

Supporting Statement

Prior Notification application under Class A.4(2) of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in respect of a proposed single storey extension to the rear of the existing dwellinghouse at:

Lane Croft, Perrywood Lane, Watton at Stone, SG14 3RB



1.0 Introduction

- 1.1 This statement is submitted in support of an application for prior notification under the requirements of Class A.4(2) of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), hereinafter called the 'GPDO'.
- 1.2 The proposed development comprises the construction of a single storey extension to the rear of the house. This follows the grant of a previous Prior Notification application in 2016, under ref: 3/16/1768/PNHH.
- 1.3 The application is supported by the following drawings: -

Location Plan @1:1250	NH/998/06
Existing and Proposed Block Plan	NH/998/05
Existing Plans and Elevations	NH/998/01
Proposed Ground Floor Plan	NH/998/02
Proposed Front and Side Elevations	NH/998/03
Proposed Rear and Side Elevations	NH/998/04

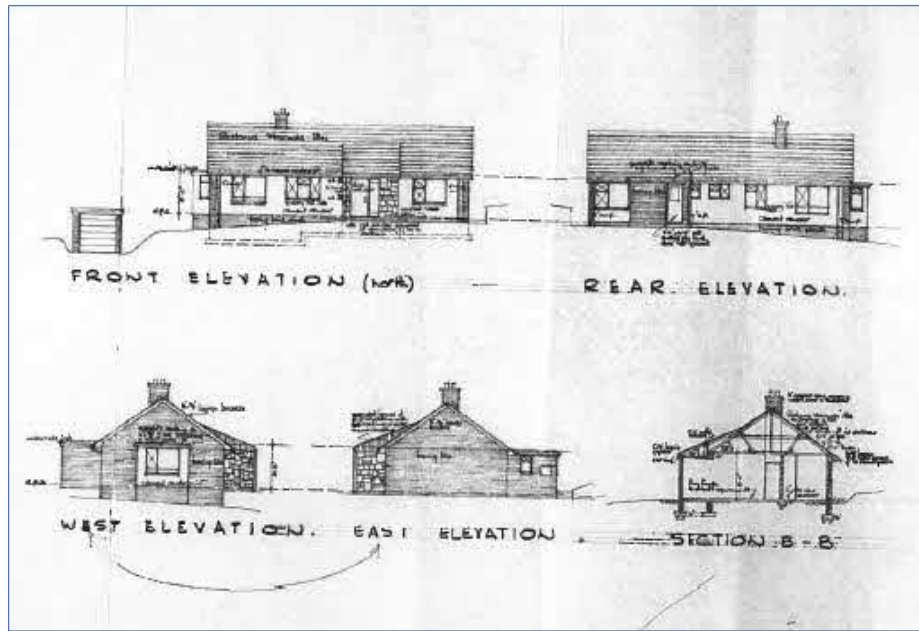
2.0 Location and description of site

- 2.1 The application site is located on the southern side of Perrywood Lane, to the east of St Andrews and St Mary Church and comprises a detached split-level property set on sloping ground and at a significantly higher level than Perrywood Lane.
- 2.2 The property is single storey, although the drop in ground level to the eastern side of the site means that it incorporates a lower ground level garage on that side of the house. Access is from Perrywood Lane to the north via a steep driveway.

3.0 Planning History

- 3.1 The dwellinghouse was originally constructed in late 1961/early 1962 (pursuant to outline planning permission ref: E/1537-60 and full detailed permission ref: E/581-61 in May 1961). An extract of the approved plans is shown in Fig.1 overleaf: -

Fig.1 Extract from original 1960 planning permission



- 3.2 As the above plan shows, the property originally included a detached garage. However, in 1988 (pursuant to permission ref: 3/1846-87) a two-storey side extension was added to provide an attached double garage with a study and family room above. An extract of the approved elevations is shown below: -

Fig.2 Approved extension plan from 3/1846-87



- 3.3 Further small additions were added to the front of the property in the early 2000's under ref: 3/02/0759/FP and 3/03/1719/FP.
- 3.4 In August 2016, as mentioned above, a prior notification application was submitted to the local planning authority under ref: 3/16/1768/PNHH in respect of the proposed erection of a single storey extension to the original rear wall of the property. The Council's decision notice on that application was issued on 1st September 2016 and confirmed that prior approval was not required for the proposal.

