

APPLICATION NO: 25/00181/PDE **CASE OFFICER:** Reece Black

WARD: Shevington **PARISH:**

LOCATION: 6 Fleetwood Gardens, Tower Hill, Kirkby

PROPOSAL: PRIOR APPROVAL FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION

MAXIMUM DEPTH FROM ORIGINAL REAR WALL: 3.94 METRES

MAXIMUM HEIGHT: 3.34 METRES

HEIGHT OF EAVES: 2.42 METRES

Site Description

The application property is located at 6 Fleetwood Gardens, Tower Hill and is situated within an area designated as a Primarily Residential Plan as allocated by the Local Plan Policies Map.

The application property is a two-storey, end-terraced dwellinghouse and the elevations comprise a range of external facing materials which include brick, white render and white UPVC cladding (this mix of materials are characteristic of the locality) with white UPVC openings to the rear elevation and brown, interlocking roof tiles to the main roof of the dwellinghouse.

Proposal

The application is to ascertain that the proposed development would comply with the Prior Approval legislation and that the proposal would be acceptable before any works commence. The application is for a single storey rear extension, which would have a:

- Maximum depth of 4.50m
- Maximum height of the proposed development: 3.34m.
- Height of eaves: 2.42m.

The proposal would be served by a hipped roof. The rear elevation would feature 1 no. window to the west-facing side elevation.

Consultations

None Required.

Representations

This application has been publicised by letters sent to 10 neighbours. One letter of objection was received.

The objection is summarised as concerns that because of *“the rear gardens being*

really small this would impact our privacy and also block out sunlight”.

Planning History

No recorded planning history.

Relevant Policy

Town & Country Planning Act (General Permitted Development) (England) Order 2015. (as amended). This relates specifically to Schedule 2, Part 1, Class A.

Article 35 Statement

Not applicable.

Assessment

Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GDPO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

Where an application is made for a determination as to whether Prior Approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) then development is permitted subject to compliance with the conditions, limitations or restrictions that are applicable to such permitted development.

Paragraph A.4(7) to Part 1 outlines that where any owner or occupier of any adjoining premises objects to the proposed development, this requires the Local Planning Authority to assess the impact of the proposal on the amenity of all adjoining premises, taking into account any representations received.

A.1(g) states that for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would not have a single storey and –

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height.

The proposed development would not contravene the criteria outlined in the GDPO and specifically within Schedule 2, Part 1, Class A. The proposal would be a depth which is more than 3 metres but no more than 6 metres, the maximum height of the proposal would not exceed 4 meters, and the eaves would not exceed 3 meters in height.

The proposal should also comply with the rest of Schedule 2, Part 1 in order to benefit from Permitted Development.

Class A states that an enlargement, improvement or alteration of a house of a house is permitted development provided that the development does not:

- b) exceed 50% of the total area of the curtilage;
- c) exceed the height of the of the highest part of the roof of the existing dwellinghouse;

- d) exceed the height of the eaves of the dwellinghouse;
- e) extend beyond a wall which – forms the principal elevation of the original dwellinghouse; or fronts a highway and forms a side elevation of the original dwellinghouse;
- f) Subject to paragraph (g), have a single storey and – extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or exceed 4 metres in height;
- g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, would have a single storey and – extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or exceed 4 metres in height;
- h) would have more than a single storey and – extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;
- i) would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- j) would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – exceed 4 metres in height, have more than a single storey, or have a width greater than half the width of the original dwellinghouse;
- k) include a veranda, balcony, raised platform of a flue;
- l) lie in a conservation area

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;

The proposed development would comply with the condition listed above. The submitted plans contain an external specification which list that the materials used to the exterior which would match the existing dwellinghouse.

It is the opinion that the proposed development would not contravene the criteria outlined above and therefore, on this basis, would not dispute that the proposal would be considered to comply with permitted development under the GDPO. Although, it must be considered that as set out in the conditions in A.4, in particular, paragraph A.4(7) the impact on residential amenities must be considered and form part of the application to determine whether prior approval by the Local Planning Authority is required.

RESIDENTIAL AMENITY

As the proposed development is to be assessed by the Local Planning Authority on residential amenity considerations, policy guidance from the Householder Development SPD (2016) will be a material consideration for the determination of this application and would be assessed in accordance with this SPD.

