

Officer's Report

Application Number	HGY/2023/1399
Type	Prior approval Part 1 Class A.1(ea): Larger home extension
Location	25 Rosebery Avenue, Tottenham, London, N17 9RY
Proposal	Erection of single storey extension which extends beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3.2m and for which the height of the eaves would be 2.9m
Case Officer	Oskar Gregersen
Valid Date	25/05/2023
Applicant	Mr Simon Peckham
Agent	

RECOMMENDATION

Refuse

CONSULTATION

As required under the Town and Country Planning (General Permitted Development) Order (2015), Schedule 2, Part 1, Section A.4(5), all adjoining neighbours must be notified of the application for Prior Approval. The following adjoining properties were consulted:

- Owner / Occupier 23 Rosebery Avenue, Tottenham, London, N17 9RY
- Owner / Occupier 27 Rosebery Avenue, Tottenham, London, N17 9RY
- Owner / Occupier 25 Rosebery Avenue, Tottenham, London, N17 9RY

CONSULTATION RESPONSES

- None received

RELEVANT PLANNING LEGISLATION

The Town and Country Planning (General Permitted Development) (England) Order 2015 came into force on 15th April 2015 (SI no. 596), consolidating earlier legislation. Schedule 2, part 1 (Class A) of the Order allows householders to be able to build larger single-storey rear extensions under permitted development.

ANALYSIS/ASSESSMENT OF THE APPLICATION

The key issue here is whether the development is permitted development (in accordance with Class A, Part 1 of schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 and if so whether the Prior Approval of the Local Planning Authority will be required as to the impact of the proposed extension on residential amenity.

PRIOR NOTIFICATION SUBMISSION REQUIREMENTS

Whether the following information has been provided to the Local Planning Authority:

A written description of the proposed development

YES

How far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse

YES

The maximum height of the enlarged part of the dwellinghouse

YES

The height of the eaves of the enlarged part of the dwellinghouse

YES

A plan indicating the site and showing the proposed development

YES

The addresses of any adjoining premises (including those to the rear)

YES

The developer's contact address

YES

The developer's email address if the developer is content to receive communications electronically.

YES

Whether permitted development

If any of the following statements apply, then the proposal is not permitted development:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use):

NO

(b) The works result in more than 50% of the curtilage being covered by buildings:

NO

(c) The height of the extension is higher than the highest part of the roof of the existing dwellinghouse:

NO

(d) The height of the eaves of the extension is higher than the height of the eaves of the existing dwellinghouse:

NO

(e) The extension would extend beyond a wall which

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse:

NO

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—(i)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 (ii)exceed 4 metres in height;

N/A

(g) the extension is on article 2(3) land (conservation area) or SSSI, or
NO

(g) (i) the extension is single-storey and extends beyond the rear wall of the original dwellinghouse by more than 8 metres in case of a detached dwelling house, or 6m in case of any other dwelling house:
NO

(g) (ii) the extension exceeds 4 metres in height:
NO

(h) the enlarged part of the dwellinghouse is two storey (prior approval is only applicable to single-storey rear extensions):
NO

(i) the height of the eaves of the extension is higher than 3 Metres (only applicable for extensions within 2 metres from the boundary of the curtilage of the dwellinghouse)
NO

(j) the extension is to the side (prior approval is only applicable to single-storey rear extensions)

YES - The proposed extension infills the area to the side of the properties original outrigger, wrapping around its end to save the full width of the plot. As confirmed on page 22 of Government's Technical Guidance on Householder Permitted Development confirms that any walls forming a side elevation, including the side elevations of rear outriggers, and that in the case of a rear infill extension such as the one proposed in this application, the restrictions limiting permitted development for both side and rear extensions will apply. In this particular case it fails the restriction limiting the width of side extensions to no more than half the width of the original property.

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out (e) to (j)
NO

(k) it would consist of or include the construction or provision of a veranda, balcony or raised platform; the installation, alteration or replacement of a microwave antenna; the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse. (prior approval is only applicable to single-storey rear extensions)
NO

Conditions A.3 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;

An informative will be included on the decision notice reminding that the materials used must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Condition A, 4 paragraph (3) of Class A states that the LPA may refuse an application where in the opinion of the authority – (a) the proposed development does not comply with or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

Sufficient information has been provided to enable the LPA to determine that the proposal complies with the provision outlined above.

Or

Insufficient information has been provided to enable the LPA to determine that the proposal complies with the provision outlined above.

IMPACT ON NEIGHBOURING AMENITY

If an objection is received within 21 days, the Local Planning Authority must make a judgement as to whether there will be an impact on amenity from the proposed extension. If the LPA considers that there will be an impact, then they have to send a notice to the owner stating that prior approval is required, and that it is refused. This has to be done within 42 days (6 weeks) of receipt of the application. If it is not sent to the applicant within 42 days, then it is deemed that the proposal is acceptable.

No response to the notification has been received.

RECOMMENDATION

Notwithstanding the lack of any objections it is noted that the proposal does not fall within the parameters of permitted development set out in Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore the proposed extension is NOT permitted development.

Refusal Reasons:

The proposed extension does not fall within the parameters of permitted development set out in Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore the proposed extension is NOT permitted development.