

Delegated Report

Prior Approval Extensions - Class AA

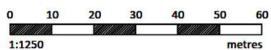
Application no:	20220742
Location	Long Acre Pear Tree Lane Shorne Gravesend
Proposal:	Prior approval for enlargement of the dwellinghouse by the construction of an additional storey.
Applicant:	Mr And Mrs King

Plans & Documents

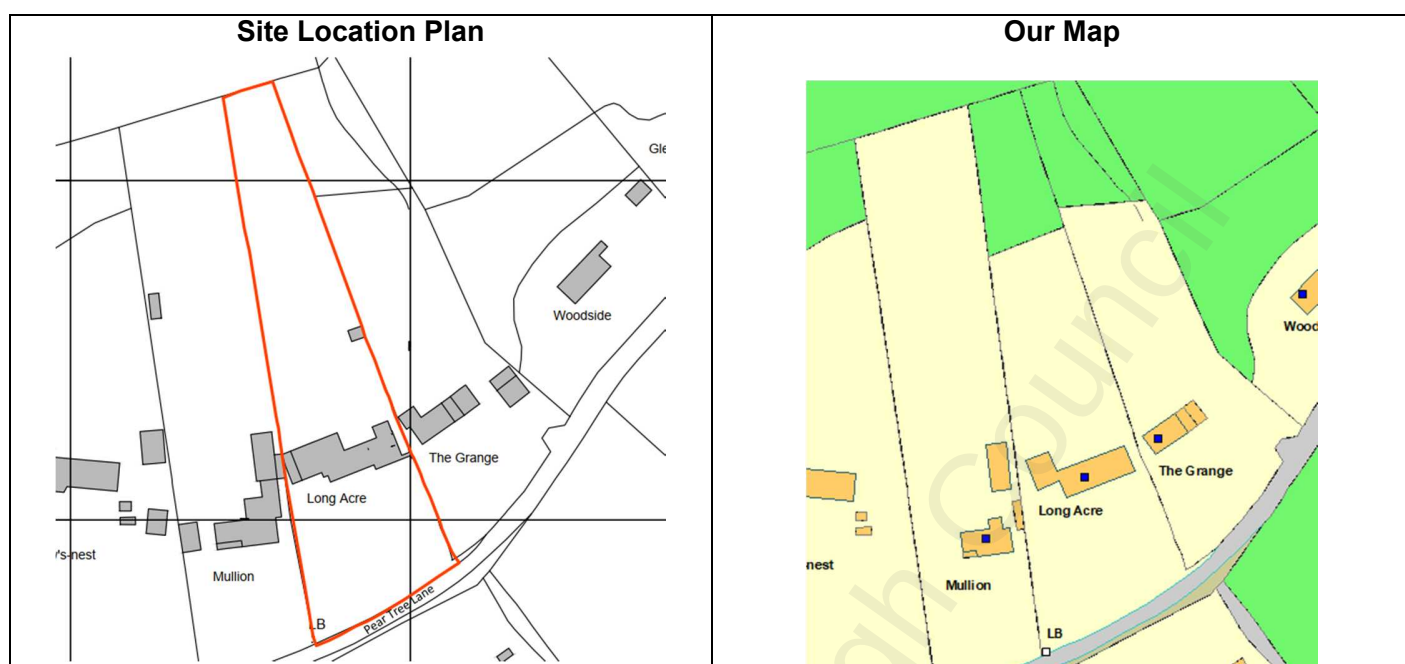
Application Form;
Supplementary Information – Covering and Supporting Letter (received 04.07.22);
Drawing No. 01 – Site Location Plan;
Drawing No. 02 – Block Plan Existing;
Drawing No. 03 – Ground Floor Plan - Existing;
Drawing No. 04 – First Floor Plan - Existing;
Drawing No. 05 – Front and Side Elevations - Existing;
Drawing No. 06 – Rear and Side Elevations - Existing;
Drawing No. 12 – Block Plan - Proposed;
Drawing No. 13 – Ground Floor Plan - Proposed;
Drawing No. 14 – First Floor Plan - Proposed;
Drawing No. 15 – Second Floor Plan – Proposed;
Drawing No. 16 – Front and Side Elevations - Proposed; and
Drawing No. 17 – Rear and Side Elevations – Proposed.

