
GSP PROJECT REF: [3706.PN](#)

PLANNING STATEMENT

Distarti, 48 Rhododendron Avenue, Meopham, Kent, DA13 0TT

Prior notification for additional storey to existing detached dwelling



DECEMBER 2022

1.0 INTRODUCTION

- 1.1 This Statement accompanies a prior notification submission for the following proposed development:

Application for prior approval under Part 20 Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing detached residential bungalow building through the construction of an additional storey

- 1.2 The extent of the additional storey will reflect the existing detached bungalow (i.e. it will reflect the principal part of the existing dwellinghouse).
- 1.3 The development affects the following four Land Registry titles as well as unregistered land that make up the subject planning unit:
1. K219795 (described as 'land on the east side of Rhododendron Avenue'). This is the rectangular portion of land to the far north;
 2. K219796 (described as 'land on the east side of Rhododendron Avenue'). This is the rectangular portion of land to the south of the above title;
 3. K922240 (described as 'land adjoining Distarti, 48 Rhododendron Avenue'). This is the driveway and part of the side garden that appears to serve Distarti;
 4. K417028 (described as 'Distarti, Rhododendron Avenue'). This is the rectangular portion of land to the far south that includes the main dwelling, but excludes part of the previously approved garden and all of the access.

2.0 SITE CONTEXT

- 2.1 The subject 0.05 hectare site is located to the eastern side of Rhododendron Avenue, at the eastern end of the Culverstone Valley Area. It is understood that the existing timber-clad property is a chalet bungalow with a tiled roof located on a steep bank with three bedrooms in a poor standard of condition. The site benefits from a lawful vehicular access on to Rhododendron Avenue.
- 2.2 It is noted that the planning officer's report relating to the previously approved planning application considered that the original dwelling as existing has a footprint of 92.1m² and an internal ground floor area of 80.3m².
- 2.3 The site benefits from a number of ancillary buildings including a car port to the north and rear, a 'garden structure' to the rear of the dwelling and a garden shed to the front. The layout of the bungalow comprises four bedrooms, a living area in the centre and kitchen/dining area to the rear.
- 2.4 Ancient woodland appears to be located beyond the rear of the site and the site is within the Harvel Wooded Downs Landscape Character Area as well as being within the Metropolitan Green Belt. The site forms part of the Parish of Meopham. There are no known designated or non-designated heritage assets nearby. The site is also within

Flood Zone 1 which means it has a low probability of flooding from rivers and the sea.

3.0 RELEVANT PLANNING HISTORY

3.1 The following records are understood to be relevant to the subject site:

- [Erection of chalet](#) - Ref. No: 19520150 | Status: Application Permitted
- [Erection of dwellinghouse](#) - Ref. No: 19550280 | Status: Application Refused
- [Retention of single storey extension to form kitchen at rear](#) - Ref. No: 19790429 | Status: Application Refused
- [Demolition of existing chalet bungalow and erection of a replacement 3 bed bungalow.](#) - Ref. No: 20210319 | Status: Application Permitted

3.2 The permission from 2021 was subject to amendments after initial concerns were expressed by the Council in regards to the height and massing of the replacement dwelling, which was considered to be materially larger than the dwelling it was due to replace. Revisions included a reduced height, introduced barn-hips, changed the roof design of the garage and, as such, were considered to address these issues.

4.0 COMPLIANCE WITH PERMITTED DEVELOPMENT LEGISLATION

Permitted Development

4.1 Class AA of Part 1 of Schedule 2 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) permits development consisting of the construction of one additional storey on top of an existing dwellinghouse consisting of one storey.

Development Not Permitted

4.2 Paragraph AA.1 sets out exceptions to when this permitted development right would not apply:

- (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) - **this is not the case;**
- (b) the dwellinghouse is located on: (i) article 2(3) land; or (ii) a site of special scientific interest - **this is not the case;**
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018 – **this is not the case;**
- (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 granted by Class AA or otherwise – **this is not the case;**

- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres – **this will not be the case;**
- (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 – **this will not be the case;**
- (g) **This is not relevant for detached dwellings;**
- (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 – **this will not be the case;**
- (i) any additional storey is constructed other than on the principal part of the dwellinghouse – **this will not be the case;**
- (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 – **this will not be the case;**
- (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 – **this will not be the case.**

4.3 Under parts (1) and (2) of paragraph AA.2, development permitted by Class AA is subject to the following conditions:

- (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 – **this will be the case;**
- (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house – **this is the case;**
- (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse – **this will be the case;**
- (d) following the development, the dwellinghouse must be used as a dwellinghouse – **this will be the case.**

5.0 PRIOR APPROVAL REQUIREMENTS

5.1 Under part (3)(a) of paragraph AA.2, the legislation then confirms that 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(a) issued by the Secretary of State;

5.2 As required by part (2) of paragraph AA.3, this submission is accompanied by:

- (a) a description of the development (see section 1 above);
- (b) a plan drawn to an identified scale, showing the direction of North, indicating the site and showing the proposed development (see plans accompanying submission);
- (c) a plan drawn to an identified scale, showing: (i) the existing and proposed elevations of the dwellinghouse, and; (ii) the position and dimensions of the proposed windows (see plans accompanying submission).

