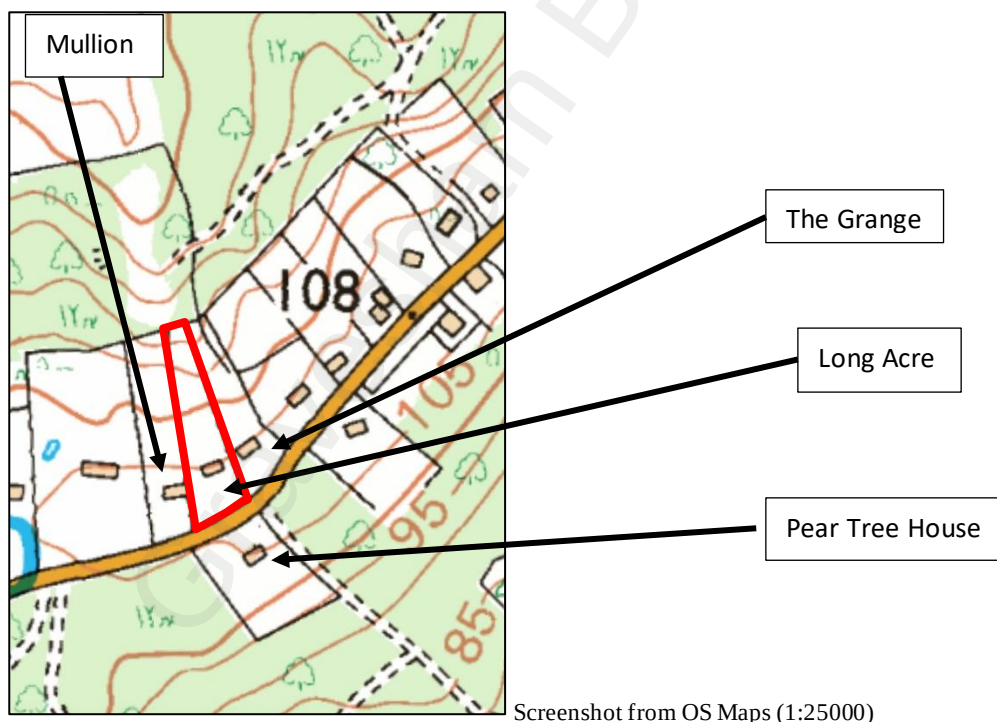
- Covering letter and supporting information to address the requirements of Class AA.2 (3)

- Application Form
- Drawing nos.
 - 3569.01 Site Location Plan
 - 3569.02 Existing Block Plan
 - 3569.03 Existing Ground Floor Plan
 - 3569.04 Existing First Floor Plan
 - 3569.05 Existing Elevations (1 of 2)
 - 3569.06 Existing Elevations (2 of 2)
 - 3569.12 Proposed Block Plan
 - 3569.13 Proposed Ground Floor Plan
 - 3569.14 Proposed First Floor Plan
 - 3569.15 Proposed Second Floor Plan
 - 3569.16 Proposed Elevations (1 of 2)
 - 3569.17 Proposed Elevations (2 of 2)

The site

Long Acre is situated on the north side of Pear Tree Lane approximately 1km north east of its junction with Tanyard Hill/The Ridgeway and 750m south west of the junction with the A226 Gravesend Road. It is situated within a ribbon of substantial detached dwellings of various styles that are sited within large plots. The dwellings on the southern side of the road are more sporadic and more interspersed with woodland lying within Great Crabbles Wood, a designated SSSI (Site of Special Scientific Interest). To the east of the site is 'The Grange' and to the west 'Mullion'. 'Pear Tree House' lies to the south of the site.

Pear Tree Lane effectively forms a ridge with land levels falling either side of the road as can be seen in the map extract below. Adjacent to the site, Pear Tree Lane is approximately 106m AOD.



