

Classification: OFFICIAL

DELEGATED APPLICATION REPORT

Target Date: 25/07/2018 (public

consultation expired on 2nd August - so a decision could not be issued on this occasion until 3rd August)

Application No: 181054/HPA

Address: 9 Eccles Close

Proposal: Single storey rear extension

Case officer: Tom French

INTRODUCTION

Under Class A, Part 1, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the 2015 Order"), as amended, the following is allowed:

A single storey extension, beyond the rear wall of a semi-detached property, between 3m and 6m in depth, and up to 4m in height

provided the development is not excluded by virtue of the criteria in Paragraph A.1 of the 2015 Order.

The application site is not within a Conservation Area nor have PD rights been withdrawn or restricted by way of a direction made under Article 4 or condition attached to an express planning permission.

PROPOSAL

The proposal falls to be considered under Paragraph A.1 (g) and accordingly Condition A4 applies.

The agent has provided information on the proposed rear extension. The extension proposed would:

- Extend beyond the rear wall of the original dwelling by 6m
- Have a maximum height of 4m
- Have an eaves height of 3m

The proposed extension would be a single storey rear extension. It is noted on the application form that all materials are to match existing.

PLANS SUBMITTED

The applicant submitted the following drawing:

Drawing Number:

- 1809/PN/01 - Existing and Proposed Block Plan; Location Plan

As received: 14/06/2018

PLANNING HISTORY

None

NOTIFICATION

In accordance with the relevant provision of the GPDO 2015 Order, the LPA notified on 12th July 2018 the adjoining owners and occupiers at 90, 92, 94, 96, 98, 98a Star Road and 22,

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24, 25, 27 Flambards and 10 Eccles Close, providing a period of 21-days for representations to be made. The 21 day consultation period expired on 2nd August 2018. One letter of objection has been received.

As such, because an objection has been received, the impact of the proposed extension upon neighbouring amenity must be assessed in line with Condition A.4 (7) and (9) of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Therefore notification is provided that Prior Approval is required.

The objection received relates to the following issues (*Officer response in italics*):

- Insufficient information has been made available. The absence of detailed plans is noted.

The General Permitted Development Order (GPDO) Schedule 2, Part 2, Class A, Condition A.4 states:

(2) Before beginning the development the developer must provide the following information to the local planning authority—

(a) a written description of the proposed development including—

(i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;

(ii) the maximum height of the enlarged part of the dwellinghouse; and

(iii) the height of the eaves of the enlarged part of the dwellinghouse;

(b) a plan indicating the site and showing the proposed development;

(c) the addresses of any adjoining premises;

(d) the developer's contact address; and

(e) the developer's email address if the developer is content to receive communications electronically.

The applicant, through the appointed planning agent, has submitted a sufficient level of information, as required for this type of application, as detailed above.

- Due to the length, the proposal is not in keeping with the other houses in Eccles Close that have been extended. In keeping with the other houses in Eccles Close which have been extended, it would be more appropriate for the extension to line up with the end of No. 10. The result would alter the landscape.

Officers consider that in this instance the depth of the extension is appropriate, in light of the existing surrounding context (most substantially the neighbouring property already includes a rear extension and the proposed depth would only extend 2.8m beyond this; furthermore, along this terrace there is no uniform front/rear building line which must be maintained.

- It is not known how the extension will affect the 'right to light' of the neighbouring property.

See assessment below.

- It is not known how the extension will affect the outlook from the neighbouring property.

Owing to the existing context (most substantially the 2m high boundary fence between No's 9 and 10) and the nature of the proposals (maximum eaves height of 3m and maximum overall height of 4m) it is not considered that the extension would impinge significantly on the outlook of the occupiers of No. 10.

- No information has been provided or contact has been made by a party wall surveyor.

Party wall agreements are a civil matter between the concerned parties and are not a part of the planning process. The developer should be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at: www.communities.gov.uk/publications/planningandbuilding/partywall

- The objector seeks to ensure that the extension does not encroach upon the neighbouring property as this could hamper future extension or reduce the value of the neighbouring property.

