
GSP PROJECT REF: [4024.PN](#)

PLANNING STATEMENT

Owlswood Cottage, Priestwood Road, Harvel, Meopham, DA13 0DA

**Lawful Development Certificate (Proposed) for
Two Storey Rear Extension**



JANUARY 2024

1.0 INTRODUCTION

- 1.1 This Statement is prepared in support of a resubmission made under Section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawful proposed development in respect of the erection of a two storey rear extension.
- 1.2 The basis of this application is that it is permitted development under Part 1, Class A of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (As Amended) (hereafter referred to as 'the GPDO').
- 1.3 For the development under consideration, the following land title is relevant, an extract of the Land Registry map is also included below:

1. K756900 (described as 'Owlswood Cottage, Priestwood Road').



- 1.4 The following plans accompany this submission:

- 4024-01 Site Location Plan;
- 4024-02 Existing Block Plan;
- 4024-03 Existing Floor Plans;
- 4024-04 Existing Elevations;
- 4024-05 Proposed Block Plan;
- 4024-06 Proposed Floor Plan;
- 4024-07 Proposed Elevations.

2.0 SITE CONTEXT

- 2.1 The subject 0.33 hectare site is located to the eastern side of Priestwood Road, close to its junction with Chandler's Road to the south. On site is an existing detached chalet bungalow with front facing gable end and a flat roofed side extension attached to the north of the dwelling that in total occupies a footprint of about 87 sqm with a depth of about 8.5m and original maximum width of 10.9m. It is set back 12.5m from the highway with loose hardcore dominating the space between the front elevation and electronic gates.
- 2.2 Alongside, to the south of the dwelling, is a triple width timber garage with two double access doors to the front. There is a long back garden containing several dilapidated outbuildings, with many having been damaged in the strong winds from winter 2022. A large wooded area makes up the remainder of the land title to the rear. The Site is within a rural area but is one of a cluster of residential sites on the subject side of Priestwood Road.
- 2.3 The Site is beyond the southern boundary of an Area of Outstanding Natural Beauty, but it is 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. The nearest public right of way appears to be NS264 located some 100m away to the north.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following records are understood to be relevant to the Site:

- [Erection of bungalow and garage](#)

Ref. No: 19580009 | Status: Application Refused

- [Construction of pitched roof over existing side extension with dormer window in proposed front roof slope; conversion of proposed roof space into a bedroom; erection of a conservatory at the rear and erection of a detached triple garage at the side.](#)

Ref. No: 20060049 | Status: Application Permitted. This proposed to erect a first floor above the existing single storey ground floor extension to the side. The consent also included a rear conservatory and the detached triple garage. The only element that appears to have been constructed is the triple garage (historic Google aerial photography also confirms the presence of the garage only after 2006).

- [Demolition of existing bungalow and erection of a 3-bed bungalow.](#)

Ref. No: 20220646 | Status: Application Refused on grounds relating to cumulative impact on the openness of the Green Belt, with disproportionate scale and perceived bulk, and poorly designed, imbalanced and lacking coherence resulting in an incongruous appearance highly visible from the street scene.

- [Demolition of existing bungalow and erection of a 3-bed bungalow.](#)

Ref. No: 2022/00055/REF | Status: Appeal Dismissed on grounds of being inappropriate development in the Green Belt, adverse impact on the character and appearance of the area, plus no very special circumstances to override the identified harm in respect of the Green Belt.

- [Application for a Lawful Development Certificate in respect of the proposed erection of a single storey side extension and 2no. detached outbuildings for use as a summer house and workshop/gym.](#)

Ref. No: 20230988 | Status: Certificate Refused on grounds that the side extension was said to have failed to comply with the parameters set out in Schedule 2, Part 1, Classes A.1(e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), whilst the outbuildings were considered not to benefit from evidence confirming that they would be reasonably required for purposes incidental to the enjoyment of the main dwellinghouse

- [Application for a Lawful Development Certificate in respect of the proposed two storey rear extension with installation of a window on the south elevation.](#)

Ref. No: 20230989 | Status: Certificate Refused on grounds that the rear extension was considered not to have complied with Schedule 2, Part 1, Classes A.1(h) and A.1(i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4.0 PROPOSED DEVELOPMENT

- 4.1 This resubmission proposes a smaller two-storey rear extension by comparison to the previously refused application (20230989).
- 4.2 The applicant notes that reference in the previous reason for refusal to it failing to comply with paragraph A.1(i) of Class A, Part 1, Schedule 2 appears to be an error because no part of the extension would have been within 2 metres of the boundary so the second aspect of the criteria is also not relevant (i.e. that the height of the eaves are limited to 3 metres).

