



Delegated Report

Prior Approval Class AA Application

Application No:	20221359
Location:	Distarti, Rhododendron Avenue, Meopham, Gravesend, Kent, DA13 0TT
Description:	Application for prior approval of a proposed: Enlargement of a dwellinghouse by construction of additional storeys under Schedule 2, Part 1, Class AA.
Applicant:	Mr C Martin
Site Visit:	N/A Desktop Assessment

Plans & Documents

- Application Form - dated 20/12/2022
- Planning Statement - dated 12/2022;
- Drawing no. BDS-RA-P01 - Existing Plans, Elevations and Block Plan;
- Drawing no. BDS-RA-P02 - Rev. A - Proposed Plans, Elevations and Block Plan;
- Drawing no. BDS-RA-P03 - Site Location Plan (scale - 1:1250).

Site Description

Distarti is a detached bungalow.

Material Consideration

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

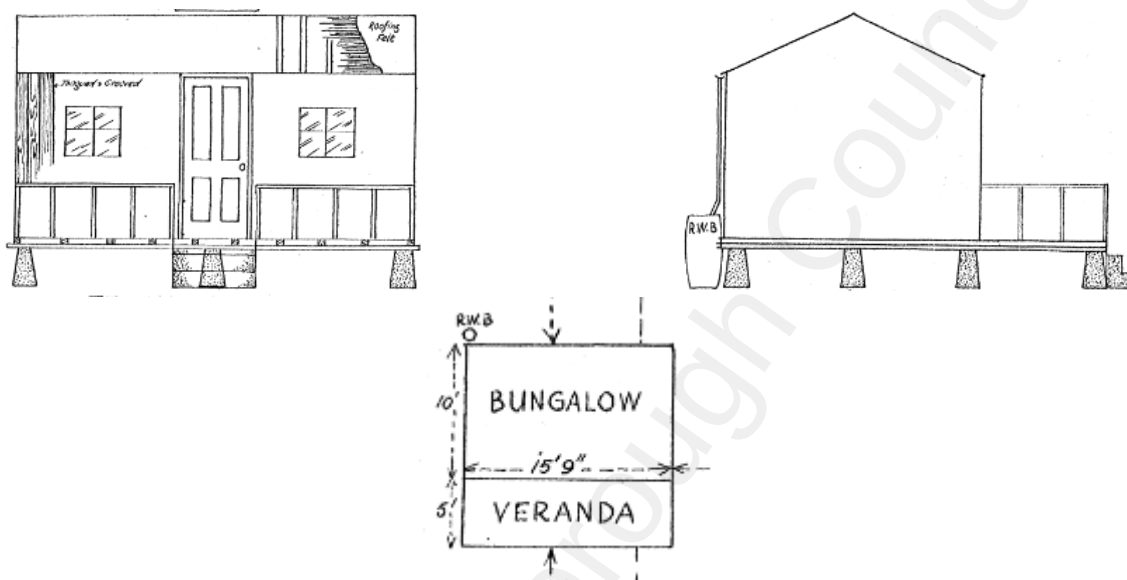
Relevant Planning History

Reference	Description	Decision	Decision Date
20221358	Single storey rear extension with a depth of 8.00 metres, maximum height of 4.00 metres and eaves height of 2.20 metres.	PRIOR APPROVAL IS REQUIRED AND REFUSED	31.01.2023
20210319	Demolition of existing chalet bungalow and erection of a replacement 3 bed bungalow.	PERMITTED	02.06.2021
19790429	Retention of single storey extension to form kitchen at rear	REFUSED	28.06.1979

