

Delegated Report

Prior Approval for Class AA Application

Application no:	20230699
Location	1 Genesta Glade Gravesend Kent DA12 4PR
Proposal:	Application for prior approval of a proposed: Enlargement of a dwellinghouse by construction of additional storey under Schedule 2, Part 1, Class AA.
Applicant:	Mr and Mrs J. Mee
Site Visit	22 nd August 2023

Submitted Documents/Plans

Planning Application Form;
 Drawing No. 1000 – Location Plan;
 Drawing No. 1001 – Existing Site Block Plan;
 Drawing No. 1010 – Existing Ground Floor Plan;
 Drawing No. 1011 – Existing First Floor Plan;
 Drawing No. 1012 – Existing Roof Plan;
 Drawing No. 1020 – Existing Section AA;
 Drawing No. 1021 – Existing Section BB;
 Drawing No. 1030 – Existing North Elevation;
 Drawing No. 1031 – Existing South Elevation;
 Drawing No. 1032 – Existing East Elevation;
 Drawing No. 1033 – Existing West Elevation;
 Drawing No. 1050 – Adjoining Properties Daylight Assessment - Existing
 Drawing No. 1201 – Proposed Site Block Plan;
 Drawing No. 1210 – Proposed Ground Floor Plan;
 Drawing No. 1211 – Proposed First Floor Plan;
 Drawing No. 1212 – Proposed Roof Plan;
 Drawing No. 1220 – Proposed Section AA;
 Drawing No. 1221 – Proposed Section BB;
 Drawing No. 1230 – Proposed North Elevation;
 Drawing No. 1231 – Proposed South Elevation;
 Drawing No. 1232 – Proposed East Elevation;
 Drawing No. 1233 – Proposed West Elevation;
 Drawing No. 1250 – Adjoining Properties Daylight Assessment – Proposed; and
 Covering Letter.

Relevant Planning History

Reference	Description	Decision	Decision Date
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20230698	Erection of a ground floor front extension, and construction of 2no, dormer extensions in the south roof slope with associated external and internal alterations.	Permission	23.08.23
20211554	Erection of a single storey front extension and construction of a dormer to south and north elevation.	Refused Appeal Withdrawn	14.02.2022 21.05.2022
20200204	Erection of a front extension and two side dormer extensions.	Refused	20.04.2020
20120190	Erection of a rear extension to form enlarged kitchen and lounge at ground floor level with 2 no. dormer windows in flank elevations to form additional bedroom and shower room/wc in enlarged roof space.	Permission	20.04.2012

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

Shorne Parish Council

The Parish Council OBJECTS to this proposal which would be out of character in the area and with negative impact on the street scene, local amenity and that of neighbouring properties. This proposal would also set an undesirable precedent in the area.

The design plan for the area was for roof heights to reduce as a graduation from the two-storey houses on Vigilant way, through single storey on Glenrosa Gardens and other roads opening to the south, and then to open farmland. This gradual change contributes greatly to the overall ambience of the area.

This property is, like its twin opposite, located forward of the average building line so a second floor will be very noticeable as it will be a house rather than a chalet bungalow.

The property has already been subject to a rear extension and double small box dormers that are level with the ridge line, Ref 20120190. Two later applications which involved front extension were refused.

The previous dormers are retained making the proposed rear view rather unusual in design.

As proposed, the house will have 5 bedrooms which seems overdevelopment for the size of the site and the small remaining amount of garden.

Parking might be adequate as 4 vehicles can fit along the driveway but the parking would be in tandem so not very practical.

Neighbours

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;

- 344 Thong Lane
- 346 Thong Lane
- 348 Thong Lane
- 2 Genesta Glade
- 3 Genesta Glade
- 4 Genesta Glade
- 3 Vigilant Way
- 5 Vigilant Way

No representations were received from the neighbouring properties consulted in this prior approval application.

The consultation period expired on 24th July 2023.