- 4.3 This leaves the suggestion by GBC that the extension would fail to comply with paragraph A.1(h)(ii) in respect of it being "5.51 metres from the curtilage boundary opposite the rear wall of the extension", which is less than the required 7 metre minimum. This issue is explored in further detail below, which also includes a full assessment again of the proposal against the criteria set out in Class A.

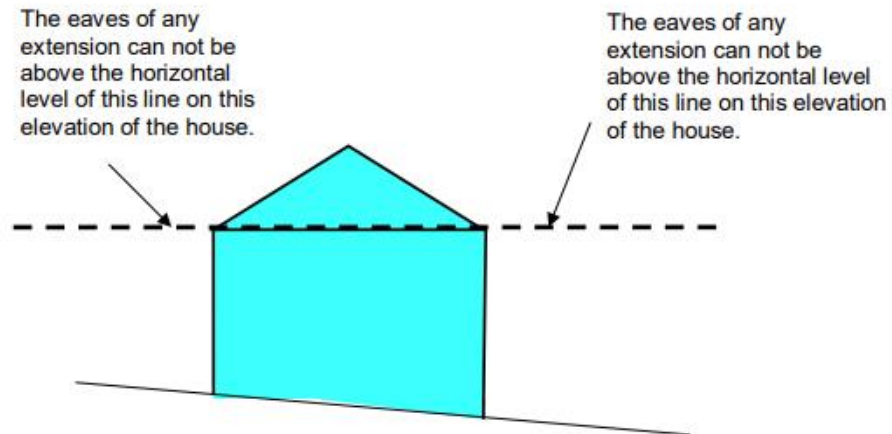
5.0 COMPLIANCE WITH PERMITTED DEVELOPMENT LEGISLATION – TWO STOREY REAR EXTENSION

Permitted Development

- 5.1 Class A of Part 1 of Schedule 2 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) permits development consisting of the enlargement, improvement or other alteration of a dwellinghouse.

Development Not Permitted

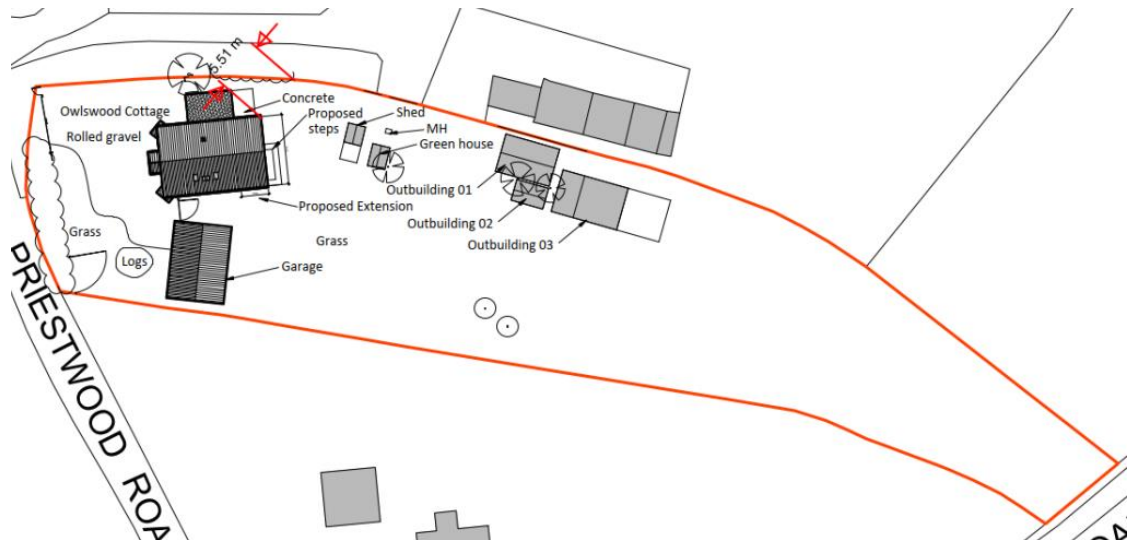
- 5.2 Paragraph A.1 sets out exceptions to when this permitted development right would not apply:
- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use) - **this is not the case;**
 - (b) 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) - **this will not be the case;**
 - (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 – **this will not be the case;**
 - (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 – **this will not be the case. Note: this restriction is measured against the highest level of eaves on the existing house as confirmed in the diagram in the technical guidance for householders:**