Plan Note

There is a scale discrepancy on the existing and proposed block plans, as 2 scales are shown. The plans measure electronically at 1:1250, and this application will be assessed as such:

Scale	Note
1:1500 @ A3	
	

It is noted that the red line on the Site Location Plan and Block Plans appears to be incorrect, according to our maps. As this Prior Approval Application fails to comply with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), clarification regarding this issue has not been sought for this application.



Property Type

Long Acre is a two storey detached property.

Policies & Representations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) requires the Local Planning authority to consult adjoining neighbours for this application under Class AA-enlargement of a dwellinghouse by construction of additional storey. Additional consultation is not part of the procedural requirements in this instance, for this application. A representation from Shorne Parish Council was received however as the representation was not from a neighbouring property, this is not relevant for this application. Additionally it is noted that the agent provided a response to comments received from Shorne Parish Council, however this is not relevant to the determining of this application.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

Reference	Description	Decision	Decision Date
19880653	Erection of side extension at first floor level to form a snooker room.	Permitted	30.09.1988
19870925	Erection of a two storey side extension to form an enlarged garage with a bedroom over; erection of a side and rear extension at first floor level to form an ensuite bathroom, lounge and enclosed balcony; erection of a front extension at first floor level to form an open porch; and the construction of pitched roofs over the entire building	Permitted	20.01.1988

19780341	Replacement of existing mono pitched roof with gable ended double pitched roof and the erection of extensions at ground and first floor level to provide a replacement double garage and additional single garage and carport, a play room, an enlarged bedroom and an additional bedroom and the carrying out of elevational alterations.	Permitted	22.06.1978
TH/6/59/319 (19590319)	Site for erection of house and garage	Permitted	30.11.1959
TH/6/59/82 (19590082)	Erection of bungalow and garage	Permitted	08.05.1959
TH/6/57/55 (19570055)	Development of land for the erection of not more than two dwellings	Permitted	02.05.1957

Consultation, 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;

- The Grange, Pear Tree Lane
- Mullion, Pear Tree Lane

No representations were received from the neighbouring properties consulted in this prior approval application. The consultation period expired 4th August 2022.

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	N

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.

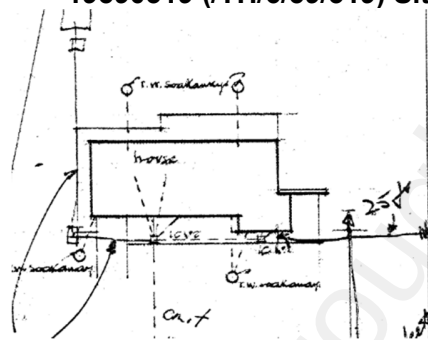
AA.1	Development is not permitted by Class AA if —	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	the dwellinghouse is located on— (i) article 2(3) land; or (ii) a site of special 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;	Y See Analysis section below
(e)	following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;	N 9.00m Max
(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/A N 3.00m Max
(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 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/A 2.40m as per covering letter
(i)	any additional storey is constructed other than on the principal part of the dwellinghouse;	Y See below
(j)	the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or	N

(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 As per covering letter
(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;	Information provided within the covering and supporting letter and assessed 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;	Provided within covering and supporting letter
(c)	the development must be completed within a period of 3 years starting with the date prior approval is granted;	Noted by covering and supporting letter
(d)	the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and	Noted by covering and

