



Delegated Report

Prior Approval Larger Homes Application

Application no:	20220593
Location	Shorne Mead Pear Tree Lane Shorne Gravesend
Proposal:	Single storey rear extension with a depth of 8.00 metres, maximum height of 3.75 metres and eaves height of 2.35 metres.
Applicant:	Mr & Mrs Coward
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form
Planning Statement
Drawing no. 3262-010 rev B (proposed plans)
Drawing no. 3262-003 rev B (location and block plans)

Property Type

The property comprises a two storey detached dwelling.

Material Consideration

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

Consultees

Shorne Parish Council

1) Proposed depth exceeds permitted development rules:

The proposed extension extends 8m beyond the loggia shown on the 1956 plans rather than from the rear wall of the original house.

2) Previous extension and outbuildings:

The house has previously been considerably extended, the floor area has been increased by approaching 100%. This greatly exceeds the "one third rule" under local Green Belt policies. In addition there has been extension and residential conversion of the garage building, and the retrospective application ref 20220543, that is currently under consideration, also includes several more outbuildings.

3) Overdevelopment:

Overall, especially when considered together with the massive engineering works that have been undertaken on the site without planning permission, we consider that the site is being seriously overdeveloped in a way that is harmful to the Green Belt and the local landscape.

Dickens' Country Protection Society

The Society notes that the property has benefitted from two previous extensions and is concerned the current proposal may exceed the one-third limit in the Green Belt.

Neighbours

As this is an application for prior notification individual consultation letters have been sent to two properties. No letters of representation have been received.

Relevant Planning History

20220543	Proposed engineering works to rear garden creating retaining walls to sloping site.	Pending Consideration	
20181314	**REVISED PLAN** Alterations to existing garage to provide garage and annex accommodation incorporating increase in roof height, two dormer windows in the front roof slope and Juliette balcony on the north-west elevation to provide for ancillary accommodation, including a garden room with tea point at ground level and gym and games room accommodation above	Permitted	27.02.2019
20170496	Demolition of existing garage and erection of a detached two storey annex and garage incorporating a dormer window in the front roof	Refused	20.03.2018

slope and juliette balconies on the north-west and south-east elevations.

20140811	Construction of a new roof over existing garage incorporating an increase in the height of the building, two dormer windows in the front roof slope and a juliet balcony on the north-west side elevation to provide for gym, games room and w.c./changing facilities in the proposed roof space.	Permitted	14.10.2014
20060164	Erection of single storey rear infill extension to form enlarged kitchen/diner.	Permitted	07.04.2006
19970317	Construction of new pitched roofs over existing garages/boat port, incorporating dormer window in proposed front roof slope and infilling of central boat port to form garage.	Permitted	21.08.1997
19840557	Erection of a two storey extension at the side to form a dining room with bathroom over	Permitted	10.08.1984
19830673	Change of use of land from woodland to residential garden and alterations to vehicular access	Permitted	19.12.1983
19780438	Erection of a single storey extension to form an enlarged kitchen childrens playroom and a new boiler room at the side of dwelling	Permitted	21.06.1978
19590307	erection of loose box and tack room	Permitted	10.11.1959
19560253	Extension to lounge	Permitted	09.01.1957
19510230	Additions	Permitted	01.02.1952
19510046	Erection of a private garage	Permitted	09.05.1951
19480125	erection of a garage	Permitted	04.03.1949

Officer Assessment

Permitted Developments Rights Restrictions

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

Planning application reference 19830673 for the change of use of land from woodland to residential garden and alterations to vehicular access was approved subject to the following conditions:

- (i) The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
- (ii) Notwithstanding the provisions of Article 3 of and paragraphs 1, 3 & 5 of Class I and paragraphs 1 and 2 of Class II of Schedule 1 to the Town and Country Planning General Development Order 1977 (as amended) the following developments shall not be carried out on the land without the prior permission of the District Planning Authority:-
- (a) enlargement of a dwelling house (which term without prejudice to the generality thereof shall specifically include the erection of a garage, stable, loose box or coach-house within the curtilage of a dwellinghouse).
 - (b) the erection of any building or enclosure required for a purpose incidental to the enjoyment of dwellinghouse.
 - (c) the erection or placing of an oil storage tank.
 - (d) the erection or construction of gates, fences, walls or other means of enclosure.
- and that the grounds for the imposition of such conditions are:- cont'd.
- (i) In pursuance of Section 41 of the Town and Country Planning Act 1971.
- (ii) In the interests of the amenity of this area where green belt and great landscape value policies apply. cont'd.