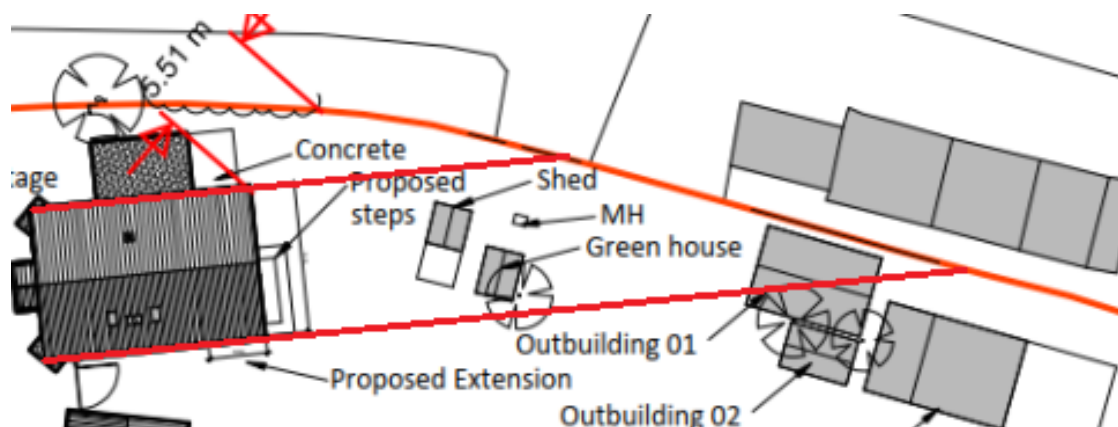
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which: (i) forms the principal elevation of the original dwellinghouse, or; (ii) fronts a highway and forms a side elevation of the original dwellinghouse – **this will not be the case;**
- (f) subject to paragraph (g), the enlarged 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 – **this is not relevant as the enlarged part is not single storey;**
- (g) for a dwellinghouse not on article 2(3) land nor on a site of specific 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 – **this is not relevant as the enlarged part is not single storey;**
- (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 opposite the rear wall of the dwellinghouse – **this will not be the case. This issue is dealt with in more detail below;**
- (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 – **this is not relevant because no part of the enlarged part of the dwellinghouse would be within 2 metres of the boundary (it is over 7 metres away);**
- (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 dwellinghouse – **this will not be the case;**

