

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: Y0052.23

WARD: St Andrew's

Date Received: 21st February 2023

ADDRESS: 138 Suttons Avenue
Hornchurch

PROPOSAL: Single storey rear extension with an overall depth of 4.8m, a maximum height of 3.4m, and an eaves height of 3m. (PRIOR APPROVAL)

DRAWING NO(S):

RECOMMENDATION: It is recommended that **Prior Approval is Refused**

SITE DESCRIPTION

Residential, two storey mid terraced dwelling finished in render and face brick. This property has a characteristic bay feature at the rear of the property.

DESCRIPTION OF PROPOSAL

Prior approval is sought for a single storey rear extension with an overall depth of 4.8m, a maximum height of 3.4m, and an eaves height of 2.8m.

RELEVANT HISTORY

Y0025.23	Single storey rear extension with an overall depth of 4.8m, a maximum height of 3.4m, and an eaves height of 3m. (PRIOR APPROVAL) Pr App Ref Val 09-02-2023
P1881.21	Vehicular crossover to front Apprv with cons 14-12-2021
Y0174.15	Single storey rear extension with an overall depth of 4 metres from the original rear wall of the dwelling house, a maximum height of 3 metres and an eaves height of 3 metres Pr App Not Req'd 20-07-2015

CONSULTATIONS/REPRESENTATIONS

Two representations were received in response to the neighbour consultation from the same neighbour and their comments are summarised below.

- Tunnelling affect if the proposal is allowed with a loss of daylight.
- Overshadowing from the proposal on the neighbouring dwelling and garden.
- Loss of privacy from the proposed development.
- Proposal is higher then fence.
- Loss of view.
- Loss of light to garden and dwelling.
- Proposal being out of proportion with the existing dwelling.
- Devaluation of the property from the proposed development.
- Damage to neighbouring property and party wall issues.
- Noise and disruption during construction.
- Issue regarding constructing the proposal.
- Working outside of normal construction hours.

In response to the above comments, the assessment is solely for the single storey rear extension. The legislation governing Larger Home Extension Prior Approvals is clear that the focus is on amenity considerations in the event that an objection is received.

The Council are unable to consider any concerns raised regarding the proposal being disproportionate or out of character due to its size or de-valuation of a property as these are not amenity issues.

Issues regarding construction of a proposal is a Building Control matter and matter regarding giving notice commencing works and damage during construction is not a material consideration. The resident should seek advice of a party wall surveyor is required as this is a civil matter.

Working outside of the normal construction hours is not a material planning consideration, should this arise, the matter need to be referred to Public Protection as a noise matter.

RELEVANT POLICIES

Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

LDF

SPD04 - Residential Extensions & Alterations SPD

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of the application. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

This application is a resubmission of a previously allowed prior approval application Y0174.15. No objections were received on this application and the prior approval was allowed. The decision letter advised that the proposal need to be completed by the 30th May 2019. No Certificate of Lawfulness

has been applied for. The proposal has been re-submitted following the consent lapsing and the works were not completed by 30th May 2019.

The original property has a characteristic two storey bay feature to the rear of the property and its attached neighbour (No.140) having a projecting pillar to similar depth, which has been confirmed by photographic evidence.

The ground floor of the characteristic bay feature will be demolished to make way for the proposal with the first floor part, being retained. With the ground floor bay feature being demolished thus creating a new straight rear wall to accommodate the proposed 4.8m extension.

The Council has however had regard to case law in the judgement of *ARNOLD vs SECRETARY OF STATE FOR COMMUNITY AND LOCAL GOVERNMENT* (2015) EWHC1197 - where the demolition of the furthest forward rear was challenged. The challenge was unsuccessful and the Secretary of State concluded:- 'that the demolition of an original elevation did not remove the relevant requirements of the General Permitted Development Order (2015) (as amended), and that for the purposes of calculating the limitations of permitted development, the starting point should be the location of the original wall, based on the original footprint of the house, whether the wall has been demolished or not.'

