



Delegated Report

Prior Approval Extensions Application

Application no:	20220751
Location	21 Roehampton Close Gravesend Kent DA12 2LA
Proposal:	Single storey rear extension with a depth of 3.79 metres, maximum height of 3.40 metres and eaves height of 2.90 metres.
Applicant:	Ms Yvonne Amuzu
Site Visit	Desktop Assessment

Plans & Documents

Application Form;
OS Plan (received 07.07.22);
Drawing No. PD 01 – Floor Plans – Existing and Proposed;
Drawing No. PD 02 – Roof Plan and Section – Existing and Proposed;
Drawing No. PD 03 – Front and Rear Elevation – Existing and Proposed;
Drawing No. PD 04 – Right and Left Elevation – Existing and Proposed;
Drawing No. PD 05 – Block Plan – Proposed;
Supplementary Information – Photos of the Scene; and
Supplementary Information – Planning Statement.

Property Type

21 Roehampton Close is a two storey mid terraced 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 2015 (as amended) for the erection of a single storey rear extension with a depth of 3.79 metres, a maximum height of 3.40 metres and an eaves height of 2.90 metres.

Relevant Planning History

Application No.	Description	Status	Decision
19791145	Erection of a single storey rear extension to form enlarged kitchen	Permitted	11.03.1980

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;

- 23 Roehampton Close
- 19 Roehampton Close

No representations were received from the neighbouring properties consulted in this prior approval application. The consultation period expired 28th 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	Y

Application 19791145, 'Erection of a single storey rear extension to form enlarged kitchen' restricts permitted development rights for the property as shown below under condition (ii):

(ii) Before the construction of the extension hereby permitted is commenced all other structures within the rear garden, with the exception of the existing garage, shall be removed, and notwithstanding the provisions of the Town & Country Planning General Development Order 1977 no enlargement, improvement or other alteration of the dwelling house shall be carried out, no porch erected or constructed and no erection, construction or placing within the curtilage of the dwelling house of any building or enclosure required for purposes incidental to the enjoyment of the occupants of the dwelling house shall be carried out.

The reason for this condition is:

(ii) In view of the restricted size of the site and to ensure that any future proposals for extending the property may be the subject of a planning application which the District Planning Authority would wish to determine on its merits, having regard to the amenities of the dwelling.

Whilst the above condition relates to the 1977 GPDO it is clear using Dunnett Investments Limited [2017] EWCA Civ 192 and Trump International Golf Club Scotland Limited v Scottish Ministers [2015] UKSC 74 case law that the above condition is sufficiently clear to exclude the operation of Class A from Article 3 of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as Amended)

and to prevent any enlargement, improvement or other alterations to the dwelling without the prior written permission of the Local Planning Authority having first been obtained.

Conclusion

The proposed development cannot apply the criteria found within the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, due to permitted development rights for 21 Roehampton Crescent being removed under planning application reference 19791145.

Therefore planning permission is required for any further extensions to the property, resulting in prior approval being required and refused.

Recommendation: <u>PRIOR APPROVAL IS REQUIRED AND REFUSED</u>
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Case Officer:	Mrs Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	1 st August 2022	Dated:	01 August 2022