- 3.5 The plans submitted with the prior approval at that time (Plan E1, F1 and P1) were sketchy in detail, but were considered sufficient by the local planning authority to establish that that the proposed development complied with ‘the conditions, limitations or restrictions applicable to development permitted by Class A’. It therefore met the requirements of Class A.4 (3) of the GPDO.
- 3.6 It is also clear from the Officer report on application 3/16/1768/PNHH that the proposal was considered against all the relevant conditions, limitations and restrictions applicable under Class A.
- 3.7 Despite the approval of the 2016 Prior Notification application under ref: 3/16/1768/PNHH, the Council has recently declined to accept this as ‘a realistic fallback position’ for a very similar single storey extension (the subject of application 3/22/2224/HH).
- 3.8 In refusing that application, the Council argued that, “*there was no reference in [the 2016] submission to the land levels at the rear of the site*” and therefore that the rear extension cannot be said to be the same as the appeal proposal. Doubt was also cast, in the Officers report, as to whether the extension approved in 2016 complied with the GPDO given that no Certificate of Lawfulness was granted.
- 3.9 The applicant cannot agree with those arguments (and has lodged an appeal against application 3/22/2224/HH) because: -
- a) The Council was aware of the change in levels in 2016 as shown in the delegated report on that application
 - b) In any event, due to the topography of the site, it would not be possible to construct the 2016 approved rear extension without it being higher from ground level on its eastern side than on its western, due to the lower natural ground level at that point.
 - c) Article 2(2) of the GPDO is clear that any reference to height in the Order should be measured from ground level and “*where the level of the surface of the ground on which [the building] is situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.*”
 - d) The local planning authority had the ability to refuse the 2016 prior approval application if it had considered that the proposal did not comply with the conditions, limitations or restrictions applicable to development permitted by Class A.1(g)¹. That provision was in force in 2016 and remains so at present. Furthermore, the local planning authority also had the power (under the same paragraph) to refuse the application if there was considered to be insufficient information to enable it to ‘establish’ whether the proposal complied with Class A provisions. Again, it did not do that and the delegated report in fact shows that it

¹ Paragraph A.4 (3) of Class A to Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

did carefully consider the conditions, limitations or restrictions applicable to Class A.

- 3.10 Notwithstanding the above, the current application is submitted to provide more detailed plans of the single storey extension, so that the Council can again assess the proposal against ‘the conditions, limitations or restrictions applicable to development permitted by Class A’. That additional detail, together with the considerations set out above, and Government guidance set out in the *Householder Technical Guidance* (September 2019) will show that the current proposal is ‘permitted development’ under Class A, subject to this prior notification procedure.
- 3.11 An assessment of the proposed development against those conditions, limitations and restrictions is set out in section 4.0 below.

4.0 Legislative requirements

4.1 The proposed extension falls to be considered under Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which sets out permitted development rights in respect of the enlargement of a dwellinghouse.

4.2 The proposed single storey extension complies with the criteria set out in **Class A.1** as follows: -

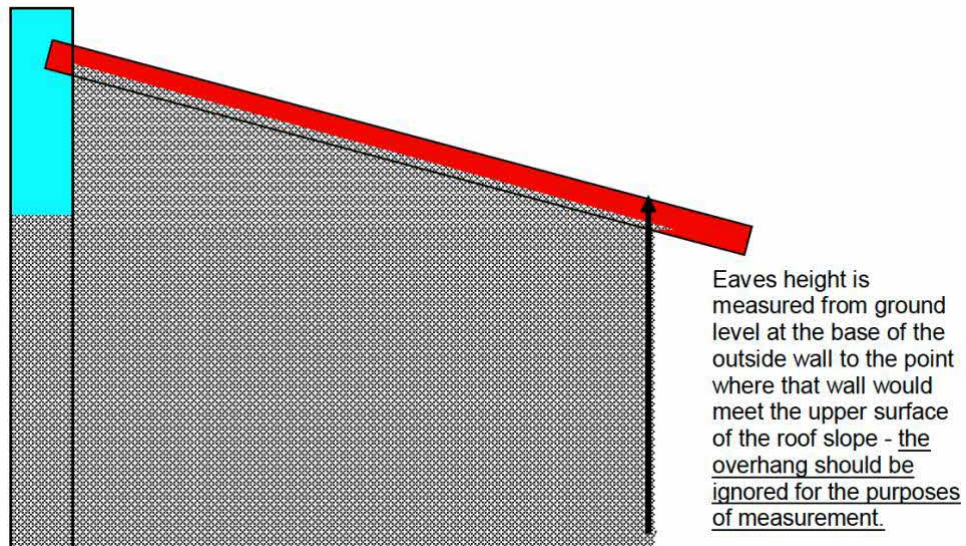
- (a) The dwellinghouse was not approved under Class M, N, P, PA or Q of Part 3 of the Order.
- b) The proposed extension will not, either on its own or cumulatively with other buildings on the site, exceed 50% of the curtilage area.
- c) The height of the extension would not exceed the highest part of the existing dwellinghouse.
- d) The height of the eaves of the extensions would not exceed the highest part of the eaves of the existing dwellinghouse*.