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	N

	granted by Class AA or otherwise;	
(e)	following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;	N (8.07m)
(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 (2.66m) N/A
(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
(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 (2.39m)
(i)	any additional storey is constructed other than on the principal part of the dwellinghouse;	N
(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	Y

	must be the same as the roof pitch of the existing dwellinghouse; and	
(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
(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;	See Analysis section 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;	N/A (at this stage)
(c)	the development must be completed within a period of 3 years starting with the date prior approval is granted;	N/A (at this stage)
(d)	the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and	N/A (at this stage)
(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.	N/A (at this stage)

AA.2 (3)(a) - Prior Approval Matters

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."*

(i) 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".

The application dwelling is a single storey dwelling with both adjacent properties being single storey. There are examples of surrounding properties with dormers, including the application property, therefore overlooking at first floor level is already afforded. The increase in height would result in additional overshadowing over the property to the north, however the majority of overshadowing would be over the front garden or roofslope which is devoid of any habitable room windows.

(ii) External Appearance

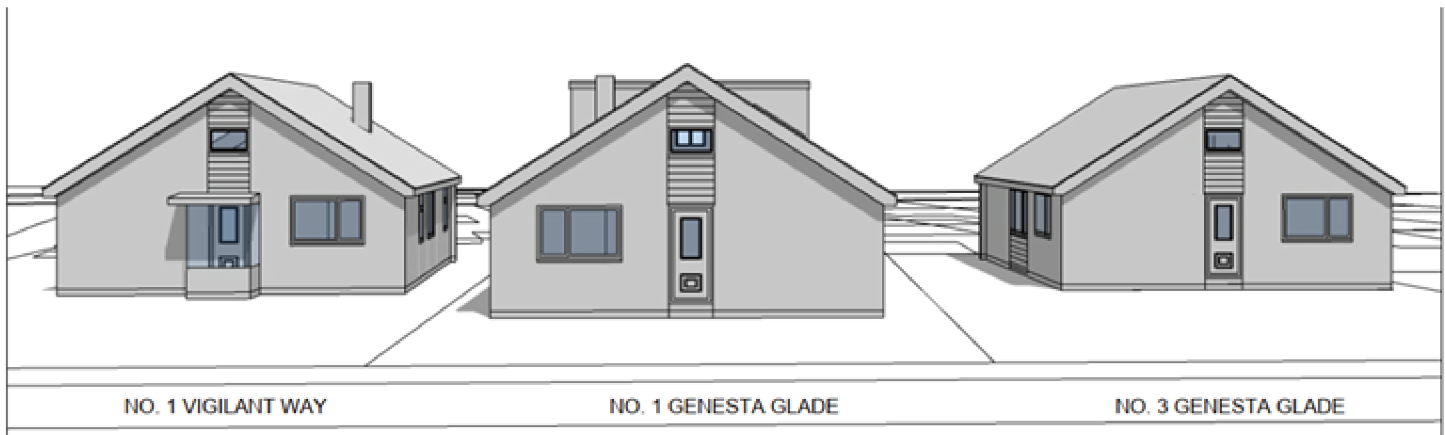
Paragraph (ii) relates to "the external appearance of the dwellinghouse, including the design and architectural features - (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway". However, at a recent High Court judgement (CAB Housing Ltd, Beis Noeh Ltd and Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)) (attached as Appendix 1), the Judge upheld that a broader interpretation of the GPDO AA.2(3)(a)(ii)(aa) of Part 1 the 'external appearance' of the dwellinghouse is not limited to the principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations. Therefore, in essence the considerations pertaining to external appearance could embrace the visual impact of the proposal on premises other than the subject dwelling, including streetscapes.