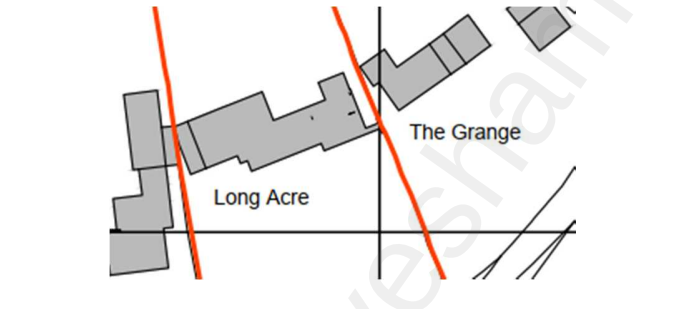
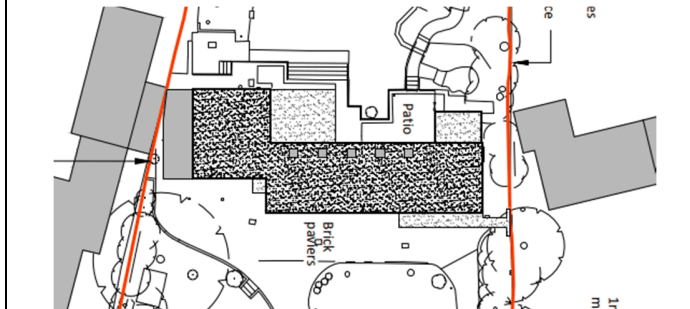
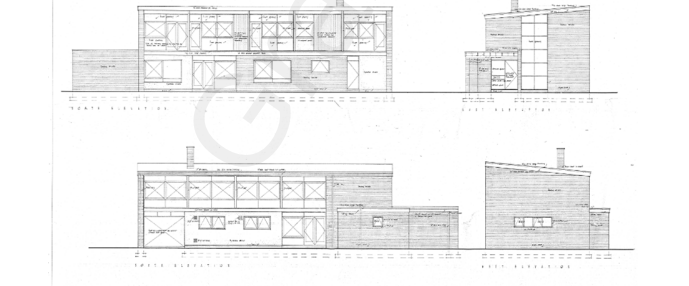
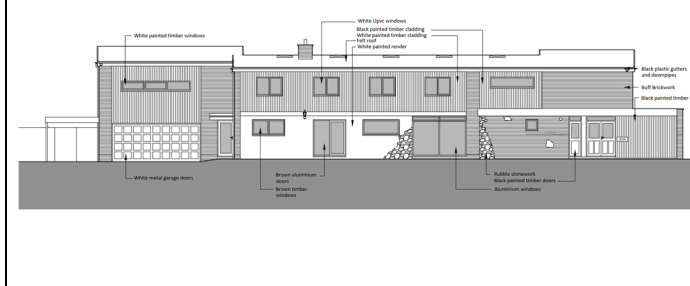
		supporting letter
(e)	that notification must be in writing and include- (i) the name of the developer; (ii) the address of the dwellinghouse; and (iii) the date of completion.	Noted by covering and supporting letter

The original permission for the dwelling, as per the cover letter is application number 19590319 (TH/6/59/319). The site plan for this application shows the original footprint of the development (extract below.)

19590319 (/TH/6/59/319) Site Plan



Notwithstanding the covering letter with supporting statement, it appears some development has taken place in addition to 19880653 over the years and is likely a result, in part, of the 19780341 and 19870925 applications being implemented.

Site Location Plan for 20220742	Existing Block Plan for 20220742
 This diagram shows the project location within a neighborhood. Two red diagonal lines intersect a horizontal black line. The area to the upper right of the intersection is labeled 'The Grange', and the area to the lower left is labeled 'Long Acre'.	 This detailed site plan shows the building's footprint, a central 'Patio', and surrounding landscaping including trees and a 'Brick pavers' area. A north arrow is located in the upper right corner.
19590319/ TH/6/59/319 Plans	Existing Front Elevation for 20220742
 This section contains four architectural drawings of a building. The top row shows the 'Front Elevation' and 'Side Elevation'. The bottom row shows the 'Rear Elevation' and 'End Elevation'. Each drawing includes a scale bar at the bottom.	 This is a detailed architectural rendering of the building's front elevation. It features a two-story structure with a mix of materials and colors. A legend on the right side identifies the following elements: - White upper windows - Black painted timber cladding - White painted timber cladding - Black painted timber cladding - White painted timber cladding - Black plastic gutters and downpipes - Half brickwork - Black painted timber cladding - White metal garage doors - Brown aluminium doors - Brown timber windows - Black painted timber doors - Aluminium windows - Black plastic gutters and downpipes

As shown by the plans above, extensions have already been carried out at the property. As per the covering letter with supporting statement and as shown on the plans, 19880653 has been implemented, and when comparing plans from the original permission, it is apparent that other works have been carried out.

