

Delegated Report

Prior Approval Extensions Application

Application no: 20220731

Location Long Acre Pear Tree Lane Shorne Gravesend

Proposal: Single storey rear extension with a depth of 8.00 metres, maximum height of 4.00 metres and eaves height of 4.00 metres.

Applicant: Mr And Mrs King

Site Visit Desktop Assessment

Preliminary Matters

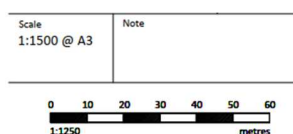
The eaves height is stated as 4.00m on the application form and 2.50m on the covering letter. As this Prior Approval Application fails to comply with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), clarification regarding this issue/a change to the description has not been sought.

Plans & Documents

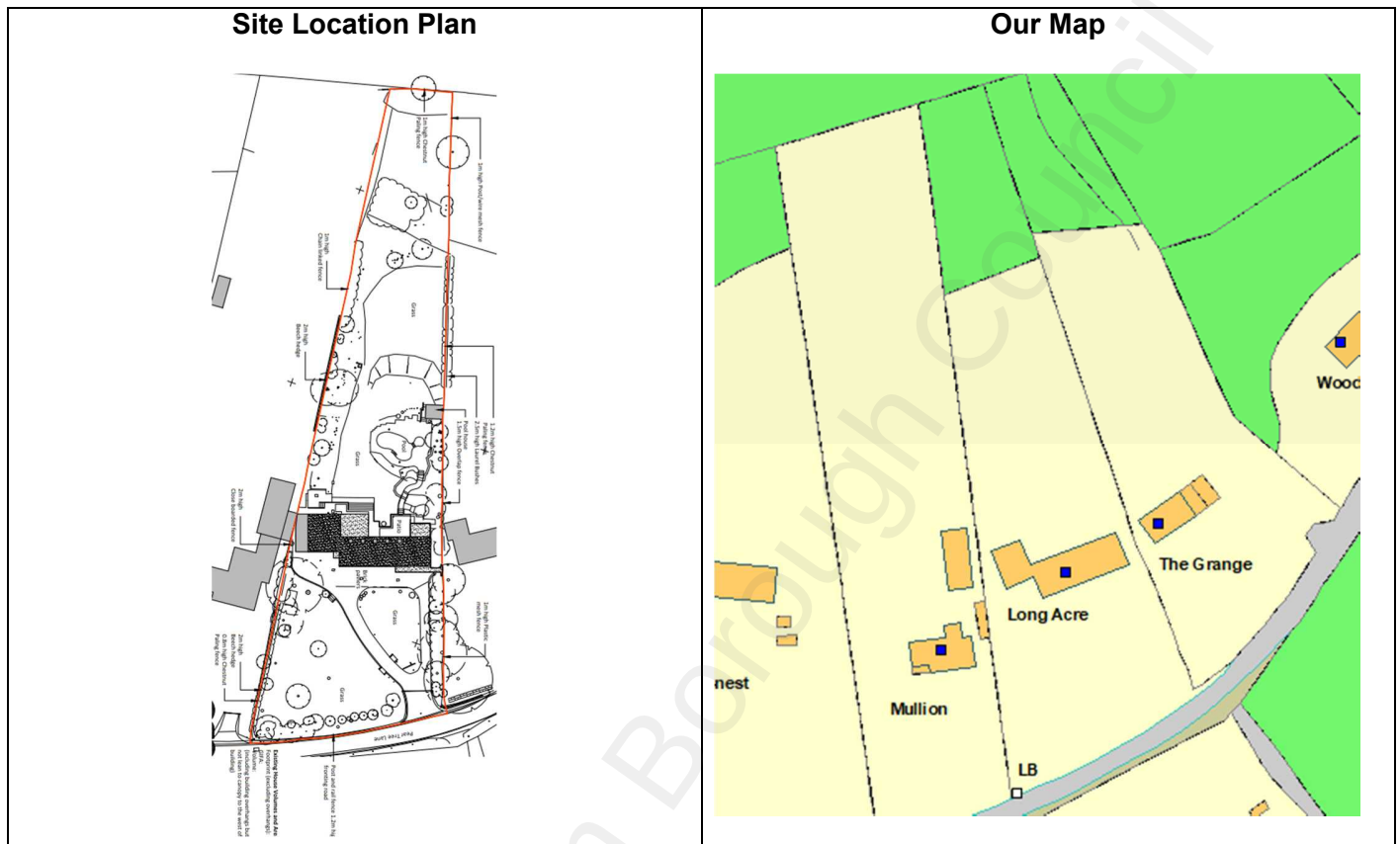
Application Form;
Drawing No. 01 – Site Location Plan;
Drawing No. 02 – Block Plan Existing;
Drawing No. 03 – Ground Floor Plan Existing;
Drawing No. 04 – First Floor Plan Existing;
Drawing No. 05 – Front and Side Elevations Existing;
Drawing No. 06 – Rear and Side Elevations Existing;
Drawing No. 07 – Block Plan Proposed;
Drawing No. 08 – Ground Floor Plan Proposed;
Drawing No. 09 – First Floor Plan Proposed;
Drawing No. 10 – Front and Side Elevations Proposed;
Drawing No. 11 – Rear and Side Elevation Proposed; and
Supplementary Information – Covering Letter (received 01.07.22.)