GR/83/673

CONDITIONS CONT'D:

- (iii) No trees on the land shall be lopped, topped or felled without the prior consent of the District Planning Authority.
- (iv) Before the site is first brought into use for the purpose of providing vehicular access to Shorne Mead, Pear Tree Lane, Shorne, the existing vehicular access to that property shall be closed off and a scheme for the landscaping and boundary treatment of the existing access shall be submitted to and approved in writing by the District Planning Authority and upon approval the scheme shall be carried out within 12 months.
- (v) The land shall not be used as part of the garden of Shorne Mead, Pear Tree Lane, Shorne until such time as the alterations to the existing vehicular accesses referred to in condition (iv) above have been carried out.

GROUND'S CONT'D:

- (iii) In order to retain the integrity of this woodland area.
- (iv) and (v) In the interests of road safety.

Condition (ii) specifically includes the enlargement of the dwellinghouse. The applicant's agent has queried this as the site location plan shows two parcels of land as can be seen below:

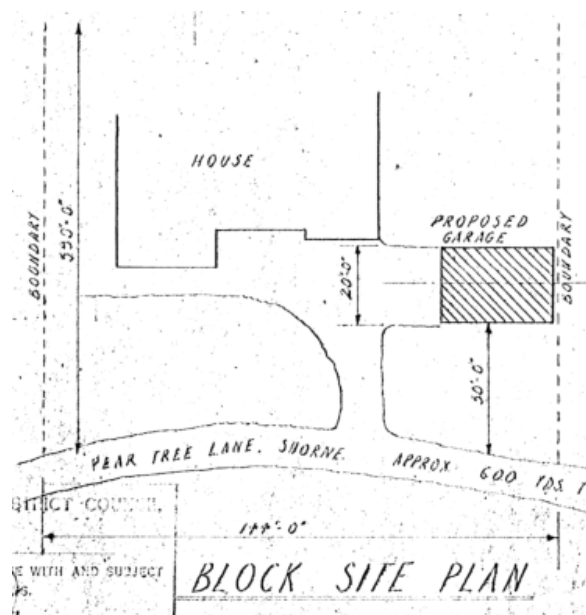


The vehicular access was implemented, as was the change of use, and therefore the conditions technically stand. However, the assumption is the red line is around the land which was to be incorporated into the garden and a blue line around the remainder of the site. Such a condition removing PD rights from the dwelling, outside of the red line, would have been unlikely to have been supported at appeal being deemed as unreasonable and not relevant to the development. On this basis, the Council is of the view that this condition

can only apply to the land being incorporated within the curtilage. It is noted that recent buildings have been erected on this piece of land within the last two years and these will be investigated separately.

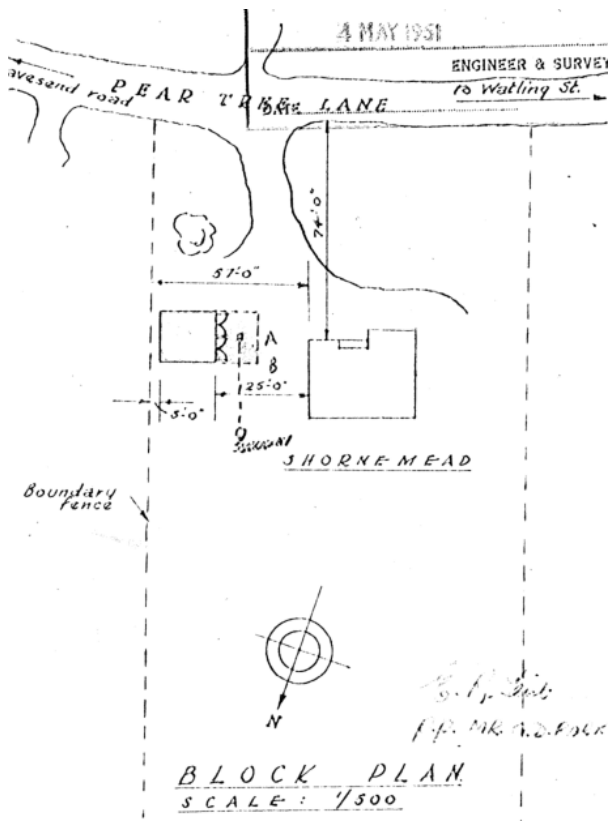
Detailed planning history:

19480125 – proposed garage. This plan only shows the front part of the house. It does not definitively show the arrangement to the rear:



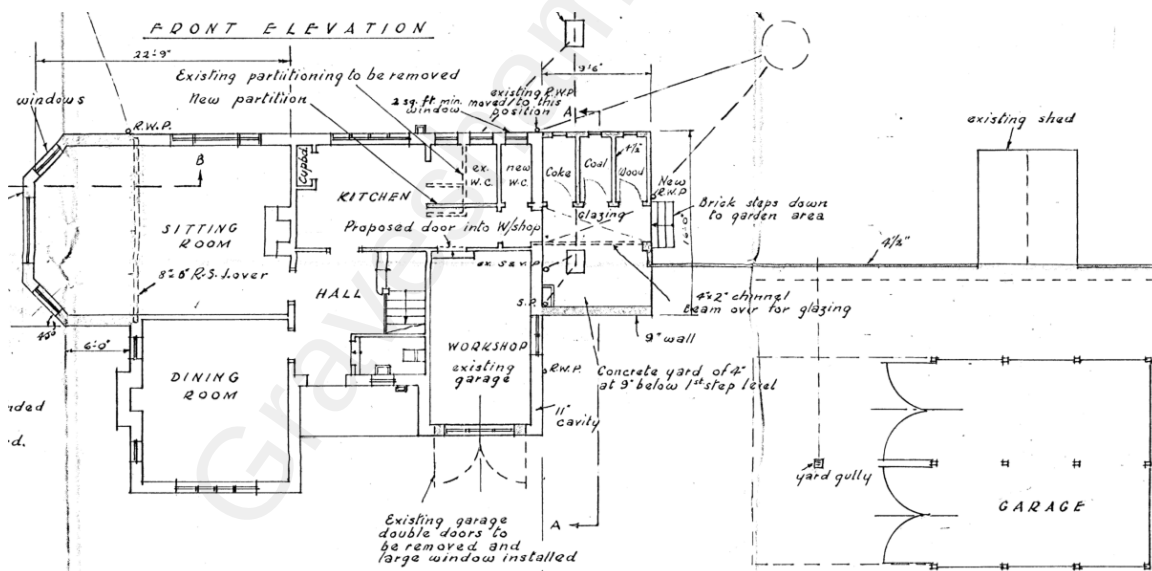
No PD rights were removed.

19510046 – proposed garage. This shows the footprint in full. The rear wall is straight:



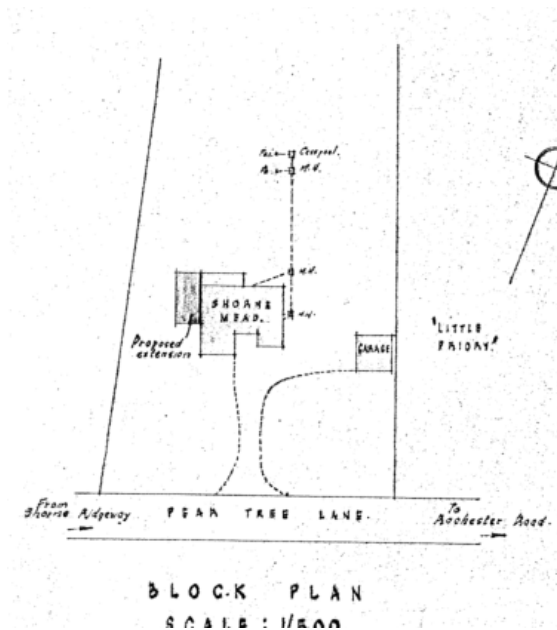
No PD rights were removed.

19510230 granted permission for two single storey side extensions. This also shows the rear wall being straight:



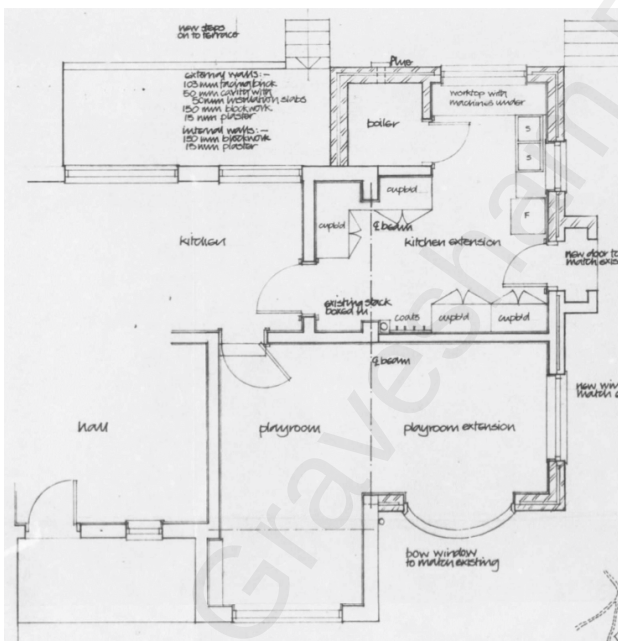
No PD rights were removed.