Long Acre comprises a detached two-storey dwelling with a shallow mono-pitch roof erected in the early 1960s. Planning permission was originally granted under application TH/6/59/82 on 06/05/1959

and subsequently amended under application TH/6/59/319 by Strood Rural District Council/Kent County Council and approved on 30/11/1959. The original permissions did not remove permitted development rights. An extension for a first floor snooker room above the existing garage was approved on 21 June 1988 and implemented under application 19880653. Other permissions which would have led to the property being re-roofed with a double-pitched roof were approved in the past but not implemented.

The site is situated on the inside of and at an apex of a bend in Pear Tree Lane. The house is sited approximately 36m from the highway and accessed by a driveway with a recessed gate at the eastern side of the plot's frontage to Pear Tree Lane. The threshold level of the main house is approximately 1.5m lower than the level of Pear Tree Lane due to the fall in levels away from the highway. Land levels in the garden beyond the rear of the house then fall steeply, there is a drop of approximately 16m at the northern boundary compared to the level of the house itself. The floor level of the garage on the western side of the house is marginally lower than the rest of the dwelling and the roof of the previously added first floor extension above the garage also higher. The existing dwelling ranges from approximately 4.85m-5.35m to eaves (5.2m to 5.65m at roof level) on the south elevation and between 5.6m and 6.1m to eaves and 5.9m-6.5m to the highest part of the roof on the rear (north elevation).

The rear of the house is characterised by a covered full-length first floor terrace and a smaller ground floor terrace. At the eastern end of the house there is a roof terrace directly accessed from the master bedroom. A car port is situated on the western side of the house adjacent to the garage.

Application Proposals

The proposed upward extension would occupy the central portion of the original principal dwelling. As a result it is shown set-in considerably from the side boundaries of the property and thus the adjacent dwellings either side.

The shallow pitch of the existing roof has been retained and the external treatment is drawn from the existing palette of materials used on the dwelling. No windows or opening are proposed in the east or west flank elevations of the extension, which will be imperforate.

The overall height of the highest part of the roof of the dwelling as proposed to be extended would be 8.9m above ground level. The highest part of the roof of the extended dwelling would be some 2.5m above the highest part of the existing roof. Internally the floor to ceiling height of the additional storey would be 2.4m.

GPDO requirements

The proposals have been assessed against the relevant GPDO criteria as follows:

Class AA.1

- (a) permission to use the dwellinghouse as a dwellinghouse was not through Classes M, MA, N, O, P, PA or Q of Part 3 of Schedule 2 of the GPDO 2015 (as amended).
- (b) the dwellinghouse is not located on article 2(3) land or within a SSSI.
- (c) The dwelling was approved under application TH/6/59/319 on 30 November 1959 and constructed shortly thereafter.
- (d) The existing dwellinghouse has not been enlarged by the addition of one or more storeys above the original dwellinghouse.
- (e) The height of the highest part of the roof of the dwellinghouse would not exceed 18m following the development.

- (f) Drawings 3569.16 and 3569.17 show the height of the highest part of the roof of the dwellinghouse would not exceed the height of the highest part of the roof of the existing dwellinghouse by more than 7m.
- (g) The house is detached and this criterion is therefore not applicable.
- (h) The existing ground/first floor floor-to-ceiling height is 2.4m and the proposed internal floor floor-to-ceiling height of the upward extension is 2.4m.
- (i) The proposed addition is entirely on the principal part of the existing dwellinghouse.
- (j) No visible support structures are proposed.
- (k) No additional engineering operations are proposed other than those that may be necessary to strengthen the walls and foundations.

Paragraph AA.2(2) sets out a number of conditions that must also be adhered to. The proposed works have been assessed as follows and they meet the required conditions.

- (a) The proposed external materials will be of a similar appearance to those used in the construction of the exterior of the existing dwelling. (See drawings 3569.16 and 3569.17).
- (b) No windows are shown in the side elevation of the proposed upward extension.
- (c) The proposed roof pitch is the same as the existing roof pitch.
- (d) We confirm that the dwelling will be used as a Class C3 dwelling on completion of the works.

