CASE OFFICER'S REPORT

Application Reference: PL/2023/07258
Date of Inspection: N/A
Date site notice posted: N/A
Date of press notice: N/A

Site Description:
The application site relates to a two-storey detached property located within the parish of Bromham. The application site is not located within a Conservation Area and is not a listed building. There are neighbouring properties located to the west and north-west. The property to the north is a Grade II* listed building.

Proposal:
The proposal is for the construction of a two-storey rear extension with the amalgamation of the existing attached outhouse to the side incorporated into the proposed dwellings footprint.

The plans also include the insertion of a large dormer to the rear roof elevation.

In order to assess whether the proposal constitutes permitted development, the proposed works will be considered under Class AA enlargement of a dwellinghouse by construction of additional storeys' of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant planning history:
None

Consultee Responses:
None

Community Responses:
One letter of representation was received; a summary of which is as follows:

- Farrell Design Build is listed at Companies House as dissolved.
- Lack of professionalism throughout this proposal:
- Property covered by restrictive covenants listed in the deeds of the Nonsuch Estate, specifically “No new buildings or extensions to existing buildings are permitted on the land”
- Inconsistencies in the proposed plans
- Query regarding ground/roof height measurements
- object to the proposal on the following grounds:
- This is a major development which should require planning permission –
- Bulk of the proposal is disproportionate to the existing house and the size of the site.
- Two-storey extension to the rear is more than the permitted half-width of the original house
- Number of bathrooms has increased by 300% - will put pressure on the sewage system (shared septic tank)
- Relocation of oil tank?
- Water supply?
- Insufficient parking and turning space to park two vehicles
- Visual impact and
- Loss of privacy,
- Increase in vehicular traffic and noise from the garden
- I own the track down to the property, vehicular access to the property is by permission.

- The client will need to agree access, compensation, repairs
- No materials have been specified for the extensions. It seems likely alternative materials will be used.

Policies:

The relevant legislation is Part 1 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (henceforth 'the GDPO').

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.

The proposed development does not involve the construction of an additional storey immediately above the topmost storey of the dwellinghouse (the principal part of the dwellinghouse) but to construct a first floor extension above the existing outhouse to the side and a rear extension, resulting in an increase in the footprint of the dwellinghouse. The proposed development also includes the construction of a dormer window within the rear facing roof slope of the dwellinghouse. Therefore, the proposed development does not meet the above criteria and is not permitted development.

AA.1. Development is not permitted by Class AA if:

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);

The submitted application form states that the property was built as a residential dwelling and has been used as a residential dwelling The property has not become a residential dwelling by virtue of change of use through Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the dwellinghouse is located on -

(i) article 2(3) land; or

(ii) a site of special scientific interest;

The application site is not located on article 2(3) land or a SSSI.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

The submitted application form states the property was built after 1948 and before 2018.

(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;

No site history has been found for this property. The submitted application form starts that the property has not been previously enlarged.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

The height of the dwellinghouse would not exceed 18 metres.

(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;

The proposed extension would not exceed the height of the dwellinghouse.

(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;

Not applicable - the dwellinghouse is detached.

(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;

The details submitted within the application contain insufficient information to assess this.

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

As shown in the images below, the proposed development does not involve the construction of an additional storey immediately above the topmost storey of the dwellinghouse (the principal part of the dwellinghouse) but to construct a first floor extension above the existing outhouse to the side and a rear extension, resulting in an increase in the footprint of the dwellinghouse. The proposed development also includes the construction of a dormer window within the rear facing roof slope of the dwellinghouse. Therefore, the proposed development does not meet the above criteria and is not permitted development.



Existing *Proposed*

(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

The submitted information does not indicate any visible support structure on or attached to the exterior of the dwellinghouse.

(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..

The submitted information does not indicate any other engineering operations.

AA.2. Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(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;

The submitted application form states that the materials used in any exterior work will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. However, the plans indicate that the materials would be different; the scheme is considered to also fail on this criteria.

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

Condition met.

(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

The proposed development does not involve an additional story above the topmost storey of the dwellinghouse and consequently the roof of the dwellinghouse would be unaltered.

(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.

The submitted application form states that it will satisfy this condition.

(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;

There are no nearby neighbouring properties that would stand to be affected by the proposed development.

(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;

Paragraph 131 of the National Planning Policy Framework (NPPF) states 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. Paragraph 135 (b) of the NPPF states planning decisions should ensure that developments 'are visually attractive as a result of good architecture, layout and appropriate and affective landscaping'. Paragraph 139 of the NPPF requires 'Development that is not well designed should be refused'.