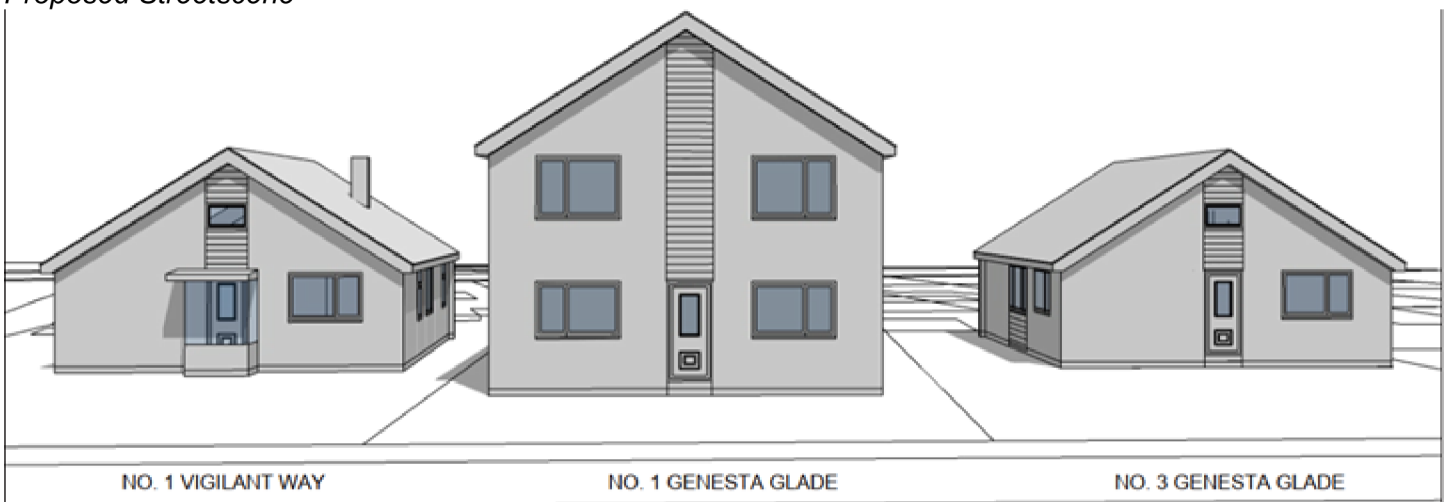
The dwellinghouse is a modest chalet style bungalow set in a cul-de-sac of similar designed bungalows.



Existing Streetscene



Proposed Streetscene



Whilst some of the properties have been extended within the roof with the use of side dormers, the prevailing design and character is retained.

This significant increase in scale would be a dominating, oppressive and out of character feature, replacing the existing discreet bungalow, and so would harm the streetscene. Whilst it is noted that there are two storey dwellinghouses in the vicinity, Genesta Glade is a small cul-de-sac made up of 10no. similar designed bungalows and the proposed development would significantly interrupt and harm this character. Given the substantial increase in scale from the addition of a first floor, the proposed development would be a significantly harsh, dominant and uncharacteristic increase in built form. This would be highly residential in appearance and incongruous with the modest cul-de-sac in which the building is set.

Whilst 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 small chalet style bungalow, to a disproportionate and unbalanced two storey building.

The additional storey would have a harmful external appearance upon the host dwelling and the street scene. This brings the proposal into conflict with the GPDO AA.2(3)(a)(ii)(aa) of Part 1. Therefore, the development is not permitted by Schedule 2 and Article 3 of the 2015 Order. It follows that the development proposal would not fall within the definitional scope of Class AA, therefore, the prior approval application should be refused.

(iii) Air Traffic

The LPA do not consider that the proposed development would impact air traffic or defence assets, as set out in paragraph (iii).

(iv) Protected Views

The LPA do not consider that the proposed development would impact on a protected view identified in the Directions Relating to Protected Vistas, as set out in paragraph (iv).

Conclusion & Recommendation

Prior Approval is Required and Refused in respect of the external appearance of the proposed development and its impact upon the principal elevation of the existing dwellinghouse.

- 1. The additional storey would have a harmful external appearance upon the host dwelling and the street scene, which brings the proposal into conflict with the GPDO AA.2(3)(a)(ii)(aa) of Part 1. Therefore, the development is not permitted by Schedule 2 and Article 3 of the 2015 Order. It follows that the development proposal would not fall within the definitional scope of Class AA, therefore, the prior approval application should be refused.*

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	23rd August 2023	Dated:	24 th August 2023