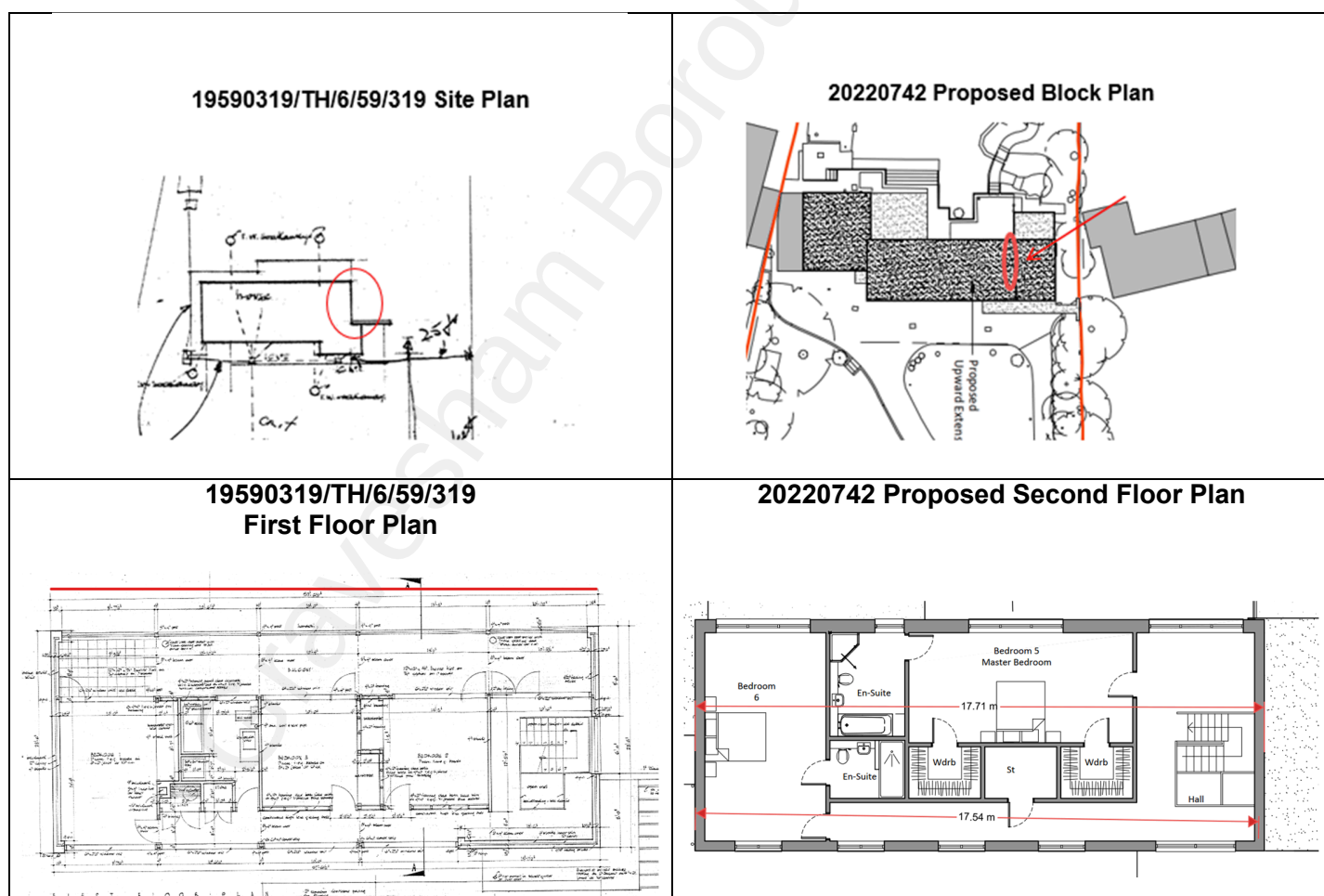
Officer's Analysis

AA.1(d)