With regard to the specific requirements of AA.2(3) (a) (i) and (ii) to be addressed in a prior approval application, the applicant is cognisant of the recent High Court Judgement (Citation no. [2022] EWHC 208 (Admin)), dated 03 February 2022 on CAB Housing and Ors. vs Secretary of State for Levelling Up Housing and Communities and Ors.. The case related to challenges against the dismissal of three separate appeals by the Planning Inspectorate for proposed extensions under Class AA and centred on the interpretation of the specific conditions of AA.2(3)(a) (i) and (ii). The judge, (Holgate J), holding that the interpretation of the GPDO criteria by decision-makers in reaching their decision can be wider than the more tightly defined limits claimed by the three claimants.

In summary Holgate J said;

- i. Where an application is made for prior approval under Class AA of Part 1 of Schedule 2 to the GPDO 2015, the scale of the development proposed can be controlled within the ambit of paragraph AA.2(3)(a);
- ii. In paragraph AA.2(3)(a)(i) of Part 1, 'impact on amenity' is not limited to overlooking, privacy or loss of light. It means what it says;
- iii. The phrase 'adjoining premises' in that paragraph includes neighbouring premises and is not limited to premises contiguous with the subject property;
- iv. In paragraph AA.2(3)(a)(ii) of Part 1, the 'external appearance' of the dwelling house is not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations;
- v. Instead, the prior approval controls for Class AA of Part 1 include the 'external appearance' of the dwelling house;
- vi. The control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.

The proposed extension and the assessment as set-out below have been prepared in the light of this judgement.

(i) Impact on the amenity of adjoining premises.

With regard to the character of the area generally, this takes the form of large, detached dwellings of varying styles and sizes in generous plots and with mature landscaping within the plots. The dwellings are however, located at different distances from the highway and some of the plots are more open to view and visible as part of the streetscene. The plots are separated by tracts of woodland, more so on the southern side of Pear Tree Lane.

In visual terms relating to the character and amenity of the wider area as a whole, Long Acre is a contained site. This is as a result of the alignment of Pear Tree Lane and the landscaping within the site itself and in the immediately surrounding area. It is not visible in the street in either long or medium distance views. The other dwellings situated to the north east/east and west/south-west and south of Long Acre (The Grange and Mullion and Pear Tree House adjacent to the site are assessed below) are separated by considerable distance from the application site and due to the alignment of Pear Tree Lane and existing landscaping/woodland are not read as part of the overall streetscene in the setting/context of Long Acre. The proposed upward extension will maintain the status-quo in this regard and will not appear out of character or context. There is no defining character or style in the immediate area that will be so adversely impacted by the proposed upward extension as to warrant objections on amenity grounds being raised.

North

As indicated earlier, the 105m+ long rear garden of Long Acre slopes steeply northwards beyond the existing house, falling to an extensive area of woodland, some of which is Semi-Natural Ancient Woodland, that stretches beyond the boundary of the property. The nearest building directly to the north is The Copperfield PH on the A226 Gravesend Road some 1km from the site's northern boundary. From the Gravesend Road and the PH itself, Long Acre, albeit on the higher ground of the ridge that runs north east-to south-west along Pear Tree Lane/The Ridgeway, is lost to general views due to its extensive wooded setting and backdrop. It is considered that the proposed development will not impact on the amenity of any premises located to the north of the site.

The Grange (East)

Immediately to the east of the site is a detached and extended two-storey property 'The Grange.' The construction of the property is probably contemporary with Long Acre i.e. dating from the 1950s/early 1960s but has taken a different architectural route through the use of a double-pitched roof (approximately 6.7m to the ridge), but nevertheless using a similar external palette of facing brick and white render.

The Grange is sited close to the common boundary between the properties and a later extension on its north-west corner is sited adjacent to this boundary. The boundary is well landscaped with hedges and trees. Whilst glimpses of The Grange through the planting are possible, they are only available immediately adjacent to Long Acre itself. The Grange has, in common with Long Acre, no first floor or ground floor windows directly facing the adjacent property.