19560253 lounge extension to the side and rear. This is the first time a rear projection is shown. This could have been constructed under permitted development but it is not original:



No PD rights were removed.

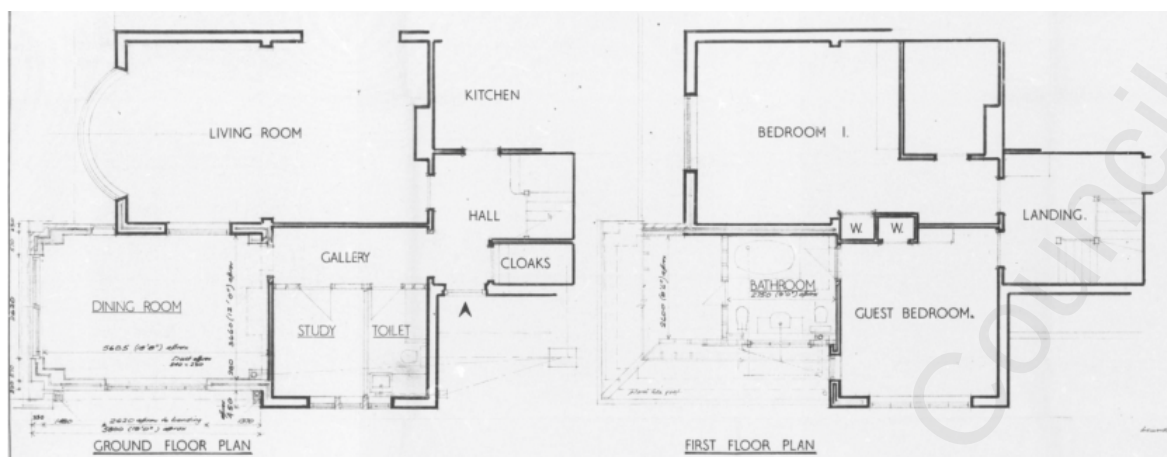
19780438 – single storey extension to form an enlarged kitchen, children’s playroom and now boiler room at the side of the dwelling:



No PD rights were removed.

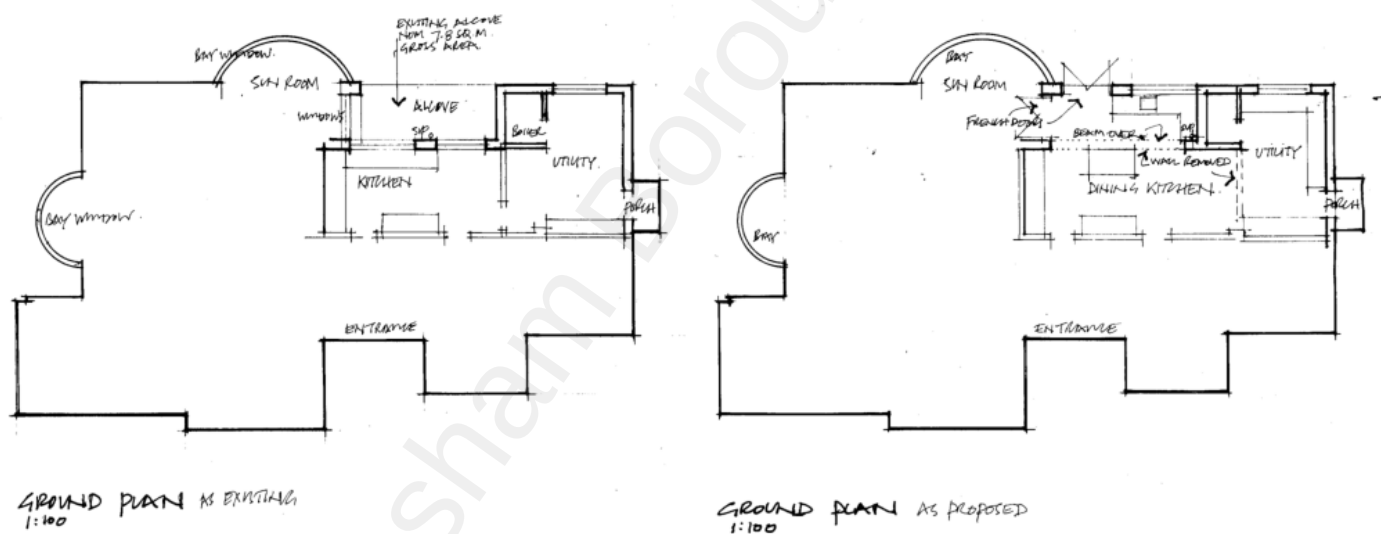
19830673 - Change of use of land from woodland to residential garden and alterations to vehicular access. Details of this have already been discussed at the top of the Officer Assessment Section.