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:



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.



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 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.

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 2015 (as amended) for the erection of a single storey rear extension with a depth of 8.00 metres, a maximum height of 4.00 metres and an eaves height of 4.00 metres.

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

Planning History Note

It is noted there is another application in for this site- 20220742 - *Prior approval for enlargement of the dwellinghouse by the construction of an additional storey*. As of 27.07.22, this application is pending consideration.

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)

Consultations, 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;

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

No neighbour representations were received from the neighbouring properties consulted in this prior approval application. The consultation period expired 26th July 2022.

Officer Assessment

Permitted Developments Rights Restrictions

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

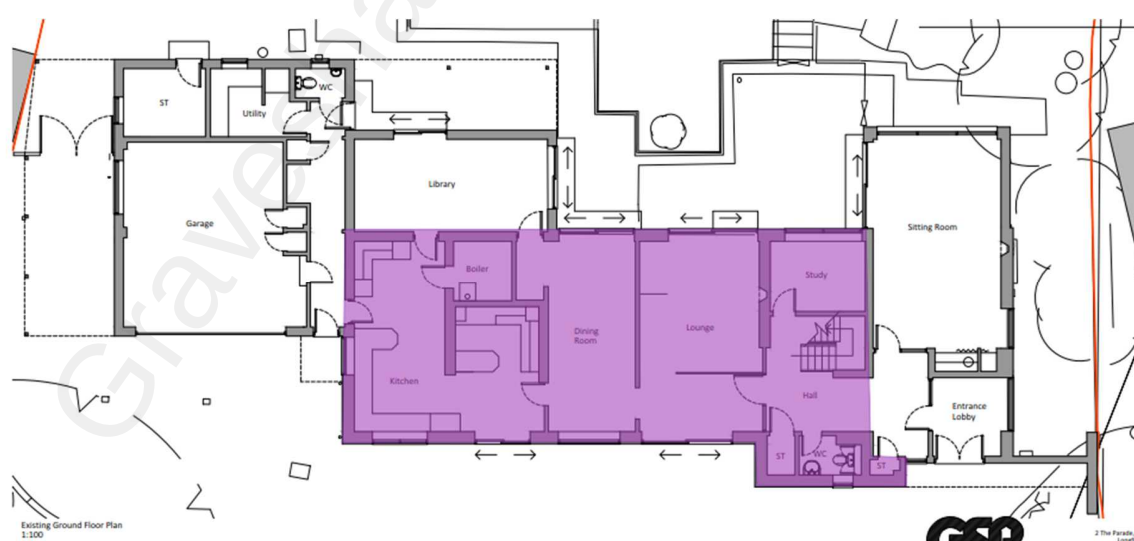
Class A - The enlargement, improvement or other alteration of a dwellinghouse

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	N
(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
(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 N

(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;	Y (11.2m) N
(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 distance is greater than 2.00m
(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 (29.95m)
(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);	Y Fails (g) and (j) – further explanation below
(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
(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

