

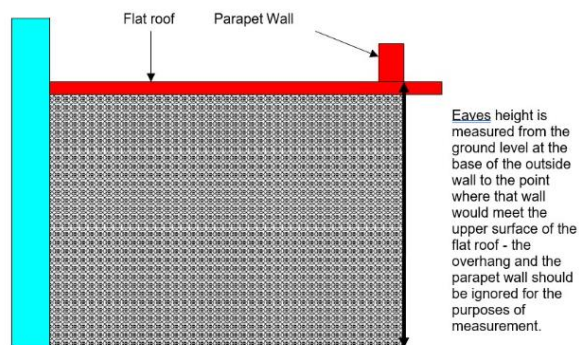
Delegated Report

Prior Approval Extensions Application

Application no:	20230985
Location	Gwendon Pear Tree Lane Shorne Gravesend
Proposal:	Prior approval application for a single storey rear extension with a depth of 8.00 metres, maximum height of 3.89 metres and eaves height of 3.89 metres.
Applicant:	Mr & Mrs Haman
Site Visit	N/A Desktop Assessment

Preliminary Matters

The eaves height of the proposal within the description has been altered from 2.90m to 3.89m in accordance with the Government Technical Guidance definition of eaves height:



This does not impact the assessment of this application.

Plans & Documents

Application Form;
 Supplementary Information – Historic Maps;
 Supplementary Information – Photos of Gwendon being built 1937-1938;
 Drawing No. 001 – Location Plan and Block Plan – Existing and Proposed;
 Drawing No. 002 – Floor plans – Existing;
 Drawing No. 003 – Elevations – Existing;
 Drawing No. 004 – Ground Floor PDR Zones;
 Drawing No. 005 – Floor Plans – Proposed;
 Drawing No. 006 – Elevations North and South – Proposed;
 Drawing No. 007 – Elevations East and West – Proposed; and
 Drawing No. 008 – Site Plan – Proposed.

Property Type

Gwendon, Pear Tree Lane is a detached chalet bungalow style property.

Proposal

The application seeks prior approval under Class A, Part 1 Schedule 2 and Article 3 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) for the erection of a single storey rear extension with a depth of 8.00 metres, a maximum height of 3.89 metres and an eaves height of 3.89 metres.

Relevant Planning History

Reference	Description	Decision	Decision Date
20160470	Single storey rear extension with a depth of 8 metres, maximum height of 3.89 metres and eave height of 2.6 metres (west) and 2.9 metres (east).	Prior Approval Not Required	09.06.2016
20140222	Application for a Lawful Development Certificate for the proposed erection of single storey extensions on both sides, hip to gable extension, dormer extensions in east and west elevations and four detached outbuildings (buildings A, B and C and workshop).	Certificate Granted	12.05.2014
20131134	Single storey rear extension with a depth of 8 metres, maximum height of 3.89 metres and eave height of 2.6 metres (west) and 2.9 metres (east)	Prior Approval Not Required	09.01.2014

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 (GPDO) (as amended)

Consultations, Publicity and Representations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) requires the Local Planning authority to consult adjoining neighbours for Prior Approval Householder Applications under Class A, Part 1 Schedule 2 and Article 3. Additional consultation is not part of the procedural requirements. 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.

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;

- Little Priory, Pear Tree Lane

The consultation period expired on 13.10.23 and one representation was received, expressing support for the application.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N/A for this Application
Permitted Development Rights Removed/Restricted	N

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
(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	Y See below
(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 8.00m (see (g) below) N 3.89m
(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 8.00m N 3.89m

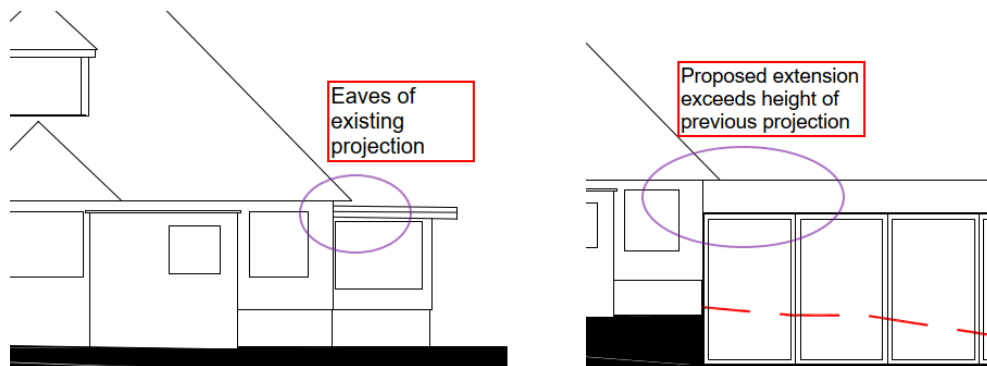
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N/A
(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 Boundary is over 2.00m away
(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 dwelling; or	N N Y See 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);	N/A
(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	See below N N N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(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 sub-paragraphs (b) and (c).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	Y/N
(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 dwellinghouse;	Information has not been provided-see below
(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
(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

