

Delegated Report

Application no:	20211392
Location	40 Freeman Road, Gravesend DA12 4EF
Proposal:	Single storey rear extension with a depth of 4.00 metres, maximum height of 2.60 metres and eaves height of 2.40 metres.
Applicant:	Mr Maxted
Site Inspection?	Desktop Assessment

Plans & Documents

- Application Form received 09/11/2021;
- Drawing No: 003 (Existing Elevations) Received 09/11/2021;
- Drawing No: 004 (Proposed Floor Plans) Received 09/11/2021;
- Drawing No: 005 (Proposed Elevations) Received 09/11/2021;
- Drawing No: 001 (Existing Block Plan & Site Location Map) Received 09/11/2021;
- Drawing No: 006 (Proposed Block Plan) Received 09/11/2021;
- Drawing No: 002 (Existing Block Plan) Received 09/11/2021;

Property Type

Mid Terrace House



Relevant Planning History

Reference	Description	Outcome	Decision Date
20200893	Application for Lawful Development Certificate in respect of a proposed erection of a single storey rear extension.	Certificate Granted	25.11.2020
20201023	Application for Lawful Development Certificate in respect of a proposed erection of a single storey rear extension.	Withdrawn	07.10.2020

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)

Consultation, Publicity and Representations

In accordance with the amendments in relation to home extensions under paragraph A.4 (5) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the following adjoining neighbouring properties were notified of this application;

- 42 Freeman Road Gravesend Kent DA12 4EF
- 38 Freeman Road Gravesend Kent DA12 4EF

The expiry date for comments was 1st December 2021 and one comment was received, however this comment was not an objection.

As no objecting comments were received, section A.4 (7) of the GPDO has not been triggered and it is therefore not necessary to consider the impact on the amenity of any adjoining premises.

Officer Assessment*Permitted Developments Rights Restrictions*

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

Analysis

During an officer site visit on 13/12/2021 it became evident that the applicant has commenced works on site in terms of digging the footings for the proposed extension.

The image below show the existing works which have commenced;



By beginning construction of the proposed extension, this application is therefore contrary to Class A.4 (10) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, which states:

The development must not begin before the occurrence of one of the following –

- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;*
- (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or*
- (c) The expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.*

The the rear extension is therefore contrary to Class A.4 (10) of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

It remains prudent to assess the proposed extension under the criteria of Class A to see whether it meets those criteria:

Class A - The enlargement, improvement or other alteration of a dwellinghouse

A.1	Development is not permitted by Class A if -	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N

(c)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	N – Max height 2.6-m
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	N – Max 2.4m eaves
(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 N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	Y – 4m (mid terrace) but permitted under g N – MAX 2.6M
(g)	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N – 4m (Semi Detached) N – 2.6M
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N N
(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 – 2.6M Max
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –	N N

	(i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	N
(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 subparagraphs (e) to (j);	N
(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N N N N
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;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(d)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	
(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing	Y- Confirmed by email

	dwellinghouse;	from agent
(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A N/A
(c)	where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

While the extension complies with the criteria of Class A.1, A.2 and A.3 of the above, this does not alter the findings that the proposal fails to comply with Schedule 2, Part 1, Class A.4 (10) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, as works on the single storey rear extension have already commenced.

Conclusion

The proposal fails to comply with Schedule 2, Part 1, Class A.4 (10) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, as works have already commenced on site. As such the larger homes prior approval procedure cannot be applied for and therefore planning permission would be required.

Recommendation: PRIOR APPROVAL IS REQUIRED & REFUSED		
	Name/Signature	Date
Planning Officer		15/12/2021
Team Leader		15 December 2021