

DELEGATED DECISION REPORT

HNT/2022/0008
Valid 17/11/2022

HOLLY FARM
BRIARGROVE ROAD
BIRCH VALE

**APPLICATION FOR PRIOR
APPROVAL OF A PROPOSED
UPPER FLOOR EXTENSION
ON EXISTING BUNGALOW -
MAXIMUM HEIGHT OF 9.3M
(MEASURED FROM NATURAL
GROUND LEVEL TO THE
HIGHEST PART OF THE
ROOF)**

**(HOUSEHOLDER
NOTIFICATION APPLICATION)**

MAIN ISSUES

- Whether the application complies with all relevant parameters set out under Schedule 2, Part 1, Class AA Paragraph AA.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required with regards to the relevant matters set out under Schedule 2, Part 1, Class AA, Paragraph AA.2 Sub-paragraph (3)

DESCRIPTION OF SITE

The application relates to an existing 3no. bedroom bungalow that lies adjacent to Briargrove Road, Birch Vale, known as Holly Farm. The bungalow has a simple rectangular form with a leading gable protruding outwards from the main bulk of the property by some 2 metres, serving the Living Room.

The property is constructed in a light stone with walls a dual pitched tiled roof and fenestration finished in UPVC. The principal elevation faces eastwards, towards the access track.

The site lies outside of the built-up area boundary in the open countryside, in the Green Belt, and within the 'Settled Valley Pastures' Landscape Character Area.

PROPOSAL

This Prior Notification application seeks consent for a first floor extension to the existing bungalow under the recently introduced provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The application is made up of an Application Form and a suite of Existing and Proposed Floor and Elevation Plans.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2014/0472	Proposed demolition of existing dwelling house & various outbuildings & erection of new dwelling house with garage (Refused 06/12/2014)
HPK/2019/0365	Appeal Dismissed - APP/H1033/W/15/3004597 Proposed extensions and alterations to dwelling (Approved 04/02/2020)
DET/2019/0006	Prior notification for a proposed change of use of agricultural buildings to two dwellings under Part 3 Class Q of the GPDO (Prior Approval Not Required 24/04/2020)
DET/2020/0003	Change of use of agricultural buildings to dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion (Prior Approval Granted 05/08/2020)
DET/2022/0010	Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to Dwellinghouses (Use Class C3) (Granted 08/08/2022)

CONSULTATIONS

Site Notice Expiry: N/A

Neighbourhood Consultation Expiry: 8th December 2022

Press Advert: N/A

OFFICER COMMENTS

- 1. Whether the application complies with all relevant parameters set out under Schedule 2, Part 1, Class AA Paragraph AA.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

Schedule 2, Part 1 of the General Permitted Development Order (GPDO) relates to development within the curtilage of a residential dwellinghouse. Class AA. permits

“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."

Paragraph A.A.1 contains the criteria for where development is not permitted by Class AA. Should a development proposal not be in conflict with any of these criterion, it is permitted, subject to appropriate conditions set out under Paragraph A.A.2. An assessment of the proposal against such criterion is carried out below.

A.A.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 G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule**

Whilst other buildings within the wider site have been subject to a permission by virtue of Part 3, Class Q of the GPDO, the property subject of this specific application has not, and thus the application is compliant with Paragraph AA.1(a).

- (b) the dwellinghouse is located on –**

- (i) Article 2(3) land; or**
- (ii) A Site of Special Scientific Interest**

Article 2(3) land comprises a Conservation Area or Listed Building, an Area of Outstanding Beauty, an area specified by the Wildlife and Countryside Act 1981, the Broads, National Park, or World Heritage Site. The site is not constrained by any of these land based designations and is not within a Site of Special Scientific Interest (SSSI). The application is therefore compliant with Paragraph AA.1(b).

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

No planning history exists for the existing dwellinghouse which implies that the dwelling was certainly built prior to 1974. Without any hard evidence, a professional judgement therefore needs to be made with regards to whether the property was constructed after 1948.

The property is a bungalow. This style of property became common in the post war period. The layout, style of materials and fenestration would suggest that the building dates from the 1950's or 1960's.

Based on this professional judgement, it is considered that the application complies with Paragraph AA.2(c).

- (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**

Whilst the property has been subject to an application for extensions and alterations under HPK/2019/0365, these do not relate to any first floor extension and thus the application is compliant with Paragraph AA.1(d).

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

The overall height of the dwelling as a result of the proposed first floor extension is approximately 9.2m from the lowest ground floor level and thus the application is compliant with Paragraph AA.1(e).

