

PERMIT

Planning Policy Statement

**Two Storey Rear Extension to APP/11/00288 in
Conjunction with Permitted Development Single Storey
Rear Extension to Existing End of Terrace Dwelling**

1, Braishfield Road, Havant, PO9 2HS



June 2011

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1. Introduction

Planning permission (APP/11/00288) was granted on 16/06/2011 for a two storey side extension to 1, Braishfield Road to form a new 2 bed end of terrace dwelling. Both the existing property and the approved new end of terrace comprise 82m² GIA over two storeys.

This development proposal involves using permitted development rights to create a 16m² GIA single storey rear extension to 1, Braishfield Road. This will allow a dining room to be added to the existing property (which has no dining room). In addition, a 33m² GIA two storey rear extension will be added to the previously approved new end of terrace dwelling. This will allow an increase in the size of the kitchen, dining and living areas along with the provision of 3 bedrooms instead of 2.

The planning policy issues were considered in detail as part of the previously approved application APP/11/00288. The principle of development has been accepted giving due consideration to PPS3, HBC's saved Local Plan policies, and HBC's emerging Core Strategy policies. Therefore, this Planning Policy Statement merely considers any new issues arising from the 49m² GIA of additional floorspace proposed.

2. Single Storey Extension Permitted Development

The Town and Country Planning General Permitted Development Order was amended for the second time on 4th September 2008 and became enforceable on 1st October 2008. Part 1 relates to development within the curtilage of a dwellinghouse and Class A relates to the enlargement, improvement or other alteration of a dwellinghouse.



As part of this new application, a 3 metre single storey extension is proposed to the rear of the existing property – 1 Braishfield Road. The below section exclusively deals with the single storey extension and discusses compliance with the Permitted Development rules laid out in Class A. Reasons for compliance are highlighted green: -

A.1 Development is not permitted by Class A if: -

(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The curtilage of the mid-terrace 1 Braishfield Road is circa 180m². The existing dwelling house covers circa 40m² and the proposed extension would cover less than 20m².

(b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposed extension is single storey.

(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The proposed extension is single storey.

(d) the enlarged part of the dwellinghouse would extend beyond a wall which -

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The proposed extension is to the rear non-principal elevation.

(e) 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;

The proposed extension is single storey, extends beyond the rear wall by exactly 3 metres, and is 3.5 metres in height.

(f) the enlarged part of the dwellinghouse would have more than one storey and -

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed extension is single storey.

(g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The proposed extension will go right up to the boundary with 3 Braishfield Road but the extension eaves will be 2.25 metres.

(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -

(i) exceed 4 metres in height,

(ii) have more than one storey, or

(ii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension is to the rear non-principal elevation.

(i) it would consist of or include -

(i) the construction or provision of a veranda, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.

Only (iii) is relevant and any soil and vent pipe alterations would comply with the Class G Permitted Development rules.

A.2 In the case of a dwellinghouse on article 1(5) land, there are further development restrictions.

The proposed development is not located within a Conservation Area (or similar).

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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

All materials will match the existing dwellinghouse.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

The proposed extension is single storey.

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed extension is single storey.

The above analysis clearly demonstrates that the single storey rear extension to 1 Braishfield Road fully complies with the Class A Permitted Development rules. This means that the single storey extension does not actually require planning permission and is therefore lawful development. There can be no valid planning objection.

3. Two Storey Extension Permitted Development

A two storey rear extension is also proposed to the new end-of-terrace dwelling approved under APP/11/00288. The approved planning consent has not yet been implemented but given that an Article 4 Direction has not been issued, if the consent were to be implemented, the Permitted Development rules would apply.

Despite the lack of implementation, the Permitted Development rules provide strong justification for the acceptability of development. The below section therefore considers the proposed two storey extension and assesses compliance with the Permitted Development rules laid out in Class A. Any lack of compliance is highlighted red: -

A.1 Development is not permitted by Class A if: -

(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The curtilage of the new end-of terrace property would be circa 270m². The approved new end-of-terrace dwelling covers circa 40m² and the proposed extension would cover less than 20m².

(b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The ridge height of the proposed extension is lower than the ridge height of the existing terrace.

(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The eaves height of the proposed extension is the same as the eaves height of the existing terrace.

(d) the enlarged part of the dwellinghouse would extend beyond a wall which -

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The proposed extension is to the rear non-principal elevation.

(e) 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;

The proposed extension is two storeys.

(f) the enlarged part of the dwellinghouse would have more than one storey and -

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed extension is two storeys, extends beyond the rear wall by exactly 3 metres, and is over 9 metres from the boundary of the curtilage of the opposite dwellinghouse.