The Householder Development SPD (7.4) states that rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

It furthers that a single storey rear extension located on or immediately adjacent to the party boundary with a neighbouring dwelling will normally be acceptable if it does

not project more than 4m from the rear elevation of the dwelling.

The proposed development would not surpass the parameter projection outlined within the SPD and therefore would be acceptable. This would ensure that the proposal would not pose an unacceptable impact on amenities by way of appearing unduly dominant or loss of outlook, overshadowing etc.

The adjoining property (No.5 Fleetwood Gardens) would be the most impacted by the proposal, although, the impact would be considered acceptable given the proposal complies with the SPD on projection. No windows are proposed to the side elevation facing No.5.

The property of No.5 Bridgeview Drive, whose rear elevations front the rear elevation of the application property, at an interface distance of 17.8m. Given the proposal would be single storey and would maintain 5.2m from the rear boundary it would not be considered to result in any unacceptable harm to privacy or obstruct light. There are no windows to the rear elevation of the proposal oriented toward No.5 Bridgeview.

The west-facing side elevation of the proposal would contain 1 no. window which would be orientated to face the rear elevation and garden of No.7 Critchley Way, at an interface distance of 14.2m. The rear plot boundary of No.7 forms the side boundary of the application site and is portioned by a 1.8m tall timber fence. The window installed to the side elevation of the proposal would measure at a height of 2m, although this would be set off from the boundary by 4.1m.

The SPD prescribes that windows should normally be restricted to rear elevations, to avoid overlooking of neighbouring gardens and dwellings. However, the relationship of the properties mean that greater interface distance would be retained from the west-facing side elevation proposed window with a view toward the rear elevation and rear garden of the property of No.7 in juxtaposition to if the window of the proposal within the rear elevation with a view toward No.5 Bridgeview Drive, as the interface distance retained would be 13.8m. The lesser harm would therefore be if the proposal were facing toward the rear elevation / garden of No.7 Critchley Way.

It is assumed that the proposed window would be inserted to the north-facing side elevation rather than the rear elevation for improved amenity views and outlook for the occupants of the proposal as sheds are located 3.1m from the rear wall of the proposal, in oppose to the distance of 4.1m between the side elevation and boundary treatment shared with No.7 Critchley Way.

Therefore, for the reasons outlined above (predominantly that because of the relationship of the properties) it would not be logical to request that the window of the proposal be relocated from as is currently situated to the rear elevation of the proposal. Whilst it is acknowledged that there are small, detached outbuilding structures, adjacent the rear party boundary between the application site and No.5 Bridgeview Drive, these could be promptly removed.

The proposed side window could facilitate a small degree of overlooking, however 6.20 of the SPD outlines that windows in extensions should not directly overlook adjacent property in close proximity and should not allow overlooking into neighbours' dwellings. Therefore, given that it would be set in from the party boundary by 4.1m, this would achieve a suitable distance from the party boundary. Furthermore, taking into account the compact plots and closely situated properties, the harm identified is considered acceptable within its context, and otherwise, this

harm would not warrant a refusal.

Therefore, for the reasons discussed above, the proposed development would not be considered to result in an unacceptable impact on the residential amenities and privacy of the occupants of the nearby properties.

Conclusion

The proposed development would result in acceptable residential amenity impacts to the occupants of the nearby properties as any issues identified are not considered detrimental to the extent to substantiate a refusal. The proposed development broadly complies with the Householder Development SPD.

Recommendation

The proposed development complies with the requirements of Schedule 2, Part 1, Class A of the GDPO 2015. (as amended). The proposed development, having been assessed on its impact on residential amenity following an objection received, is considered to have an acceptable impact on residential amenity and would largely accord with the Householder Development SPD.

Therefore, it is recommended that Prior Approval is required and given as the proposed development would comply with the contents of the GDPO and as the proposal would comply with Core Strategy Policies CS2 and CS19, Saved Policies H5 and H8 and the Householder Development SPD.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
30/04/2025	2022050-02	REV A	PROPOSED FLOOR PLAN AND ELEVATION.
19/03/2025	01	-	EXISTING FLOOR PLAN AND ELEVATION AND LOCATION PLAN

Signed Case Officer¹: **Reece Black**

Signed Authorising Officer²: **Jo Sheridan**

Date: **08/05/2025**

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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Informatives

Not applicable.