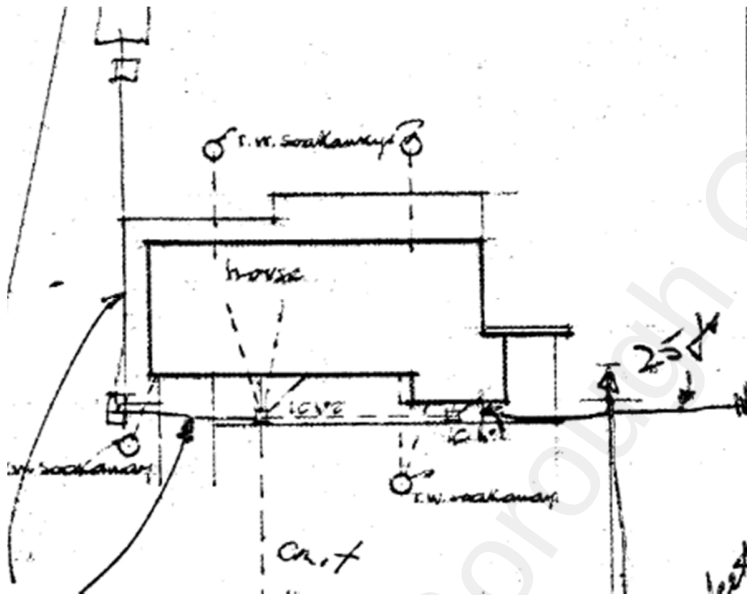
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(d)	any total enlargement (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;	Y
(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

The LPA considers that the purple shaded area on the plan extract below represents the original footprint of the property. The remaining areas are all later additions.



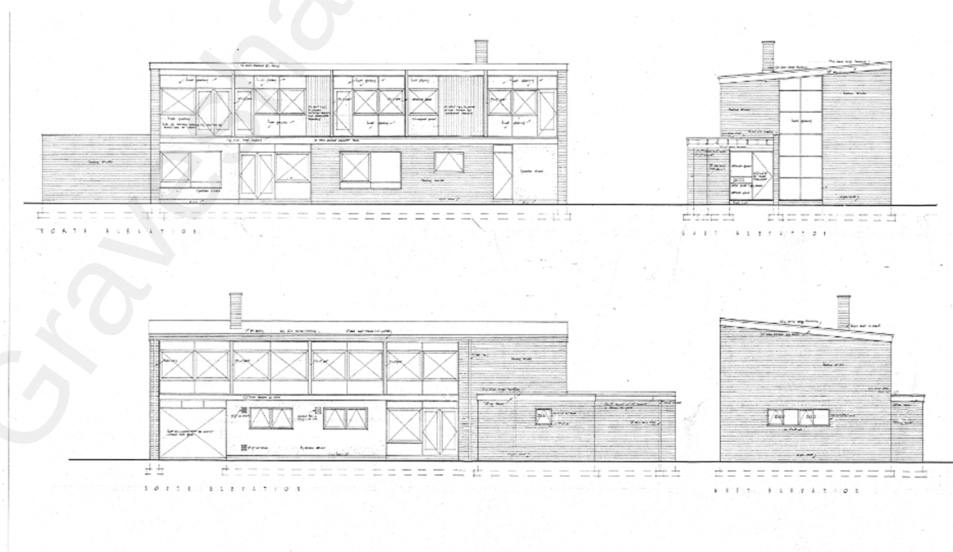
This view has been taken by reviewing the original permission for the dwelling, as referenced by the applicant in the covering letter accompanying this application - reference 19590319/TH/6/59/319. The site plan for this application shows no rear or side projection as part of the development (extracts below.)