6.0 RELEVANT CASE LAW

6.1 The following High Court judgment about the scope of the prior approval matters (the "impact on the amenity of any adjoining premises" and the "external appearance of the dwellinghouse") within Part 1 Class AA of the GPDO (and Part 20 Classes ZA, A, AA, AB, AC, and AD) was handed down on 3rd March 2022.

6.2 It is considered that the judgment directly supports the following interpretations in relation to Part 1 of Class AA of the GPDO:

- The assessment of the "impact on the amenity of any adjoining premises" is not limited to the impact on "overlooking, privacy and the loss of light". For example, it can include the impact on other aspects of amenity such as "outlook, noise and activity";
- The assessment of the "impact on the amenity of any adjoining premises" is not limited to the impact on properties that "abut, or are contiguous with, the subject property". For example, it can include the impact on other properties that are "neighbouring premises" (note: these do not have to be "residential premises");
- The assessment of the "external appearance of the dwellinghouse" is not limited to "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". For example, it can include the external appearance of other elevations such as a side elevation that doesn't front a highway or a rear elevation (note: these do not have to be "public facing elevations");
- The assessment of the "external appearance of the dwellinghouse" is not limited to the impact of that appearance on the "subject property itself". For example, it can include the impact of that appearance on "neighbouring premises and the locality".

7.0 PRIOR APPROVAL ASSESSMENT

(i) Impact on amenity

7.1 The proposed development would result in a second storey being built within 4m of the shared boundary with Amankila to the south. Given this proximity and the subject

building's orientation, it is considered that an additional height of 2.4m will not lead to any overbearing impact or loss of daylight, particularly given the ridge runs west to east.

- 7.2 The permitted development legislation does not allow the inclusion of windows in the side elevations, and whilst windows will feature to the front and rear this will obviously not result in any direct overlooking, whilst the existing screening between the subject site and the nearest neighbouring property to the south will further assist in addressing any concerns relating to indirect overlooking.
- 7.3 As a result of the development there will be no uplift in the number of residential dwellings, so it is difficult to see how it could be possible to conclude that the resultant development would give rise to unacceptable noise impacts, whilst adequate outlook for intended occupants can be achieved given the front and rear windows that are proposed to serve the habitable rooms at the new first floor level. The outlook of the nearest neighbouring property to the south will not be affected given the separating distance and mature vegetation that lines the shared boundary.
- 7.4 The subject dwelling is some 50m away from the next nearest dwelling, which should be sufficient in demonstrating that the development will not lead to harm to the amenity of other occupants nearby.

(ii) External appearance

- 7.5 This is intended to reflect the existing dwelling. The main finish will be horizontal cladding, whilst rendered vertical columns, acting as a continuation of those already in existence at the ground floor, will also feature. Added to this, brown uPVC windows and concrete interlocking tiles for the roof will be included, both matching the existing.
- 7.6 The material schedule is therefore entirely in keeping with the existing dwelling so it is difficult to see how it would be reasonable to conclude that the proposed additional storey would be harmful to the external appearance of the existing dwelling.
- 7.7 Any impacts of the external appearance of the proposed development within the locality are lessened due to the fact that the detached property has a separating distance of some 7-8m from the nearest dwelling as well as being 44m from the public highway to the west. There is also considerable dense vegetation and planting around the perimeter of the subject site and within it.

(iii) Air traffic and defence asset impacts of the development

- 7.8 The applicant is unaware of any such impacts of this development.

(iv) Impact on a protected view

- 7.9 The applicant is unaware of any such impacts of this development.

8.0 POST-DECISION MATTERS

8.1 The applicant is aware of the following that relate to post-determination matters and are therefore not relevant for the determination of this prior approval submission:

- Part 3(b) of paragraph AA.2 confirms that 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;
- Part 3(c) confirms that the development must be completed within 3 years starting with the date prior approval is granted;
- Part 3(d) requires the developer to notify the local planning authority of the completion of the development as soon as reasonably practicable after completion, adding under part 3(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.

9.0 CONCLUSIONS

9.1 Given the above, the proposal would not cause unacceptable harm to the external appearance of the dwellinghouse when viewed by itself, including in respect of the design and architectural features of the principal elevation of the host property, whilst the proposed detail would also not have any material negative impact upon neighbouring properties nor the locality generally. From an amenity perspective, the scale, siting, orientation and design will ensure that the nearest occupants of neighbouring properties will not be adversely affected. The proposal would therefore accord with the provisions of Schedule 2, Part 1, Class AA.