

<u>APPLICATION NO:</u>	24/00158/PDE	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	25 Thursby Crescent, Southdene, Kirkby		
<u>PROPOSAL:</u>	PRIOR APPROVAL FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION		
	MAXIMUM DEPTH FROM ORIGINAL REAR WALL: 5.95 METRES		
	MAXIMUM HEIGHT: 3.52 METRES		
	HEIGHT OF EAVES: 2.40 METRES		

Site Description

The application site is located at 25 Thursby Crescent, Southdene and is located within an area which is designated as a Primarily Residential Area in the Development Plan. The application property is an end-terrace dwelling in a row of three and is rendered facing on its front, side and rear elevations; along with mahogany PVCu frames on the recessed windows and red, interlocking roof tiles. The dwelling benefits from a single storey side extension, which provides a store, as well as a single storey rear extension.

The property is orientated toward the highway and is North facing. The front garden area comprises block paving and is enclosed by a brick boundary wall and gate.

Proposal

The application seeks Prior Approval to ascertain that specific elements of the proposal are acceptable before any work would commence. The application is for a single storey rear extension, which would have:

- Maximum depth from the original rear wall: 5.95m
- Maximum height of the proposed development: 3.52m
- Height of eaves: 2.4m

The proposed development would be served by a hipped roof. It would feature one rooflight to the East facing slope of the roof. Windows would be inserted into the West facing side and rear elevation together with an access door at the rear.

The application is made for a disabled resident and to provide a bedroom together with shower room.

Consultations

None Required.

Representations

This application has been publicised by letters sent to 8 neighbours.

There have been 1 letter of objection, 0 letters of support and 0 letters of comment. The representations are summarised as follows:-

23 Thursby Crescent – Objection – On the basis that the proposed development would be intrusive to my privacy and will obstruct light.

- The orientation of my house means most of the light comes from the back as it contains a South facing garden. This is crucial to bring light in during the daytime.
- The existing extension of No.25 already blocks a lot of light from my living room and the new build will completely overshadow my entire garden.
- There is also a privacy issues as the back door and windows of the proposed development will overlook my house.
- On going issues with neighbour.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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) to Part 1, paragraph A.4(3) provides that the Local Planning Authority may refuse the application where it considers that the proposed development does not comply 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.

It is the opinion that the proposed development would not contravene to the criteria outlined in the GDPO and specifically within Schedule 2, Part 1, Class A and therefore, on this basis, would not be disputed that the proposal would be considered permitted development under the GDPO. However, it must be considered that as set out in the conditions in A.4, in particular, paragraph A.4(7) this will also form part of

the application to determine whether Prior Approval by the Local Planning Authority is required. As addressed previously, an objection was made by the adjoining occupier and as such this triggers the requirement for the Local Planning Authority to assess the proposed development by its impact on amenity as to decide whether or not the proposed development would be acceptable.

Residential Amenity

Given that the proposed development is to be assessed by the Local Planning Authority on residential amenity grounds, policy guidance from the Householder Development SPD, adopted 2016, will form this basis.

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 further stipulates 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 existing dwelling.

Moreover, a single storey extension beyond 4m (or in a situation where the application property has a rear elevation which is set further back than the rear elevation of the neighbouring dwelling) will normally only be permitted if it does not breach the 45-degree rule.

23 Thursby Crescent

No.23 is the adjoining dwelling and is placed in the middle of the three-terrace row of properties. The front elevations sit parallel to one another, the rear elevations of the original elevations also sit parallel.

The proposed development would project 5.95m from the rear elevation of no.23. As outlined in the objection, the existing rear extension results in a loss of light and obstruction, to which this extension has a projection of approximately 3.31m.

Given that the proposal's side elevation would be located roughly 0.4m from the party boundary and would have a projection which would be in surplus of the parameters outlined in the Householder Development SPD, it would be deemed to contravene with the policy guidance.

The relationship between the application property and No.23 show that they are in close contact with each other, given that they are terraced offers little relief for the proposals projection and given that the proposal would be sited this close to the boundary, it would accentuate the harm.

It is considered that the proposed development would have a detrimentally harmful impact on the amenities and living conditions of No.23. The proposal, in this current form, would result in overshadowing and loss of outlook and subsequently cause significant adverse harm.