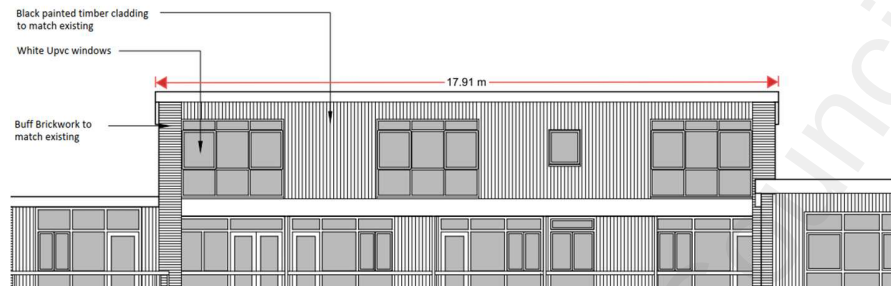
The dwellinghouse has been extended previously, as demonstrated in the planning history section above. Of particular relevance to paragraph AA.1 (d) is the 19880653 application, which involved construction of a side extension at first floor level to form a snooker room, and also the 19780341 and 19870925 applications. Therefore, the property has already been enlarged by at least one storey in part and the proposal fails paragraph AA.1 (d). The language used in this section does not clearly explain whether it is intended to apply to the enlargement of the whole of, or just part of the original dwellinghouse, but it is not considered to exclude where part of the existing dwellinghouse has been extended upwards, as is the case here.

AA.1(i)

As set out by AA.1(i), development is not permitted if it is constructed other than on the principal part of the dwellinghouse. The new development would not comply with this part of the order as highlighted by the plans below:



As the plans above indicate, the proposed extension would be constructed outside of the principal dwellinghouse area. The first floor plans show the width of the dwelling as 57ft 6.5inches, which converts to 17.54m. The proposed second floor width exceeds this dimension at 17.71m. The proposed elevations also demonstrate how the proposal fails to accord with AA.1(i), as the 20220742 plans indicate the width to be 17.91m as highlighted below:



Therefore, the proposed development fails to comply with AA.1 (i.)

AA.2 (3)(a) – Prior Approval Matters

Additionally, 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*

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”. In order to assess the neighbour impact it is appropriate to draw on Gravesham’s Local Plan Core Strategy (LPCS) (2014) policies. Policy CS19 (LPCS) states that ‘new development will be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land’. Additionally, Policy CS19 highlights that new development should accord with the adopted Residential Layout Guidelines (RLG) (2020) and in this instance certain sections relate to neighbouring amenity.

The application dwelling would be extended upward and inset within the confines of the existing dwellinghouse. The built form would not project any further in depth than the existing rear wall of the property.

Overshadowing/loss of light

Due to the orientation of the development and distance to the surrounding neighbours, it is considered that there is enough distance between Long Acre and neighbouring properties to satisfactorily avoid overshadowing and detrimental impact on neighbours’ private amenity space to an unacceptable degree.

Privacy/Outlook

The extension would not span across the entire footprint of the existing dwelling, and would instead be inset on both the East and Western sides of the existing dwelling. Although the front and rear facing 2nd floor windows would provide an increasingly elevated view onto gardens of neighbours, this distance accords with the RLG and it is not considered that the view provided would lead to a harmful loss of privacy. The proposed development would therefore not result in a detrimental impact on the amenity of any adjoining property in terms of privacy, overlooking or loss of light and would comply with Policy CS19 (LPCS).