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- (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) – **this will not be the case;**
 - (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 – **this will not be the case;**
 - (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) – **this is not the case.**
- 5.3 Paragraph A.2 relates to article 2(3) land only, and is not relevant to this particular submission.
- 5.4 Under paragraph A.3, development permitted by Class A is subject to the following conditions:
- (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 – **this will be the case as is confirmed in the materials schedule included on the plans;**
 - (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be: (i) obscure-glazed; (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 – **there are no upper floor windows in the side elevations, so this is not relevant;**
 - (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 – **the enlarged part will exactly match the pitch of the original dwelling.**
- 5.5 The requirements under paragraph A.4 are not relevant to this submission because the development does not involve a rear extension that exceeds the limits in paragraph A.1(f).
- Paragraph A.1(h)(ii)*
- 5.6 To fall foul of this relevant section of the GPDO, any part of a proposed two storey rear extension must be less than 7 metres from a boundary “opposite the rear all of that dwellinghouse.”
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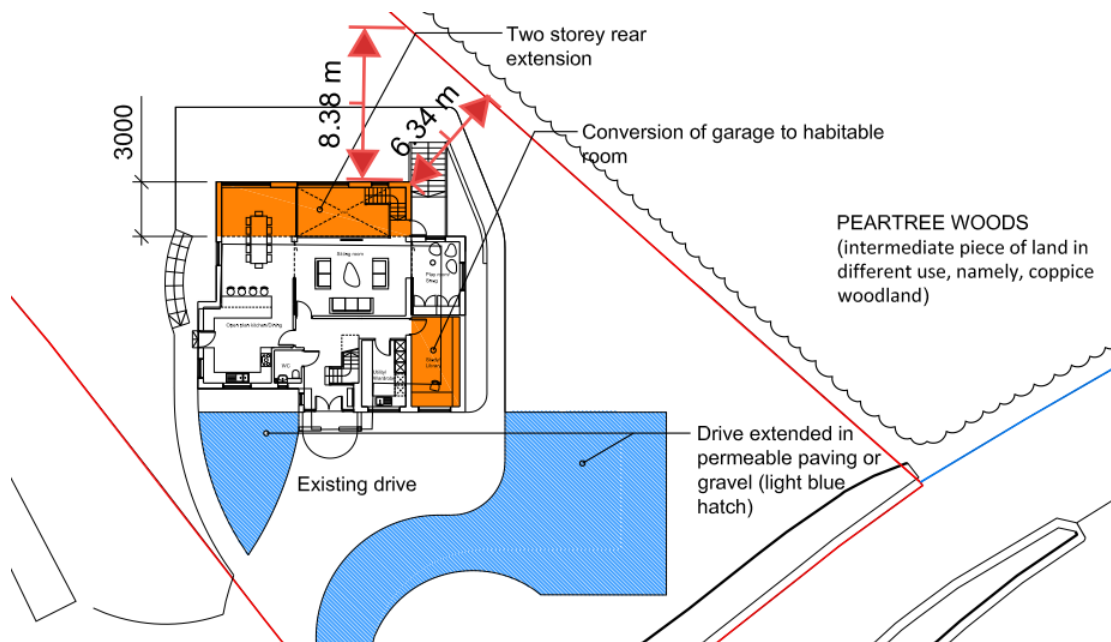
- 5.7 The previous case officer dealing with application 20230989 suggested that the measurement is 5.51m and included the following annotated measurement in their delegated report:



- 5.8 The applicant is unsure as to why this measurement was taken at an approximate 45-degree angle from the far NE rear corner of the dwelling to the boundary. It is assumed that this is the limit to which the officer considered it to be 'opposite the rear wall.' But this doesn't explain why that is the limit of 'opposite'. For example, had they taken the measurement following the line of the rear wall this would have resulted in a lesser measurement of just 4.25m. Either way, both measurements go off beyond the side wall of the dwelling and not the rear wall.
- 5.9 The fundamental query relates to what constitutes "opposite the rear wall." The applicant's position on this matter is clear – the measurement must be taken in any straight line out from the rear wall for it to be opposite (and not to the side or at an angle). A further annotated extract of what is meant by the applicant's interpretation is shown below using the previous plan:



- 5.10 In researching similar GBC decisions, Perrydene, Pear Tree Lane, Shorne (20170665) involved a detached property and was the subject of an application for a certificate of lawfulness for a proposed two-storey rear extension. This was issued and an extract of the annotated and scaled block plan is included below. It should also be noted that an earlier refusal (20170322) (not for reasons associated with the two-storey rear extension) was the subject of a 2018 appeal decision where an Inspector endorsed GBC's view that the same proposed two-storey rear extension would be lawful. The extract confirms that the distance from the rear wall of the extension to the boundary opposite would be 8.4m but measured off at an angle, as the previous officer did at Owlswood Cottage, results in a measurement that is less than 7m:



- 5.11 Regardless, and in expectation of GBC upholding their views from the previous refusal (but departing from their views in regards to the above example), the applicants have agreed to reduce the width of the two-storey rear extension, such that no part of it is less than 7m from any boundary of the curtilage of the property.

6.0 CONCLUSIONS

- 6.1 For the above reasons, the Council is respectfully requested to issue a Certificate confirming that the revised two storey rear extension can be constructed under permitted development rights.