It is noted that the side elevation of the dwellinghouse faces the highway and the dwellinghouse will be readily visible from public vantage points. On reviewing the submitted plans, it is considered that the proposed side/rear extension by virtue of the flat roof form and height; and the scale and design of the proposed dormer window is considered to be poor design, which would cause harm to the character and appearance of the dwellinghouse. In this instance, the development is not considered to be well designed and is unacceptable in this instance.

(iii) air traffic and defence asset impacts of the development; and

Not applicable.

(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 issued by the Secretary of State;

Not applicable.

Procedure for applications for prior approval
AA.3. - (1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)

(2) The application must be accompanied by -

(a) a written description of the proposed development, including details of any works proposed;

(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and

(c) a plan which is drawn to an identified scale and shows -
(i) the existing and proposed elevations of the dwellinghouse, and
(ii) the position and dimensions of the proposed windows.

The submitted plans and information are inaccurate and insufficient.

(3) The local planning authority may refuse an application where, in its opinion -

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

The submitted plans and information are inaccurate and insufficient.

(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act, such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which -

(a) describes the proposed development, including the maximum height of the proposed additional storeys;

(b) provides the address of the proposed development; and

(c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.

Not applicable – application refused under sub-paragraph (3)

(6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

Not applicable – application refused under sub-paragraph (3)

(7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

Not applicable – application refused under sub-paragraph (3)

(8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

Not applicable – application refused under sub-paragraph (3)

(9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.

(11) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include -

(a) assessments of impacts or risks;

(b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government; and

(c) details of proposed building or other operations.

Not applicable – application refused under sub-paragraph (3).

(12) The local planning authority must, when determining an application -

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and

Representation received and objection/comment duly noted.

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Application refused under sub-paragraph (3) having due regard to the relevant paragraphs of the NPPF.

(13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

Not applicable – application refused under sub-paragraph (3).

(14) The development must be carried out in accordance with the details approved by the local planning authority.

Not applicable – application refused under sub-paragraph (3).

(15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Not applicable – application refused under sub-paragraph (3).

Conclusion and recommendation:

Class AA allows 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.

Class AA.1 paragraph (i) states that development is not permitted where any additional storey is constructed other than on the principal part of the dwellinghouse, where the definition of principal part in the GPDO in relation to a dwellinghouse, means 'the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition'.

From reviewing the submitted information, the proposed development does not involve the construction of an additional storey immediately above the topmost storey of the dwellinghouse (the principal part of the dwellinghouse). The scheme does construct a first floor extension above the existing outhouse to the side and a two storey rear extension, resulting in an increase in the footprint of the dwellinghouse. The proposed development also includes the construction of a dormer window within the rear facing roof slope of the dwellinghouse. Therefore, the proposed development does not meet the above criteria and is not permitted development.

It is therefore concluded that the proposed development fails to accord with Schedule 2, Part 1, Class AA and AA.1 paragraph (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended and is recommended for refusal.

Paragraph 131 of the National Planning Policy Framework (NPPF) states 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. Paragraph 135 (b) of the NPPF states planning decisions should ensure that developments 'are visually attractive as a result of good architecture, layout and appropriate and affective landscaping'. Paragraph 139 of the NPPF requires 'Development that is not well designed should be refused'.

It is noted that the side elevation of the dwellinghouse faces the highway and the dwellinghouse will be readily visible from public vantage points. On reviewing the submitted plans, it is considered that the proposed side/rear extension by virtue of the flat roof form and height; and the scale and design of the proposed dormer window is considered to be poor design, which would cause harm to the character and appearance of the dwellinghouse. The development is not considered to be well designed and is unacceptable in this instance. The proposal is therefore contrary to Condition AA.2 (3) (a)(ii) of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The submitted plans have also been found to be inaccurate and insufficient detail has been submitted to allow for a full assessment of the scheme. However, as the application fails on the grounds that it does not comply with the requirements of Class AA development it is considered not reasonable to put the applicant to the expense of supplying these details in this instance.

RECOMMENDATION:
Refuse

It is RECOMMENDED that Prior approval is required and refused for the following reasons:

1. The proposed development does not comprise the addition of a new storey to a dwelling house as assessed under Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposed development comprises an extension to an existing ground floor outhouse, a two storey rear extension and the installation of a dormer window. This mixed scheme approach cannot be considered as part of the prior approval application for an additional storey and falls contrary to Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2. The proposed development by virtue of its poor design would be uncharacteristic of and harmful to the existing character of the host dwelling, contrary to Section 12 of the National Planning Policy Framework (2023). The proposal is contrary to Condition AA.2 (3) (a)(ii) of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).