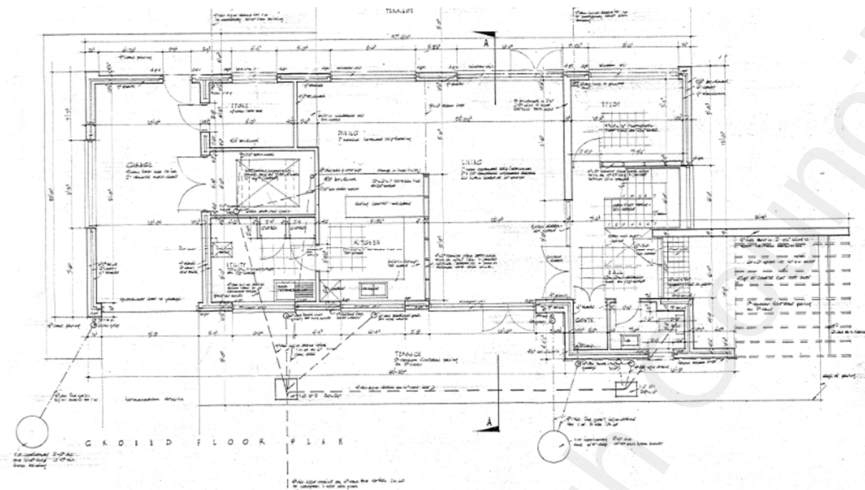
19590319/TH/6/59/319 Site Plan



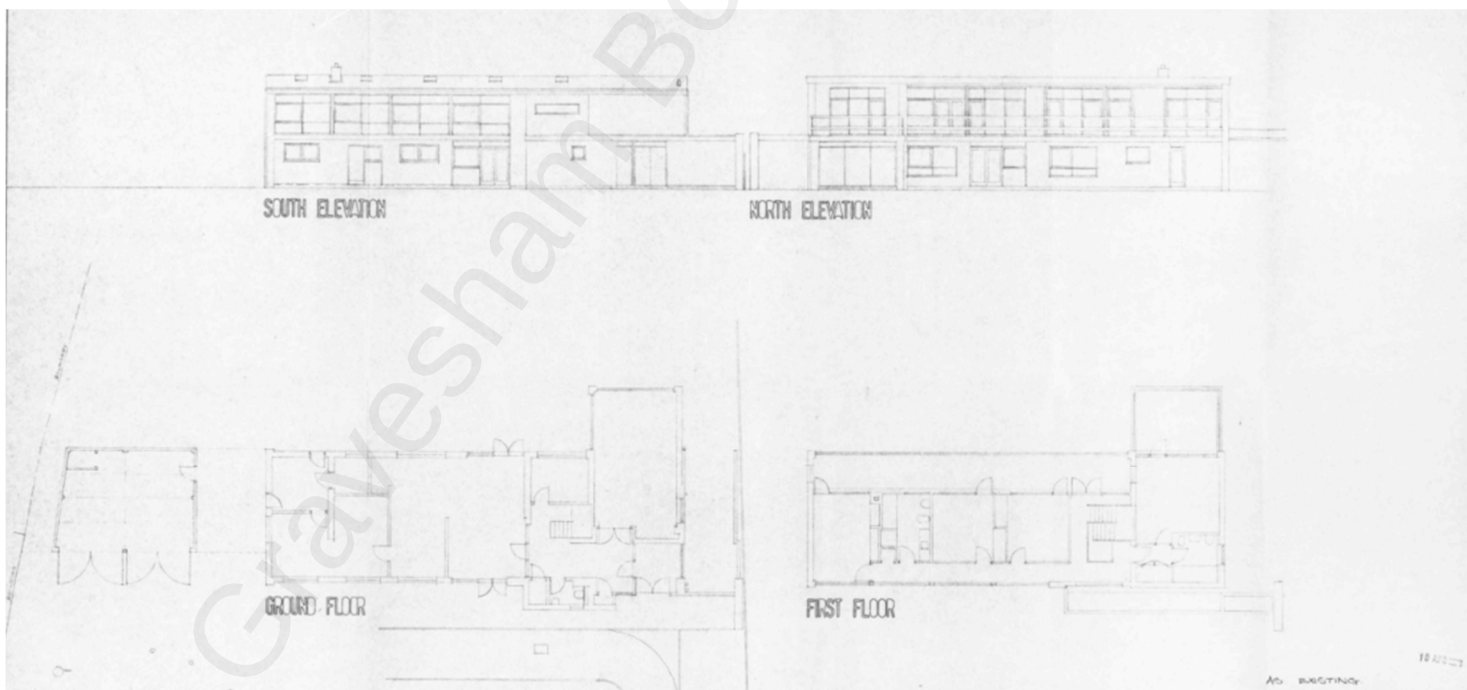
The elevations and floor plans also support this point;