(g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The proposed extension will go right up to the boundary with 1 Braishfield Road and the extension eaves will be 4.65 metres. This would breach the Permitted Development rules due to the potential for overshadowing. However, given the single storey rear extension to 1 Braishfield Road, this is not of any cause for concern. Please refer to section 4 along with the Design & Access Statement.

(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -

(i) exceed 4 metres in height,

(ii) have more than one storey, or

(ii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension is to the rear non-principal elevation.

(i) it would consist of or include -

(i) the construction or provision of a veranda, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.

(iii) is relevant but any soil and vent pipe installation would comply with the Class G Permitted Development rules.

(iv) is relevant but the roof of the extension would comply with the Class C Permitted Development rules.

A.2 In the case of a dwellinghouse on article 1(5) land, there are further development restrictions.

The proposed development is not located within a Conservation Area (or similar).

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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

All materials will match the existing dwellinghouse.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

The first floor windows to bedroom 2 will be clear glazed and located in the side/gable elevation overlooking Petersfield Road. Section 5 will demonstrate that privacy to neighbours will not be significantly affected due to the separation between

dwellings. Similar levels of overlooking have been deemed acceptable from existing Petersfield Road properties without the need for obscure glazing.

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The submitted plans show two alternatives for the roof pitch of the extension. The 36 degree extension roof pitch would match the existing terrace but would result in slightly more overshadowing to 3 Braishfield Road. The 27 degree extension roof pitch would result in a negligible level of additional overshadowing but would not comply with the Permitted Development rules. Please refer to section 6 along with the Design & Access Statement.

The above analysis highlights various aspects of the two storey extension that do not comply with the Permitted Development rules (overshadowing, obscure glazing and the extension roof pitch). Although the approved planning consent has not yet been implemented, if the above three issues can be overcome, there will be strong justification for the proposed development. Sections 4, 5 and 6 discuss mitigating factors in further detail.

4. Overshadowing of 1 and 3 Braishfield Road

The two storey extension will go right up to the boundary with 1 Braishfield Road and the extension eaves will be 4.65 metres. This would contravene Class A.1(g) of the Permitted Development Order. However, the purpose of Class A.1(g) is to ensure that any overshadowing to adjacent properties is acceptable.

The Design & Access Statement looks at overshadowing in detail by applying the 45 degree horizontal rule and the 45 degree vertical rule. As a direct result of the single storey extension to 1 Braishfield Road (which does not require planning permission), both the 27 degree and 36 degree roof pitch of the two storey extension fully comply with the 45 degree overshadowing rules.

The overshadowing caused by the proposed development is therefore within acceptable limits and cannot be deemed a valid reason for refusal.

5. Obscure Glazing of Side Elevation Windows

The first floor windows of bedroom 2 will be located in the side elevation of the new dwelling and no obscure glazing is proposed. This would contravene Class A.3(b) of the Permitted Development Order. However, the purpose of Class A.3(b) is to ensure that any overlooking of neighbours does not result in an invasion of privacy.

View of 96 Stockheath Way from Proposed First Floor Windows



The proposed first floor windows would be located some 35 metres away from the gable end of 96 Stockheath Way. This degree of separation should not result in any unacceptable loss of privacy. This point has already been accepted given that the unobscured front windows of 9 Leigh Cottages on Petersfield Road are also circa 35 metres away from the gable end of 103 Stockheath Way.

Separation between 9 Leigh Cottages and 103 Stockheath Way



It is also important to highlight that the minimum separation distance between front elevations of properties on Braishfield Road is a mere 18 metres. The first floor front windows of numbers 13 and 54 Braishfield Road directly overlook each other from a distance of 18 metres and this has been deemed acceptable in planning terms.

Separation between 13 and 54 Braishfield Road



Separation between dwellings and loss of privacy have been considered by various Appeal Inspectors and a summary of relevant Appeal Decisions are listed below: -

Appeal Ref: APP/Y3615/A/09/2107543

Dormer Cottage, 175 Glaziers Lane, Normandy, Surrey, GU3 2EH.

6. The appeal therefore succeeds. I refrain from imposing the conditions suggested by the Council to prohibit further side windows and to require obscure glazing in the one proposed, following my conclusion that privacy would not be significantly affected".

Appeal Ref: APP/C3240/A/08/2088760

The Paddock, Arleston Lane, Arleston, Telford, Shropshire, TF1 2LT

36. Whilst the Council suggested a condition requiring the windows in the side elevations of plots 9 to 11 to be permanently fixed shut and glazed with obscure glass to protect the privacy of adjoining residents I do not consider that this condition is necessary given the degree of separation between these proposed dwellings and the existing dwellings and their respective orientation to each other.

