

4.6 – SE/14/03999/PAE Date expires 2 February 2015

PROPOSAL: Prior notification of a single storey rear extension which extends 4m beyond the rear wall of the original dwelling house with a maximum height of 2.97m and eaves height of 2.45m.

LOCATION: Meadowbank, 79 College Road, Hextable, Kent BR8 7LW

WARD(S): Hextable

#### **ITEM FOR DECISION**

The application for Prior Approval has been referred to Development Control Committee as the applicant is Councillor Mrs Morris.

RECOMMENDATION: That planning permission be Prior Approval Not Required

#### Description of Proposal

- 1 Prior notification of a single storey rear extension which, due to a 'dogleg' in the original rear elevation extends 4m and 4.922m beyond the rear wall of the original dwelling house with a maximum height of 2.97m and eaves height of 2.45m.

#### Description of Site

- 2 The applications site is a two storey dwelling on the edge of the settlement of Hextable and within the Metropolitan Greenbelt. The site is predominantly rural in character and the dwelling is set well back from the main road.
- 3 To the east the residential development is more dense, comprising detached and semi detached properties in more regular sized plots. To the west the development becomes more rural, consisting of larger properties in substantial plots.

#### Constraints

- 4 Area of Archaeological Potential
- 5 Green Belt
- 6 Ancient Woodland to east of site.

#### Policies

- 7 There are no policies relevant to this application, as this is an application to determine whether the proposal complies with planning legislation laid out in the Permitted Development Order, and the only test is therefore whether or not prior approval is required. If prior approval is not required then the works may be permitted development but whether or not its permitted development is not

considered in this application. A further application for a Lawful Development Certificate could be submitted to determine if the proposal was permitted development.

- 8 Section (ea) of Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) is relevant as it allows for larger extensions. This states:

*“Until 30<sup>th</sup> May 2016, for a dwelling house not on article 1(5) land nor on a site of Special Scientific Interest, the enlarged part of the dwelling could would have a single storey and –*

*(i) extend beyond the rear wall of the original dwelling house by more than 8 metres in the case of a detached house, or 6 metres in the case of any other dwellinghouse, or*

*(ii) exceed 4 metres in height.”*

- 9 The proposal may also not require planning permission provided that it meets this set of criteria laid out in the Permitted Development Order.
- 10 As part of the prior approval process the adjoining owners or occupiers of the site (i.e those who share a boundary) are notified and have 21 days to comment.
- 11 If any neighbour raises an objection within the 21 day period than the impact of the proposal on the amenity of all adjoining properties must be assessed.
- 12 If no neighbour objections are received and the criteria above are met than prior approval will not be required.

#### Relevant Planning History

- 13 83/00952/HIST – Use of former staff house as Intermediate Treatment Centre. Granted
- 90/01624/HIST - (Outline) Proposed residential development (class C3) to reinstate the residential use of the existing 3 (three) bedroom house and seek consent for a new detached 4 bed dwelling. Withdrawn
- 92/00652/HIST - Two storey side extension and porch, as amended by letter dated 8th July 1992. Granted.
- 92/01160/HIST - New garage with room over. Refused.
- 92/01491/HIST - Retention of new porch, new roof over existing garage with formation of playroom within roof space. Granted.
- 94/01931/HIST - Retention of new railings, brick walls and gates to front boundary. Granted.
- 99/01122/FUL - Erection of a single storey rear extension to accommodate garden room. Granted.

### Consultations

- 14 The proposal is for prior approval. Therefore there is no statutory obligation to consult the Parish Council.

### Properties Consulted

- 15 There are no dwelling houses directly adjacent to the site. However a site notice was posted on 31.12.14

Publicity Expired: 23.01.2015

- 16 In line with legislation prior approval will not be required if no objections are received.

### Considerations

- 17 Clause 7 of the legislation states that the local planning authority shall, when considering the impact to neighbouring properties,

*'(a) take into account any representations made as a result of the notice given under paragraph (3); and*

*(b) consider the amenity of all adjoining premises, not just the adjoining premises which are subject to the representations.'*

- 18 Therefore if any representations are received as a result of the notices that have been sent out to the neighbouring properties, the impact on the amenities of all neighbours adjoining the site, not just those that have responded will need to be considered.

### Other Issues:

- 19 No original permission for the property could be found and therefore the presumption is that permitted development rights have not been removed from the property therefore the dwelling benefits from permitted development rights and the current proposal can be considered under the prior notification procedure.
- 20 The site is not within a Conservation Area, Area of Outstanding Natural Beauty or Site of Special Scientific Interest.
- 21 Based on the information available the proposal has also been assessed against Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the proposal may be considered permitted development. However this can only be confirmed through the submission of a Lawful Development Certificate, should prior approval not be required.
- 22 Note:- This comment is therefore made without prejudice to any application for a Lawful Development Certificate and it should be noted that if the applicant requires the formal view of the council in this respect they are advised to apply for a Lawful Development Certificate.

## **Recommendation**

23 At the current time, the proposal meets the criteria laid out in regard to the Prior Approval process and the Permitted Development Order, and at the current time no neighbour representations have been received. Therefore, Prior Approval is not required.