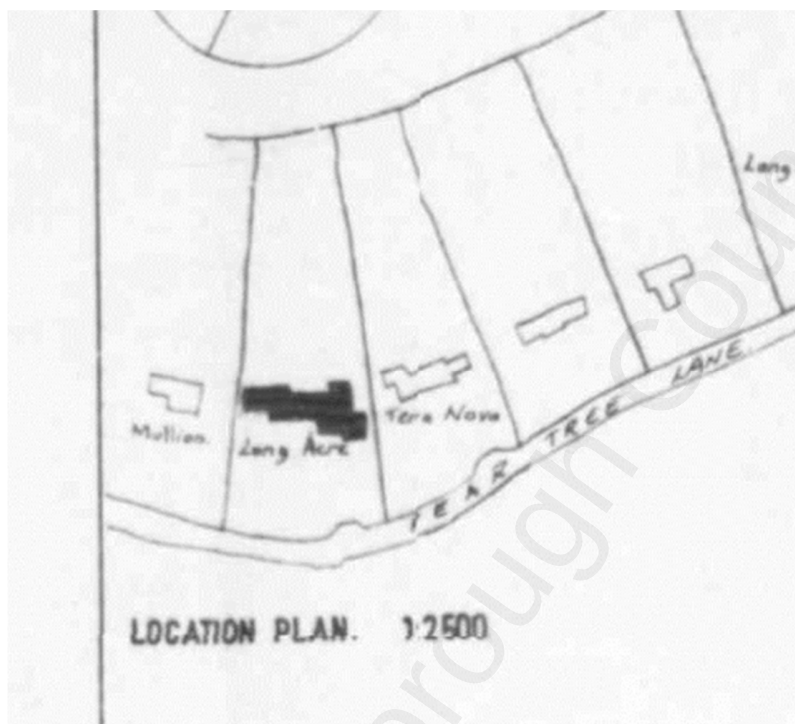
19590319/ TH/6/59/319 Plans



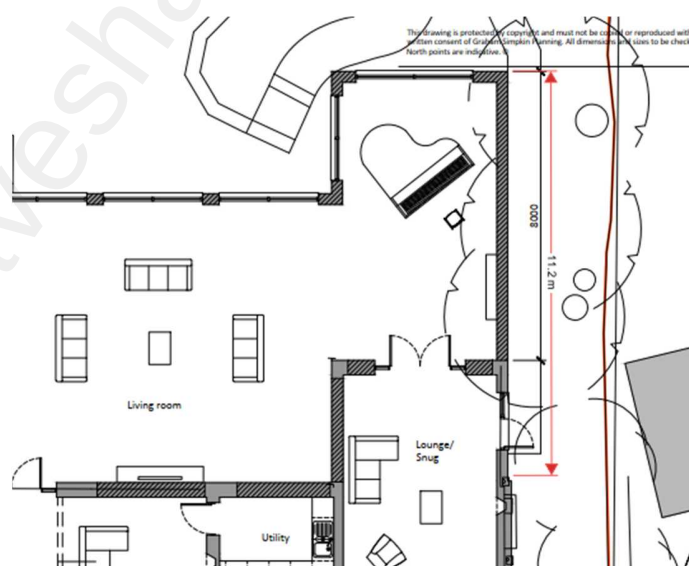
19590319/ TH/6/59/319 Plans

The plans indicate that the existing rear projection, along with the side extension was not part of the original dwelling and are later additions. If we look at later application; 19780341, a rear projection is shown on the plans and therefore indicates that sometime between the 19590319/TH/6/59/319 and the 19780341 an extension was added without the benefit of planning permission.