19550280	Erection of dwellinghouse	REFUSED	07.12.1955
19520150	Erection of chalet	PERMITTED	30.05.1952

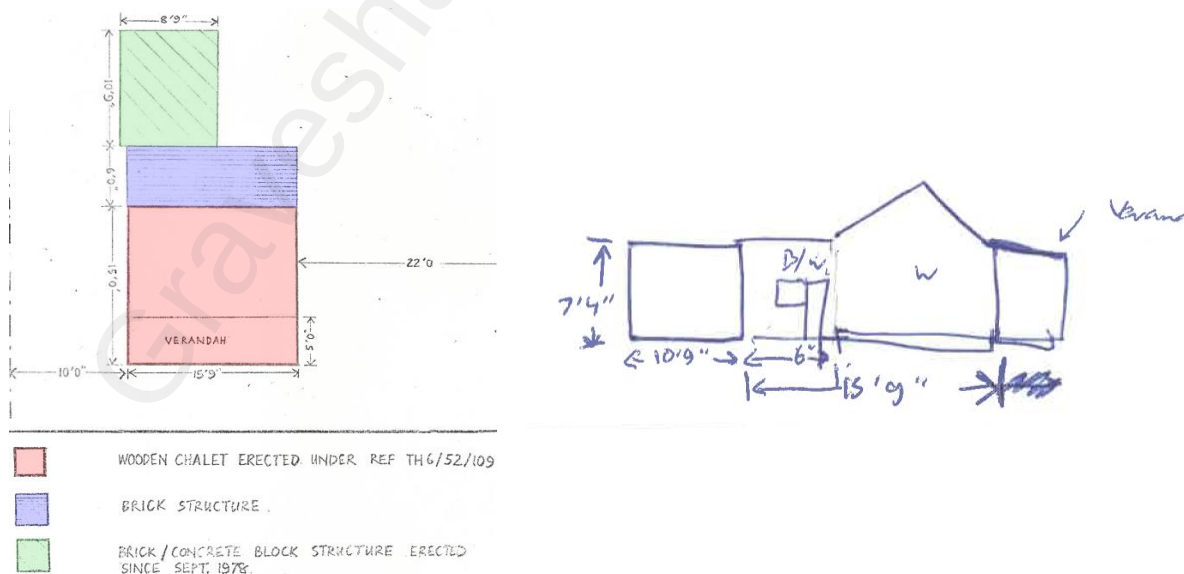
Planning History Note

The original chalet dwelling was granted permission in 1952 (ref. 19520150). It had a pitched roof with a small veranda to the front.



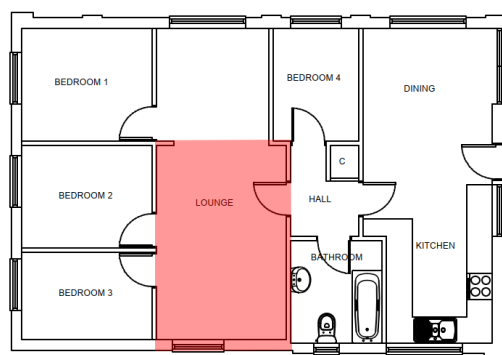
The original dwelling had a width of 15'9" (approx. 4.5m) and a depth of 10' (approx. 3.05m), with a 5' veranda (approx. 1.52m). As the building was constructed after 1948, the chalet shown above is considered to be the original building.

The dwelling was then extended without planning permission and was investigated by planning enforcement in 1978 (EN/78/78). There were two unauthorised extensions to the rear of the original chalet, as shown in the screenshots below:



The original pitched roof of the dwelling is shown on the listing video for the auction of the property (16th June 2022 - <https://www.onthemarket.com/details/11882559/>), showing an internal vaulted ceiling of the

original pitched roof (4 minutes). This provides further evidence that the original property has been extended to the rear and the video continues to show an internal flat roof to the front which would have been the veranda (4:30 minutes).



Although the evolution of the property overtime has no relevance to this application, it is important context. The Culverstone Valley area was originally small scale holiday chalets and whilst properties have been extended, the prevailing context of the surrounding area is small scale chalet bungalows with a maximum 1.5 storeys.

Consultation, Publicity and Representations

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;

- Long Acre
- Greenbank
- Ashleigh
- Hillside
- Peace Haven
- Site Of Amankila

In addition, a notice was displayed on site 16th January 2023.