If any representations are received, the impact on amenity will be considered in late observations.

## **Background Papers**

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

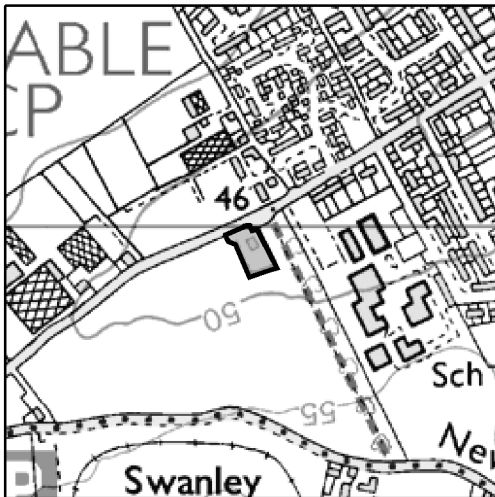
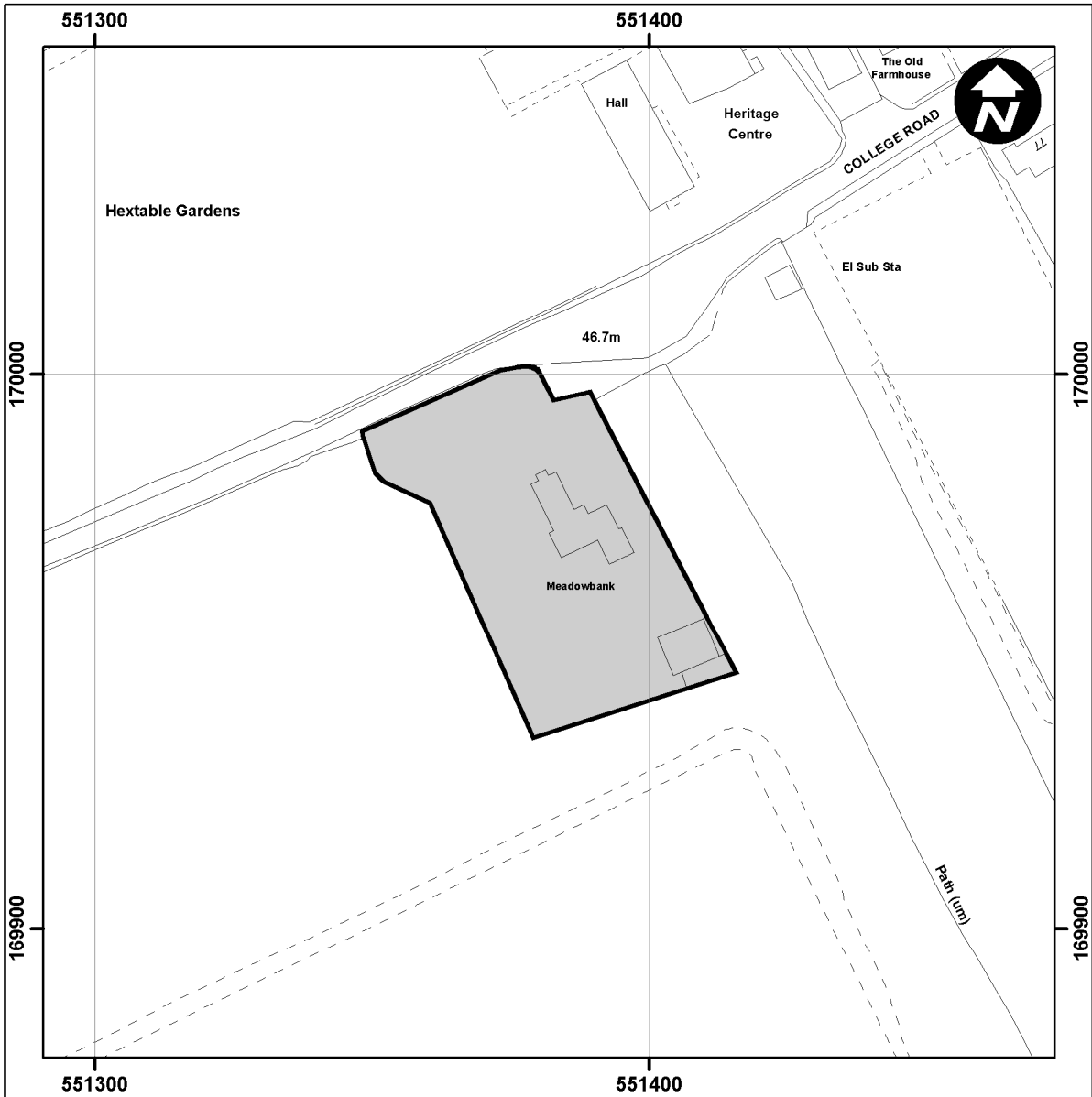
**Richard Morris**  
**Chief Planning Officer**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NH1AMPBKOL200>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NH1AMPBKOL200>



# Site Plan

Scale 1:1,250

Date 14/01/2015



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Ordnance Survey 100019428.

**Block Plan**