In common with Long Acre, The Grange is set a considerable distance from the highway behind a landscaped front garden. Due to the landscaping on the boundary between the two properties and the bend on Pear Tree Lane, The Grange and the application property Long Acre are not readily viewed in conjunction with each other.

The imperforate eastern flank of the proposed upward extension is set approximately 7.5m from the boundary with The Grange and would be approximately 10m from the main two storey west flank wall of The Grange. The proposed upward extension would not result in any overshadowing of and neither would it result in a loss of privacy to the occupiers of The Grange.

Given the existing landscaping along the site's eastern boundary, the current situation where the two buildings (Long Acre and The Grange) are not read together in the streetscene would be maintained.

There would be no overriding adverse impact on the amenity of The Grange arising from the proposals.

'Mullion' (West)

To the west of the site is a detached and extended two-storey property 'Mullion.' Mullion is an older property than Long Acre probably dating from the 1930s and is akin to 'Arts and Crafts' style in its appearance with leaded light windows, half-timbered/rendered gables and plain clay tiled roof with dormer windows. It has been extended in the past.

Mullion is sited 2m-3m closer to Pear Tree Lane and therefore has a slightly higher floor level than Long Acre. It maintains a well landscaped front garden in common with the other properties in the area. A swimming pool building (approximately 4.3m to the ridge at the lower ground level behind the house) located to the rear of the house and approximately 2m from the common boundary with Long Acre was linked to the house with a small extension (some 5.4m to the ridge above adjacent ground level) following a permission granted in May 2002. The main house is approximately 8.5m to the ridge and set some 2.5m from the common boundary. A side facing first floor dormer window to a bedroom is located in the east elevation facing towards the front garden area of Long Acre.

In a similar manner to the property to its east, the relationship of Long Acre and Mullion is not readily apparent in the wider streetscape. It is only when within the curtilage of either that the two can be seen in the same context. In addition, due to the alignment of Pear Tree Lane and the fact that both properties directly face the highway, they are at a slight angle to each other in any event.

The upward extension will leave a substantial gap of around 16m between the two dwellings which is sufficient to maintain the visual separation between them. There will be no loss of privacy between the two properties and the proposed extension will not result in overshadowing of Mullion. The proposed extension will of course be visible from the side dormer window of Mullion, but given the separation and the maintenance of substantial gaps between both side boundaries to the Long Acre plot together with the proportionate nature of the extension it will not appear to overwhelm the existing dwelling.

There would be no overriding adverse impact on the amenity of Mullion arising from the proposals.

Pear Tree House (South)

To the south of the site on the opposite side of Pear Tree Lane is 'Pear Tree House.' This is a detached dwelling set approximately 28m from Pear Tree Lane at its closest point, with a separation distance between the front elevations of the two buildings (across Pear Tree Lane)

of approximately 68m. Pear Tree House is also at a slightly lower level than the highway given the area's topography.

Pear Tree House in common with the application site has a landscaped front garden and is well screened from the highway. The proposed extension would not result in any unacceptable loss of privacy to the occupiers of Pear Tree House given the substantial separation that exists and the intervening road.

Whilst the introduction of an additional storey would result in Long Acre increasing in its overall height, the maintenance of the mono-pitch roof will serve to mitigate any visual impact. The proposed extension is not seeking to add an additional storey across the full width of the existing dwelling and will thus maintain adequate space around the dwelling when viewed from a southerly direction looking towards Long Acre. Furthermore, given the fall in levels either side of Pear Tree Lane coupled with the degree of separation, the introduction of the proposed additional floor would not be overbearing in terms of its visual impact on Pear Tree House. The woodland either side of Pear Tree House confines the potential impact on amenity of properties to the south to the frontage of Pear Tree House.