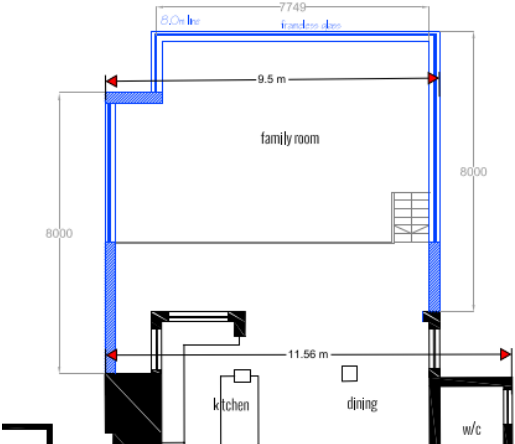
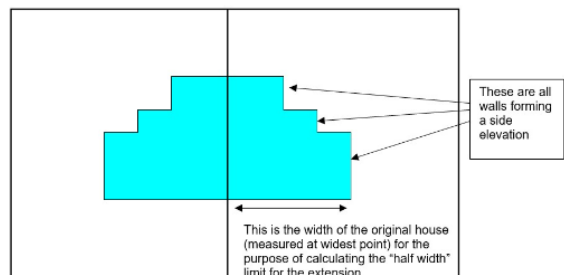
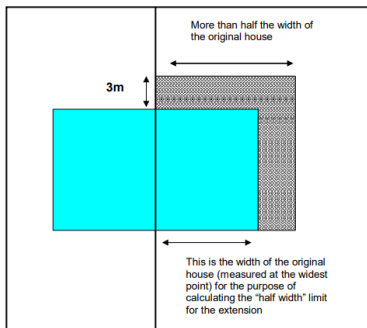
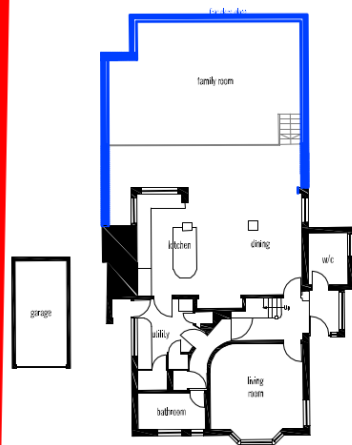
Assessment Note

A.3(a) – not enough information was provided to enable this question to be answered. However, it is not directly related to the Prior Approval Extension Application itself. The proposed single storey rear extension would need to adhere to all of the above to be considered permitted development and further information would be required in the event of a submission to obtain a Lawful Development Certificate.

As evidenced by the elevation drawings, the proposal would fail under A.1 (d) as development is not permitted should the proposal exceed the height of the eaves of the existing dwellinghouse.



In addition, the proposal fails to comply with A.1 (j)(iii) because the extension would be greater than half the width of the original dwellinghouse. The GPDO (2015) (as amended) requires the proposal to be within the parameters of the order.

 Extension width is more than half the width of the dwelling and would extend from a wall forming a side elevation	A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls. For example: 
 X	

An inspector dismissed appeal ref: APP/Q5300/D/14/2214758 (306 Hertford Road, Lower Edmond, Enfield N9 7HD) (Appendix 1) whereby the scheme would fail to comply with the GPDO as it would have resulted in an extension that would be greater than half the width of the original dwellinghouse.

Furthermore, the plans show an existing and proposed door from the rear bedroom at first floor level. It is unclear whether the proposal would result in an enlarged balcony area, which would not fall under permitted development and would require planning permission. See A.1 (k)(i).

Lastly, it should be noted that Section 55 of the Town and Country Planning Act (1990) defines development as carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Any change in land levels particularly when it would be at 0.3m or greater, would be considered an engineering operation requiring planning consent. The plans appear to show that the development may result in a change in land levels.

Analysis

Under Class A.1 (g) of the Town and Country Planning (General Permitted Development) (GDPO) (England) Order 2015, as amended, a single family dwelling can extend beyond the rear wall by 8 metres in the case of a detached property, as long as it does not exceed 4 metres in height. As per the GPDO (2015) (as amended) along with the Government Technical Guidance, the proposal fails to comply with the order:

As set out in the GDPO, Class A.4 (2), the developer has provided sufficient information to support the application; application form, site location plan and additional plans.

The information provided show the proposed single storey rear extension is within the parameters set out in the GPDO; 8.00 metres deep, a maximum height of 3.89 metres, with an eave height of 3.89 metres.

The adjoining properties were consulted in accordance with A.4 (5) and one representation was received in support of the application. Therefore A.4 (7) has not been triggered and impact on neighbouring amenity does not require investigation.

It is considered that the details and documents provided with the application are sufficient and no further information is required under A.4 (8) to determine the proposed development.

Notwithstanding the above, the proposal as indicated on the plans would fail under A.1 (d) and A.1 (j)(iii) as the extension would rise above the height of the eaves of the existing dwellinghouse and the extension would be greater than half the width of the original dwellinghouse. In addition, an extended balcony area and change in land levels would not fall under permitted development and would require planning permission. As such the application should be refused.

Conclusion

The proposed development would fail under A.1 (d) and A.1 (j)(iii) as the extension would rise above the height of the eaves of the existing dwellinghouse and the extension would be greater than half the width of the original dwellinghouse. It should also be noted that the provision of an extended balcony area would not fall under permitted development and any change in land levels, particularly when in excess of 0.30m requires planning permission. As such, the proposed development does not benefit from the provisions of Class A, Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Planning Permission would be required.

Recommendation: <u>Refusal</u>

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	2 nd November 2023	Dated:	2nd November 2023