

DELEGATED APPLICATION REPORT

Target Date: 23/04/2018

Application No: 180460/HPA

Address: 15 Hemdean Rise

Proposal: Rear extension measuring 4.3m in depth, with a maximum height of 4.0m, and 3.0m in height to eaves level. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Case officer: Tom French

INTRODUCTION

Under Class A(g), 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 terrace house, 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The application site is not within a Conservation Area nor have PD rights been withdrawn or restricted by way of a direction made under Article 4 or condition attached to an express planning permission.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 single storey rear extension. The extension would:

- Extend beyond the rear wall of the original dwelling by 4.3m,
- Have a maximum height of 3.9m
- Have an eaves height of 2.2m

The proposal would have a pitched roof with a glazed gable end. Two skylights are proposed in the roof.

PLANS SUBMITTED

The agent submitted the following drawings, received on 13th March 2018:

Drawing No: 18-1808/000 - Location and Site Plans

Drawing No: 18-1808/001 - Existing Plans, Sections and Elevations

Drawing No: 18-1808/100 - Preliminary Plans, Sections and Elevations

PLANNING HISTORY

180565 - CLP - Certificate of Lawfulness for proposed loft conversion - Yet to be determined

NOTIFICATION

In accordance with the relevant provision of the GPDO 2015 Order, the LPA notified on the adjoining owners and occupiers at 13 and 17 Hemdean Rise and 38C Priest Hill

of the proposed extension providing a period of 21-days for representations to be made. The 21 day consultation period expired on 10th April 2018. One letter of representation has been received on the 5th April 2018 with regards to the potential overshadowing impact of the proposed development. The complainant withdrew their comments on the 9th April 2018.

EQUALITY ACT 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

RELEVANT PLANNING GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Reading relevant to the application site comprises the Reading Local Development Framework ‘*Core Strategy*’ 2008 (Altered 2015) and ‘*Sites and Detailed Policies Document*’ 2012 (Altered 2015).

The ‘*National Planning Policy framework*’ (‘*NPPF*’) 2012 states clearly that its content is to be a material consideration in the determination of applications. The ‘*NPPF*’ states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) according to their degree of consistency with the ‘*NPPF*’ (the closer the policies in the plan to the policies in the ‘*NPPF*’, the greater the weight that may be given). Accordingly, the ‘*NPPF*’ and the following development plan policies and supplementary planning guidance are relevant:

APPRAISAL

There have been a number of appeal decisions in recent years which consider what constitutes a wall forming the side elevation of the original dwelling house and whether or not the side elevation of an element due to be demolished during the development must also be taken into account here. The following recent appeal decision support the conclusion that the side elevations of an original part width, single storey rear projection should be considered as a side elevation of the original property:

Appeal Ref: APP/Z5060/D/16/3156051
70 Hurstbourne Gardens, Barking, IG11 9UT
Decision Date: 27 January 2017

Appeal Ref: APP/Z5060/D/17/3177142
41 Victoria Road, London IG11 8PY
Decision Date: 29th September 2017

Appeal Ref: APP/L5240/X/16/3143801
68 Hunter Road, Thornton Heath, Greater London CR78QG
Decision Made: 2nd December 2016

Also relevant are the finding in the case of:

Arnold v Secretary of State for Communities and Local Government 2015 EWHC 1197 (Admin)

The following conclusions have therefore been reached. Firstly, recent appeal decisions indicate that where an original side wall has been (entirely) removed it still constitutes “a wall forming the side elevation of the original dwellinghouse”. Secondly, recent appeal decisions also indicate that the side elevations of a part width, single storey, rear projection, original to the dwellinghouse, are considered to constitute “a wall forming the side elevation of the original dwellinghouse”. Finally the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 2015 Order”) as amended states that the term ‘original’ is interpreted as meaning:

(a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date;