One representation was received, registering objection to the proposal. The comment has been separated into material and non-material planning considerations. Please note only the material planning considerations are relevant to the determination of this application:

- Out of character with dwellings on Rhododendron Av
- Harmful to woodland area
- Loss of outlook – imposing and intrusive
- Harmful to amenity

The consultation period expired 27th January 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 (1952)
(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;	N
(e)	following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;	N (7.02m)
(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 (2.52m) 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 (2.35m)
(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 must be the same as the roof pitch of the existing dwellinghouse; and	Y
(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;	See Analysis section below

	(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;	
(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)

Analysis

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

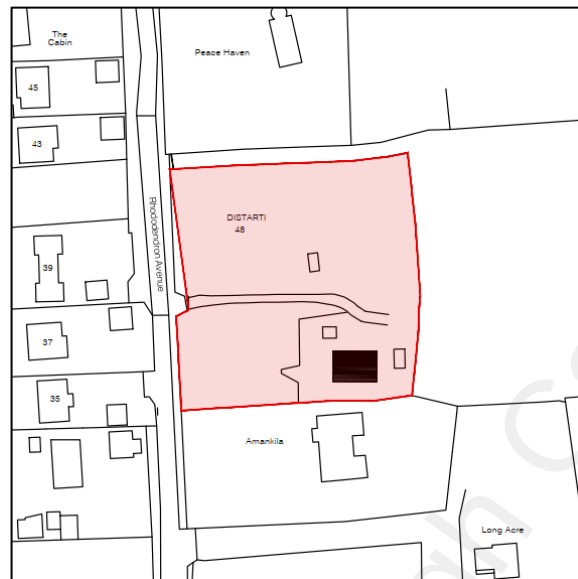
The subject application has been made for 'Prior Approval' in accordance with paragraph AA.2 (3) of Part 1, Schedule 2 of GPDO 2015 (as amended). *"Before beginning the development, the developer must apply to the local planning authority for prior approval as to:*

- (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".

Distarti is a detached property located on a generous plot, with the closest neighbour (Amankila) positioned 8m to the south. The dwelling would be extended upward within the confines of the existing principle elevations.



Given the distance and orientation of the properties, the upward extension is not considered to result in any overshadowing or loss of light. There are no flank windows at first floor level and as such the privacy of the neighbouring properties will not be impacted as a result of the upward extension.

Concern was raised by a neighbour in relation to loss of outlook and impact on amenity as a result of the development. However, the distance between the application property and the closest neighbour would limit any unacceptable loss of outlook and the lack of flank windows on the closest neighbour would further reduce any loss of outlook.

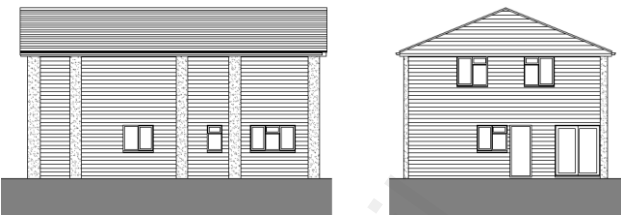
The proposed development would therefore safeguard the amenity of adjoining property in terms of privacy, loss of light and outlook, and would therefore comply with Policy CS19 (LPCS).

(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)) 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 proposed development involves the construction of an additional storey onto a modest chalet style bungalow. The local context is characterised by similar modest chalet style bungalows, all of which are varied in design and appearance, but are a maximum of 1.5 storeys. Therefore, the upward extension would be grossly out of character within the surrounding context.

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 rural dwelling, to a disproportionate and unbalanced two storey building.

Existing Elevations	Proposed Elevations
	
	

As demonstrated in the screenshots above, the external appearance of the proposed development, when assessed in terms of the design and architectural features of the principal elevation, as required by AA.2 (3)(a)(ii) would have a harmful external appearance to the detriment of the street scene and would materially change the appearance of the dwelling from a modest chalet bungalow into a disproportionate and bottom heavy two storey house. Furthermore, the replication of the existing roof results in an incongruous appearance which is harmful to the design of the principal elevation as a whole, causing it to appear uncomfortably proportioned and to undermine the architecture features reliant upon the successful proportioning.

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).

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.*

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	7 th February 2023	Dated:	007 February 2023

Gravesham Borough Council