- (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;**
- (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;**

The ridge height of the existing house is approximately 5.9m from the lowest part of the ground floor. An comparison between existing and proposed shows that there is a 3.5m difference and as such the application is compliant with Paragraph AA.1(f).

- (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**

N/A

- (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of –**

- (i) 3 metres, or**
- (ii) the first to ceilings height, measured internally, of any storey of the principal part of the existing dwellinghouse;**

The internal floor to ceiling height of the proposed first (additional) floor totals 2.5m, which is lower than the 2.8m floor to ceiling height of the ground floor. The application is thus compliant with Paragraph AA.1(h).

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

The proposed first floor extension mirrors the footprint of the existing dwellinghouse and does not extend beyond this principal part. The application is thus compliant with Paragraph AA.1(i).

- (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 proposed extension would be built on the existing footprint of the property and would not give rise to any visible supported structures upon completion. The application is therefore compliant with Paragraph AA.1(j).

- (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 ground floor would be unaltered as a result of this proposed first floor extension with no retaining structures or other engineering operations required. As such the application is compliant with Paragraph AA.1(k).

Whether Prior Approval is required with regards to the relevant matters set out under Schedule 2, Part 1, Class AA, Paragraph AA.2 Sub- paragraph (3)

Paragraph AA.2 sets out a number of conditions that need to be adhered to in order for development that aligns with Paragraph AA.1 in order to be permitted.

Under sub-paragraph (3), it states that 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**
- (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;**
- (iii) air traffic and defence asset impacts of the development, and**

- (iv) **whether, is 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**

Amenity

With regards to sub-paragraph 3(i), and potential impact on the amenity of any adjoining premises, the nearest property to the host property is the single storey agricultural building within the confines of the site, that has recently been the subject of a renewed Prior Notification Application under Part 3, Class Q under DET/2022/0010 which was granted in August 2022. As this application is extant, and could be implemented, it is material to considering the potential impacts of this proposed first floor extension at the existing bungalow.

This nearby property lies some 37m south-east of the proposed first floor extension, with no habitable windows being in direct view of each other. The garden area associated with this converted building is situated on the other side of the building to the proposed first floor extension.

Having regard to the Residential Design Guide SPD, the minimum 21m distance between habitable windows has been achieved. Due to the distance between and orientation of the two properties, it is not considered that there would be any adverse harm to the amenity of either property. Given the isolated nature of the site, there are no other residential properties that could realistically be adversely affected by this proposed extension.

As such, the application is acceptable under Paragraph AA.2 sub-paragraph 3(i)

External Appearance

The plans submitted with the application shows the resultant dwelling to be well balanced, proportionate and of an overall scale, height, and massing that would not in the view of Officers result in any harm to the overall character and appearance of the site or indeed the wider rural landscape.

Further, materials and fenestration used in the proposed first floor extension are entirely in keeping with the existing dwelling and thus the resultant dwelling would preserve the existing character of the property.

As such, the application is acceptable Paragraph AA.2 sub-paragraph 3(ii).

Air Traffic and Defence Assets

There are no air traffic defence assets in the area that would be affected by a first floor extension on the existing dwelling. The proposal is acceptable in connection with Paragraph AA.2(iii).

Protected Views

The Directions Relating to Protected Vistas dated 15th March 2012 identifies that such protected vistas relate to important buildings within the City of London (e.g. St Pauls Cathedral) and as such is not relevant to this application. Prior Approval is thus not required in connection with Paragraph AA.2 sub-paragraph 3(iv).

CONCLUSION / PLANNING BALANCE

The application seeks consent under the Prior Notification procedure under Schedule 2, Part 1, Class AA of the General Permitted Development (England) Order 2015 as amended for a first floor extension above an existing single storey bungalow, named Holly Farm, Briargrove Road, Birch Vale.

An assessment of the proposed extension as submitted finds that the development accords with all parameters set out under Schedule 2, Part 1, Class AA Paragraph AA.1 and thus constitutes permitted development subject to conditions set out under Paragraph AA.2.

A further assessment has been carried out having regard to conditions under Paragraph AA.3 that the proposed plans are acceptable having regard to all matters of Prior Approval and the recommendation is therefore that Prior Approval is granted, and that the development be carried out in accordance with the plans submitted with the application.

OFFICER RECOMMENDATION : Prior Approval Granted

Case Officer: James Stannard

Recommendation Date: 15th December 2022

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council