The objection did make reference to windows and doors on the proposed development and stipulated that this would cause intrusion and issues surrounding privacy. It is considered that, given no windows would be East facing, this would not facilitate any direct overlooking or intrusion between the two properties. A rooflight

included on the East facing slope of the roof, would not be considered to cause any unacceptable intrusion or issues relating to privacy. A view from the rear elevation of the proposal that would face predominately into the remainder of the rear garden of the application site, would also not be considered to result in any detrimental overlooking for the occupants of No.23. Despite this, however, it would not compensate or offset for the harm to amenities and living conditions for the occupants of No.23 otherwise outlined in this section.

It was observed during the site visit, that there is a presence of tree coverage and vegetation that arguably would obscure light coming into the property from the rear and that the proposed development would replace this, should any vegetation on or adjacent the party boundary between these two properties be removed to facilitate the proposals erection. Although, it was not considered that the foliage or tree cover would be of equivalent to the proposed developments form and mass, the density and coverage of vegetation on site is extensively less than the obstruction or impact from the vegetation observed on site.

Overall, it is considered that the proposed development as a whole, would result in detrimentally harmful ramifications for the occupants of No.23 on residential amenity and living conditions. For this reason, prior approval is required and should be refused.

27 Thursby Crescent

No.27 is the adjacent dwelling and is situated to the West from the application site. The two properties gable walls face one another at a rough interface distance of 1.85m. The front and original rear elevations sit roughly in line with one another, but No.27 sits on the end of the terrace-row, which as a whole, is oriented slightly at a curve to follow the gentle meander in the highway.

The proposed development is indicated on the submitted plans to be set in from the party boundary shared with No.27 by approximately 1.53m. It is considered that given this relief as well as the fact that these two properties are not attached to each other, the proposed development would not have as detrimental an impact on residential amenities on the occupants of No.27 in contrast to No.23. However, it would still be considered that the proposal would likely breach the 45-degree rule.

The application has not been supported by a proposed site or block plan, that includes the adjacent properties to show clearly that the proposal would be in clear breach of the 45-degree rule, however, when measured from the Location Plan provided, it appears that there would be some level of breach of the 45-degree rule from the proposal. It was considered on this occasion, however, that the submission of a 45-degree rule plan would satisfy this concern, as it would not demonstrate that the proposed development would not breach this rule, but only show to what extent the level of harm. Given the harm present to No.23, this would not change the decision and make the proposed development acceptable and given the time constraints around Prior Approval applications and that proposals cannot be amended, this was not considered crucial to the application on this occasion.

Nonetheless, due to the meandering of the highway, the rear elevation of the application property is orientated so that it faces the plot of No.27 at a slight angle and therefore, the depth of the projection at the extent of 5.95m would be likely to have an unacceptable impact on residential amenities and living conditions of No.27 also.

Overall, it is considered that the proposed development would have result in adverse harm to the living conditions of the occupants of No.27. For this reason, Prior Approval is required and should be refused.

Other adjacent properties

The proposed development would leave approximately 9m between the rear elevation and closest point of the rear curtilage of the boundary. Other properties whose rear elevations face the application sites rear garden have garden depths of approximately 12m. This would be considered sufficient distance to avoid the proposal having an unacceptable impact on amenities, privacy and living conditions of the row of dwellinghouses beyond the rear garden and curtilage of the application site.

Conclusion

The proposed development complies with the principle of the requirements of Schedule 2, Part 1, Class A of the GDPO 2015. (as amended). However, having received an objection to the proposal and having had regard to the impact of the proposal on all adjoining premises, and that the proposed development would result in an unacceptable adverse impact on the living conditions and residential amenities specifically for the neighbouring occupier of No.23 by virtue of its overbearing and unduly dominant and would lead to the loss of light and outlook.

Therefore, it is recommended that Prior Approval is required and refused in accordance with the guidance of the GDPO.

Recommendation

That the applicant be informed that under the terms and requirements of Schedule 2, Part 1, Class A of the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended) Prior Approval is required and refused.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
26/03/2024	2004350-02	-	PROPOSED ELEVATIONS. PROPOSED SITE PLAN.
26/03/2024	2004350-01	-	LOCATION PLAN. EXISTING PLANS.

Signed Case Officer¹: **Reece Black**

Signed Authorising Officer²: **K Foster**

Date: **30 April 2024**

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.