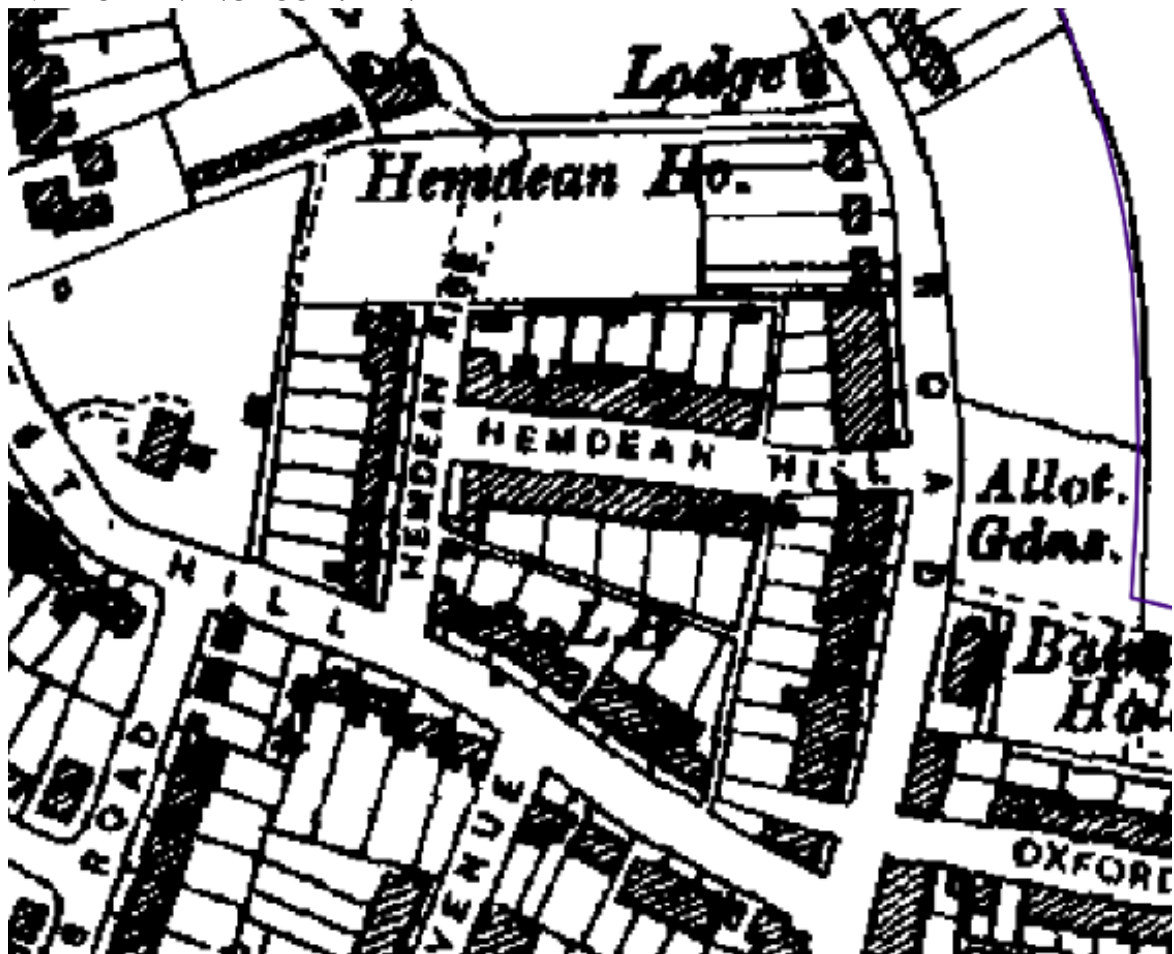
(b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;

(as the property in question is not Crown land points (c) and (d) are not relevant here.)

Given that the application property is shown on the 1950 Ordnance Survey as having the rear projection (see map below) and the rear projection is not shown on the 1930 Ordnance Survey Map (see map below), it is considered likely that the projection was constructed between 1930 and 1950 and the rear projection element would likely have been in place by 1948.

Also, given that it is proposed to have the extension span the full width of the property, it will extend past the location of the south facing side elevation of the original single storey rear projection and will be greater than half the width of the original house. It is therefore considered that the proposed development does not meet the Permitted Development criteria as stated under Class A.1(j.iii), Part 1, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 2015 Order”) as amended. The proposed development will extend beyond the location of a wall which formed a side elevation of the original dwellinghouse, and will have a width greater than half the width of the original dwellinghouse.

1930 ORDINANCE SURVEY MAP



1950 ORDINANCE SURVEY MAP



RECOMMENDATION

Refuse prior approval

The proposed development has been assessed under Class A, Part 1, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. The development would not meet the criteria of Paragraph A.1 (j) (iii) - *'the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse'*.

INFORMATIVES

- Refused Plans