On this basis, the proposed demolition of the ground floor characteristic bay feature cannot be taken to alter where the permitted development calculations are taken from. The proposal would therefore be judged to 'wrap around' the staggered rear wall and create an extension beyond a side wall that is more than half the width of the dwelling.

IMPACT ON AMENITY

Consideration has been given to the impact on the neighbouring dwelling in terms of loss of light and loss of privacy.

Guidelines indicate that terraced houses can normally be extended from the rear wall of the original dwelling by up to 3m and that they should generally be no more than 3m in height for a single storey extension with a flat roof. This is to ensure there is no unreasonable loss of amenity to neighbouring properties or reduction in sunlight or daylight. Guidelines go on to suggest that if a greater depth is required it should be within an angle of 45 degrees, taken from the 4m dimension on the property boundary.

It is noted that the neighbouring property (No.136 Suttons Avenue) has a single storey rear extension which is on the boundary and measures approximately 3m deep with a flat roof. An overall projection beyond No.136's rear extension of approximately 1.8m is not unusual and is envisaged within guidelines as acceptable when considering the impact of a 3m deep extension on the boundary with a neighbour that has not previously extended.

It is considered that the neighbouring rear extension at No.136 Suttons Avenue would partly mitigate the proposal and as a result, the proposal would not unacceptably impact on the amenity of this neighbour.

The attached neighbour (No.140 Suttons) does not benefit from any rear addition and has a

habitable room window close to the boundary. The roof of the single storey rear extension would have an overall height of 3.4m and an eaves line of 2.8m.

The 3.4m height is to the top of the roof light. The proposed roof light on top of the extension would be sufficiently removed from the sides of the extension, not to unacceptably impact on the adjacent neighbours.

The proposal has been designed with the parapet wall detail to a height of 3.2m approximately which is above the 3m normally permissible.

It is considered that the 4.8m deep rear extension on the boundary and in conjunction with the parapet detail to a height of 3.2m would have a detrimental impact on the amenity of the adjacent residents at No.140. It is considered the depth, height and close proximity to the boundary would unacceptably overbear and dominate the outlook and amenity of this neighbour.

It is considered the single storey rear extension will give rise to a significant light loss and provide a "wall of development" which will give rise to an uncomfortable overbearing effect and sense of enclosure harmful to their amenity.

The proposal is deemed unneighbourly and therefore fails to comply with guidance set out in the Residential Extensions and Alterations SPD.

KEY ISSUES/CONCLUSIONS

For the reasons outlined above, it is recommended that the application is refused.

RECOMMENDATION:

It is recommended that **Prior Approval is Refused**

1 PRA Reason for Refusal 1

The Council consider that the impact of the proposed development would unacceptably harm the amenity of the adjacent neighbours at No.140 Suttons Avenue, Hornchurch by reason of loss of light, outlook and overbearing effect on this property.

2 Refusal reason - proposal not PD

Proposal is not permitted development due to the proposed extension being more than half the width of the original dwelling (where there is a staggered original rear wall or where the proposal extends beyond the rear wall). Even with the intent to demolish the furthest forward rear wall (bay window), case law advises that the 'original' rear wall is the element to be taken into consideration at the time of validation.

3 PRA Refused Informative 1

This written notice indicates that the proposed development would not comply with condition A.4 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015. It is important to note that this written notice does not indicate whether or not the proposed development would comply with any of the other limitations of conditions of Schedule 2 Part 1 Class A.

The applicant has the right to an appeal against this notice to the Planning Inspectorate, see details below.

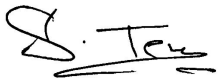
INFORMATIVES

1 PRA Refused Informative 1

This written notice indicates that the proposed development would not comply with condition A.4 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015. It is important to note that this written notice does not indicate whether or not the proposed development would comply with any of the other limitations of conditions of Schedule 2 Part 1 Class A.

The applicant has the right to an appeal against this notice to the Planning Inspectorate, see details below.

Authorising Officer:

A handwritten signature in black ink, appearing to read 'S. Terry', with a horizontal line underneath.

Suzanne Terry

28th March 2023