19840557 – Two storey side extension to form dining room with bathroom over.



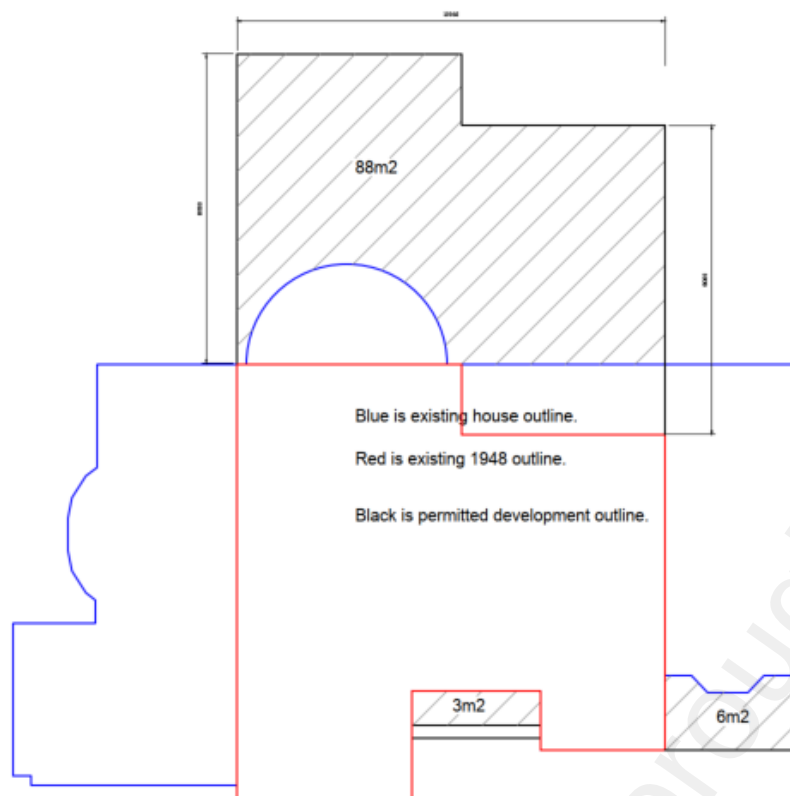
No PD rights were removed.

20060164 – infill extension



No PD rights were removed.

Current proposal



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 - the front 3sqm extension does not project further forward than the principle elevation.
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a	Y – se (g)

	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	
(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, the 1948 plans held by the council are inconclusive of the rear arrangement. However both applications in 1951 show the rear to be a straight wall. Only in 1956 does a single storey projection appear. This is therefore not considered original and the proposed extension projects beyond this.
(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
(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
(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	Y – if it was found that the rear elevation did have a single storey projection originally then

		the proposed extension would extend beyond a wall forming a side elevation and would have a greater width than half.
(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 (see above)
(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
(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 –	N/A
(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;	
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	
(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).	
A.3	Development is permitted by Class A subject to the following conditions –	N/A
(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;	
(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	
(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.	

Other matters;

The plans appear to include a front porch extension along with another front extension. For the avoidance of doubt these elements have not been assessed under this larger homes prior approval application, which relates only to rear extensions.

Conclusion

In summary, the proposed rear extension is shown to project further than 8m from the original rear wall and therefore fails point (g) (i). If it were later proved that the rear projection was original, then the proposal would fail on point (j) (iii).

Recommendation: Prior Approval is Required and Refused

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	6th July 2022	Dated:	11 July 2022