The submitted plans show the extension to be entirely within the curtilage of the application site. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. An informative will be included on the decision notice to state this. The impact of the proposal on the value of the neighbouring property is not a material consideration.

- It is not known what materials are planned for the extension (e.g. no idea of what type of roof it will have, where any windows are planned to be) - seek reassurance that it will be in keeping with the style of my property and others in Eccles Close.

In order to be considered permitted development the extension must comply with all the relevant conditions of the GPDO. The General Permitted Development Order (GPDO) Schedule 2, Part 2, Class A, Condition A.3 states:

Development is permitted by Class A 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;

Therefore if the exterior materials used are not of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse the extension could not be considered permitted development and would represent a breach of planning control. The dimensions of the extension are such that any roof-form / windows (given the existing extension at No. 10 and the 2m high boundary treatment) would not be considered to be harmful to the amenity of the neighbouring occupier.

- Not reasonable for the neighbour to consent to an adjacent structure being built without any prior knowledge of what is planned.

The maximum dimensions of the extension are specified and the materials must be of a similar appearance to the existing house to comply with the regulations. Accordingly, this downplays this specific concern raised.

ASSESSMENT

The General Permitted Development Order (GPDO) Schedule 2, Part 2, Class A, Condition A.4 states that:

- (7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises
- (9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—
 - (a) take into account any representations made as a result of the notice given under sub-paragraph (5); and

(b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

An objection has been received from the owner/occupier of an adjoining premise and as such the impact of the proposed extension upon all adjoining premises. The premises that adjoin the application site are 22 Flambards and 10 Eccles Close. To the west of the application are a set of garages, whereby no adverse amenity impacts would occur. In terms of 22 Flambards and 10 Eccles Close, the following is confirmed:

22 Flambards

22 Flambards is to the rear of the application site. The proposed extension would be set 9.2m off the common boundary with 22 Flambards. The property at 22 Flambards is also set off the boundary by approximately 1m. The separation distance between 22 Flambards and the proposed nature of the single storey rear extension is considered to be such that the proposal would not significantly harmfully affect the amenity of 22 Flambards in any regard, including: privacy and overlooking, day/sunlight, visual dominance/overbearing, noise and disturbance; artificial lighting; vibrations; dust and fumes; smell; or crime and safety.

10 Eccles Close

10 Eccles Close has a single storey rear extension that projects 3.2m beyond the existing rear elevation of the application property. The proposed extension would protrude 2.8m beyond the rear elevation of the neighbouring rear extension. The existing boundary between the application site and the adjoining neighbour is denoted by a 2m high panel fence. Given the existing boundary treatment, it is considered that as the proposed extension would be single storey, with an eaves height of 3m - a modest 1m higher than the existing fence, and would protrude a modest 2.8m beyond the existing rear elevation of the neighbouring extension; it would not result in a significantly harmful overbearing/visually dominating impact or loss of day/sunlight.

The proposed extension would be single storey with no windows in the side elevation. As such it is not considered that the proposal would result in any adverse effects in terms of overlooking or privacy.

In addition, it is considered that the proposal would not result in a significantly harmful effect on the amenity of 10 Eccles Close in terms of the following other amenity based matters either: noise and disturbance; artificial lighting; vibrations; dust and fumes; smell; or crime and safety.

Having assessed the impact of the proposed development on the amenity of the adjoining neighbour the LPA is satisfied that the proposed rear extension would not be sufficiently harmful to warrant the refusal of the application.

Equalities Impact

In determining this application, the Local Planning Authority has had regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, and sexual orientation.

In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

DECISION

Notification is given that Prior Approval is required and is hereby given for the extension proposed under Class A, Part 1, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (Prior Approval)

The extension must be carried out in accordance with the information provided to the LPA (depth 6m, max height 4m, eaves 3m) and be completed before 30th May 2019 and is subject to Condition A.3 (a) of the 2015 Order.