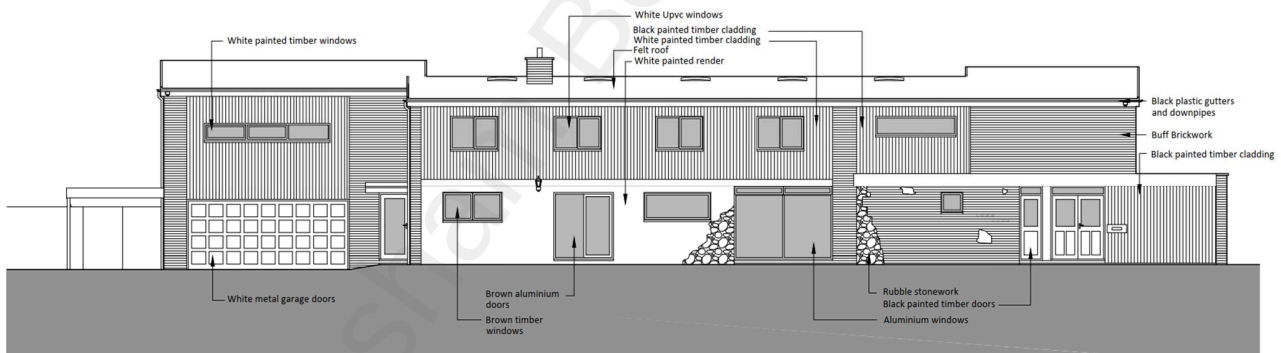
External Appearance

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”. Similar to above, to support the assessment of the external appearance LPCS policies will be referenced. Policy CS19 (LPCS) relates to ‘Development and Design Principles’ and requires new developments to be visually attractive, to conserve or enhance the character of the local built environment and also integrate well with the surrounding area.

The proposed development involves the construction of an additional storey onto an already large, significantly extended two storey dwelling. The local context and street scene is characterised by similarly large detached dwellings, all of which are varied in design and appearance, but are a maximum of two storeys.

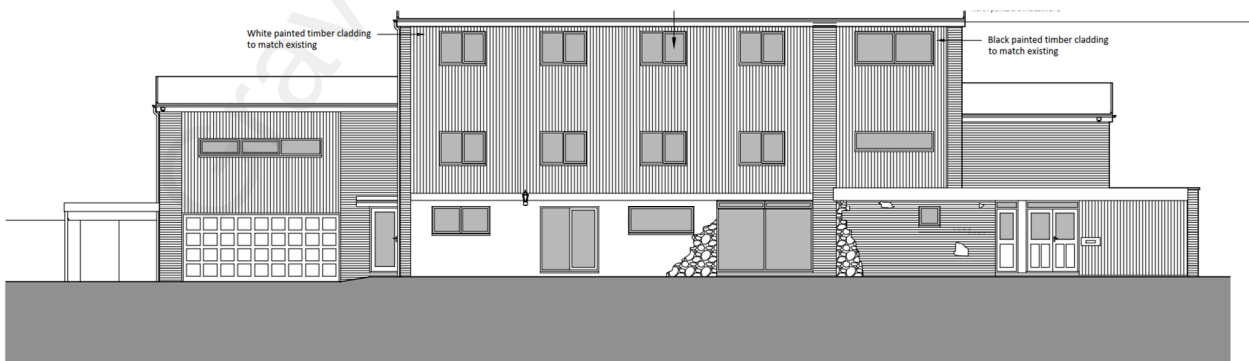
Even though the proposed development would follow similar design principles to the existing property in terms of materials, fenestration and roof profiles, it will materially change the proportions and appearance of the property from a large family home, to a small flat/office block.

20220742 Existing Front Elevation



Existing Front (South) Elevation

20220742 Proposed Front Elevation



Proposed Front (South) Elevation
1:100

Moreover, the development is not appropriate in terms of scale, bulk or massing. To summarise, it is considered that the external appearance of the proposed development, when assessed in terms of the design and architectural features of the principal elevation, as required by AA.2 (3)(a)(ii)(aa) would have a harmful external appearance to the detriment of the street scene and would materially change the appearance of the dwelling from a family home to what could be perceived as a block of flats. This harm is identified in regard to the development when viewed objectively, in isolation, and also when considered in regard to the methodologies and standards set out within Policy CS19 (LPCS), as well as Section 12 of the NPPF.

Recommendation

Prior Approval is Required and Refused in respect of failing paragraph AA.1 (d), AA.1 (i) and due to the external appearance of the proposed development.

1. *The proposed development fails to comply with paragraph AA.1 (d) and AA.1 (i) of Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), by virtue of previous additions exceeding one or more storeys above the original dwellinghouse and as the development will be constructed outside of the principal part of the dwellinghouse.*
2. *The proposed development, by virtue of its external appearance and design, would result in an excessively bulky building. The development would harm the appearance of the host building and its contribution to the character and appearance of the wider streetscene.*

Recommendation: <u>PRIOR APPROVAL IS REQUIRED AND REFUSED</u>
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Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	R Hart
Dated:	11 th August 2022	Dated:	11 th August 2022