(ii) External appearance of the dwellinghouse including the design and architectural features of the principal elevation and any side elevation that fronts a highway

The front and principal elevation of the building is the south elevation. This faces towards Pear Tree Lane. The design of the house is very much 'of-its-time' and reflected a contemporary approach of late 1950s design, compared to that of nearby older and more 'traditionally' designed neighbours, such as Mullion and Pear Tree House in particular.

The property is faced in a mixture of brick, white render and vertical timber cladding. Proposed external materials in the extension maintain this palette of materials. Given the views to the north towards the Thames Estuary, the emphasis of the original design was to take advantage of these through the extensive rear terracing at ground and first floor level, this is reflected in the design of the new proposals, with principal windows in the extension facing towards the north. However, the south elevation has not been neglected and an appropriate variety of materials and fenestration has been introduced to ensure that there is not a blank or uninteresting façade to this elevation that would harm the appearance of the building from the street.

The fact that the upward extension is proportionate and does not extend across the full width of the dwelling as it currently stands is also important in terms of its relationship to the street (as well as the immediately adjacent dwellings) in maintaining space around the building at a higher level.

At a height to eaves level of 7.85m (overall height 8.2m) at the front and 8.65m and 8.9m (respectively) to eaves and overall height at the rear, the overall height of the dwelling as proposed would not be so significantly different to the range of properties in the vicinity so as to 'stand-out' as an intrusive and alien feature. The original design approach of the dwelling has not been lost through the proposals. The proposed materials are reflected on other properties in the locality albeit utilised in different forms and proportions, which gives the area its overall diverse character, which the proposals will not detract from.

The external appearance of the dwelling will be appropriate in the context of its setting and

development in the surrounding area as a whole.

(bb) No side elevation of the house fronts a highway. This criterion has not therefore been assessed.

(iii) Air traffic and defence asset impacts of the development

The proposed development would not impact on any air traffic or defence assets infrastructure.

(iv) Protected Vistas

The proposed development lies outside the area covered by Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State for Communities and Local Government and would not therefore impact on any protected vistas.

Paragraph AA.2(3)(b) requires that 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;

Hours of operation: Normal hours of operation on site would be as follows.

Day	Hours of work
Monday to Friday	0800 - 1800
Saturday	0800 - 1300
Sunday	No working
Bank and Public Holidays	No working

Noise and Vibration: All deliveries to the site will be scheduled to arrive and only be accepted during normal working hours outside peak travel times and all vehicle engines will be switched off when stationary. Electrically operated plant will be used where practical with any static plant located to optimise screening and/or distance attenuation in relation to occupied residential properties and would be fitted with suitable enclosures where it possible and practicable to do so. If it becomes necessary to carry out noisy activities, these will be identified in advance and notice given to the adjacent properties.

Dust: Dust impact is likely to be limited due to the very low level of demolition involved. If works do generate dust, water will be used as a dust suppressant. All loads delivered to or collected from the site will be covered and roads and pavements will be frequently swept, as required to ensure no deposition of mud and debris and dust occurs.

Traffic: The proposed development is small in scale. The traffic associated with the construction would therefore have a negligible impact on the local network and would be short term in any event. Construction traffic will likely consist of a mix of light and some heavy commercial vehicles to transport materials and equipment to and within the site. Deliveries and collections will be carefully managed to minimise disruption to neighbours and all deliveries and collections will occur during the working hours of the construction site and outside of peak traffic hours. The site is large enough to accommodate construction vehicles on site without the need for parking or waiting on the public highway.

The requirements of the conditions at paragraph AA.2(3) (c), (d) and (e) are noted and would be complied with

This letter, the application form and the accompanying and submitted drawings provide the necessary information required by Paragraph AA.3(2) (a) (b) and (c)(i) and (ii) to enable the Council to consider and determine the application.

We look forward to receiving acknowledgement that the application is valid as submitted and details of the allocated case officer shortly. Please do not hesitate to contact me if you require clarification on any matters and issues raised in this letter or the details of the application itself or any matters that may arise during the course of determining the application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Clarke'.

STEVE CLARKE
Associate Planner