19780341 Plans

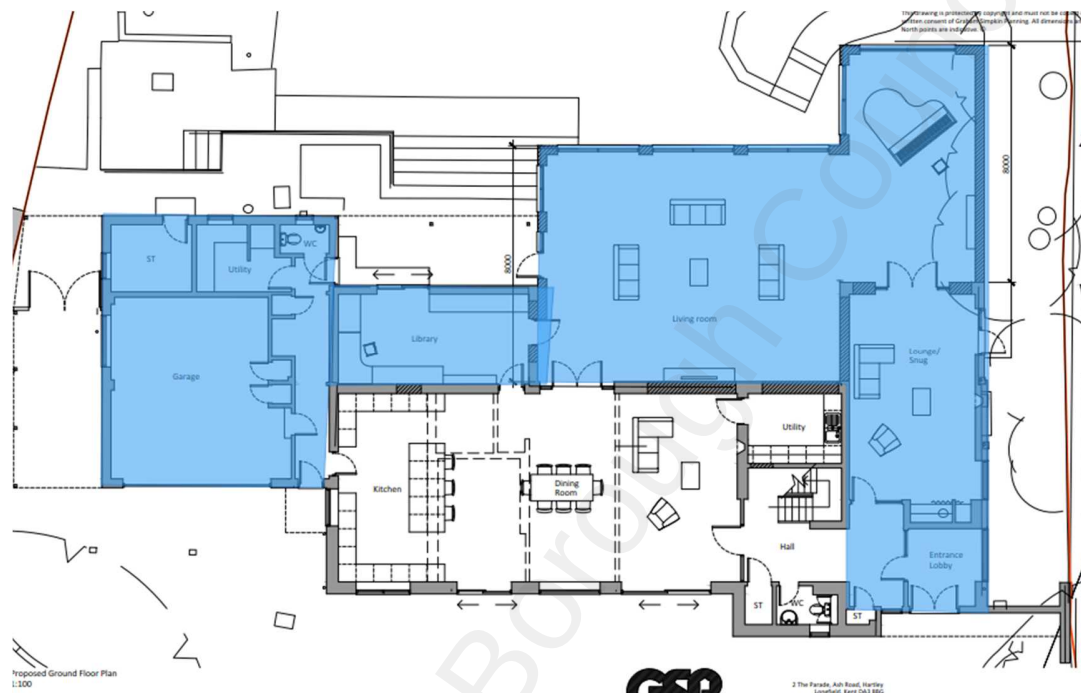
19780341 Location Plan

Therefore, application 20220731 fails on depth under (ja.) The technical guidance makes it clear where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement must meet the limits set out in (e) to (j.)

20220731 Plan

As shown by the plan above, this application fails to comply with (ja) as the total enlargement exceeds 8.00m. It is 11.2 metres beyond the original rear elevation.

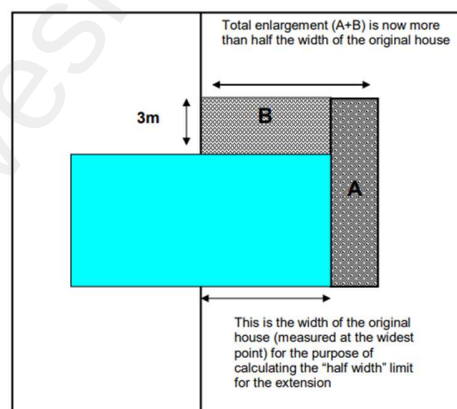
In addition to this, the extension would also fail under (ja) because it would join existing extensions to form a large wraparound extension (indicated in blue below.) This means the extension would have a width greater than half the width of the dwelling (29.94m width in total);



As per the Government technical guidance, the application would fail under (ja), as shown below:

In some situations it may be that development is undertaken in separate stages. For example, a side extension may be built first, and then a rear extension added at a later date. In this case, under paragraph (ja) (see page 28) the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account.

For example:



In the example above, if the side extension A was built first, it would meet the requirement for being no more than half of the width of the original house. However, the later addition of the rear extension B would mean that the total width of A + B at the widest point would be more than half the width of the house. The rear extension would therefore require an application for planning permission.

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 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, along with the planning history of the site shows the proposed development fails under (ja) of the GPDO because the extension would have a width greater than half the width of the original dwellinghouse and the total enlargement would exceed 8.00m depth.

The adjoining properties were consulted in accordance with A.4 (5) and no representations were received. 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.

Conclusion

The proposed development does not accord with Class A, part A.1 (ja) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and it is considered that PRIOR APPROVAL IS REQUIRED AND REFUSED.

Recommendation: <u>PRIOR APPROVAL IS REQUIRED AND REFUSED</u>
--

Case Officer:	Mrs Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	1 st August 2022	Dated:	01 August 2022