***NOTE:** The ‘Permitted development rights for householders’ Technical Guidance (September 2019) Householder states that:

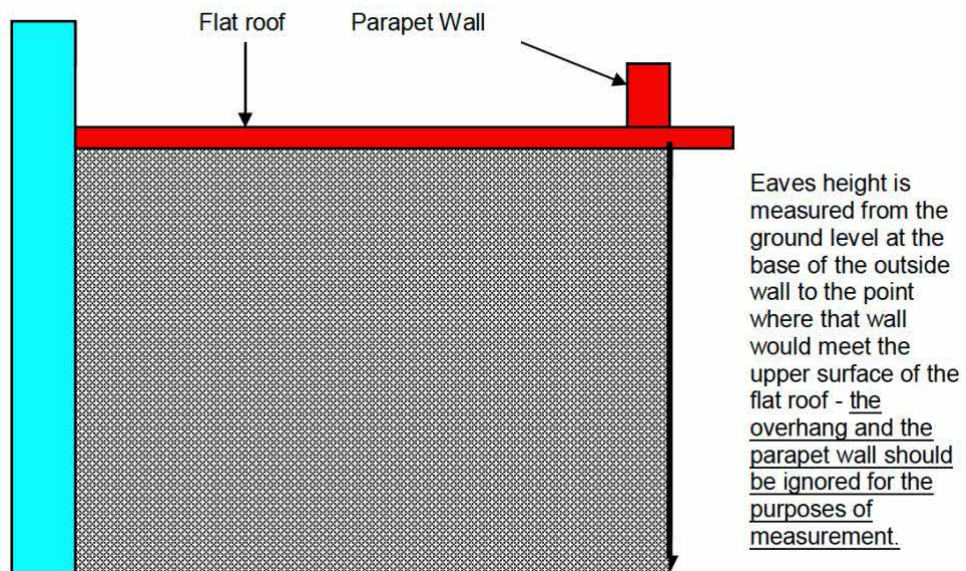
“the eaves of a house are the point where the lowest point of a roof slope, or a flat roof, meets the outside wall.

The height of the eaves will be measured from the ground level at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.” (emphasis added)

The eaves height of the existing house, measured from the highest part of the surface of the ground adjacent to it, to the point of the roof slope that meets the outside wall is **2.7m**. This is shown on the section on drawing NH/998/04 and accords with the Householder Technical Guidance on page 12 (an extract of which is below): -



The eaves height of the proposed extension, measured from the highest part of the surface of the ground adjacent to it (the base of the outside wall) to the point where the wall would meet the upper surface of the flat roof is **2.68m**. This is also shown on the section on drawing NH/998/04 and, again, accords with the Householder Technical Guidance on page 12 (an extract of which is below): -



It is clear therefore that the eaves height of the proposed extension in this case does not exceed the eaves height of the existing dwelling.

It is also clear that the Council accepted this point when considering the 2016 CLOPUD application, the delegated report stating that:

“ the flat roof/eaves height of the extension which are considered as the same under the GPDO guidance would be 3.0m and would be the same as the eaves height of the pitched roof bungalow”*

(*more accurate measurements are provided on the current plans, at 2.8m)

- (e) the enlarged part of the of the dwellinghouse would not extend beyond the principal elevation of the dwelling and does not front a highway.
 - (f) n/a in this case as the proposal falls under (g) below.
 - (g) The proposal is not on article 2(3) land and does not exceed 8m in depth or 4m in height.
 - (h) n/a - the extension is single storey.
 - (i) The eaves height of the extension does not exceed 3.0m (it is 2.68m as set out above).
 - (j) n/a - the extension is not to the side of the property.
 - (ja) The extension would not join any existing enlargement of the dwellinghouse.
 - (k) The proposal does not include any of the elements listed.
 - (l) The dwelling was not built under part 20 of the Schedule.
- 4.3 In respect of **paragraph A.2** this is not applicable as the site does not lie on article 2(3) land

Conditions

- 4.4 As regards the conditions imposed by **Class A.3:-**
- The materials used in any exterior work would be of similar appearance to the existing dwellinghouse; and
 - There is no upper-floor, or upper-floor windows to which the Class refers.
- The proposal would not therefore be in breach of any conditions imposed on Class A.
- 4.5 The current application is submitted in response to **Class A.4.**

5.0 Conclusion

- 5.1 The proposal complies with the relevant criteria of Class A, of Part 1 to Schedule 2 of the Order respectively.
- 5.2 It is concluded therefore that the proposal constitutes “permitted development” and that Prior Approval should be granted.