Appeal Ref: APP/G1250/A/08/2071118

139 Lowther Road, Bournemouth, BH8 8NP

26. The Council suggested that the first floor windows of the kitchen and 2nd bedroom of the first floor flat facing No 137 should be obscure glazed to prevent overlooking. No 137 has windows on the side elevation, possibly serving a bathroom and the landing. Bearing in mind that the rooms affected are not the main living

rooms, I consider that these facing windows are not so close as to justify obscure glazing which would have a severe impact on outlook from within the rooms.

It is therefore considered that any overlooking of neighbouring properties will not result in an unacceptable loss of privacy. Obscure glazing should not therefore be necessary and its lack of provision cannot be deemed a valid reason for refusal.

6. Extension Roof Pitch and Overshadowing

The existing terrace has a roof pitch of 36 degrees. The submitted plans show two alternatives for the roof pitch of the two storey extension – A 27 degree pitch or a 36 degree pitch.

27 Degree Pitch

The Design & Access Statement demonstrates that the 27 degree pitch fully complies with the 45 degree overshadowing rules. However, this would contravene Class A.3(c) of the Permitted Development Order.

The roof in question relates to a modest two storey rear extension with a lower ridge height than the existing terrace. The principal elevation street view will be completely unaffected, and the roof pitch will hardly be noticeable from the side elevation. Given the mere 9 degree difference, it is considered that the 27 degree pitch should be perfectly acceptable in design terms, whilst causing a negligible level of additional overshadowing.

The 27 degree roof pitch on the two storey extension is considered the best option.

36 Degree Pitch

The Design & Access Statement demonstrates that the 36 degree roof pitch also complies with the 45 degree overshadowing rules. However, it would result in slightly more overshadowing to 3 Braishfield Road than the 27 degree pitch. Whilst the 36 degree roof pitch complies with the Permitted Development Order, it is requested that the 27 degree pitch be granted approval to minimise any impact on the occupiers of 3 Braishfield Road.

Another material consideration is the north facing orientation of the rear gardens. The main roof of the terrace would limit the modest level of sunlight that would be received by the areas close to the rear of the houses. This should provide further evidence of the acceptability of the two storey extension. However, if there are any further concerns about overshadowing, this issue has been considered in detail by various Appeal Inspectors. Please see below Appeal Decisions: -

Appeal Ref: APP/K0615/A/08/2091854
Sunset Cottage, Holmshaw Lane, Haslington, Crewe CW1 5TN

8. Although the extension would be close to the boundary with the neighbouring house, 'Struan', it appears to me that the proposal would not significantly breach the Council's 45° guideline to protect outlook from principal windows. In my view, given the relative location of the two houses and the design of the proposed extension, the effect on living conditions for residents of 'Struan' would not be appreciably harmful, either due to loss of light and outlook or due to overlooking. The effect on residents of other houses nearby would be negligible.

Appeal Ref: APP/C0630/A/05/1186705
15 night's Close, Macclesfield, Cheshire SK11 7AU

- 1. The appeal property is a small, flat-roofed terrace house.*
- 2. The rear of the terrace has no street frontage nor is it directly overlooked by other residential properties in the immediate locality. For the same reasons, the proposed (two storey rear) extension, which would project only some 2 metres, would equally have little visual impact on the area.*
- 3. I accept that, from their rear windows, the outlook of adjoining occupiers would to some extent be curtailed by the proposal. The Council's "45 degree rule" would be breached, as the mid point of the windows adjacent to the flank wall of the extension would be less than the 2 metres that would be required for it to be met. In this case, I do not believe that the modest extension would have an undue effect on the outlook from the neighbouring houses, nor would it be overbearing to the rear gardens.*

Appeal Ref: APP/T3915/A/08/2076342
18 Hoadley Green, Bishopsdown, Salisbury, SP1 3HS

- 3. The proposal would see a first floor bedroom added on top of an existing dining room extension. It would be about 3.7m in depth. The appeal property is a mid-terrace house, and the extension would be built almost on the boundary with No 16 to the east.*
- 4. In this case, I consider that the proposal would not be overbearing. There is already a single storey extension to the rear of No 16. Thus the area adjacent the proposed extension is largely occupied by built development, and there is little or no room for it to be used as a sitting out area.*
- 5. In respect of overshadowing, the rear of the properties faces roughly north, and the main roof of the dwellings would limit what little sunlight would be received by the area close to the rear of the houses. In my view, the proposal would not materially alter this position.*
- 7. Whilst the proposal would result in some overlooking of neighbouring gardens from the first floor bedroom window of the extension, I consider that it would not result in any material loss of privacy over and above that already experienced from overlooking from the existing rear first floor windows.*
- 11. For the reasons given above I conclude that the appeal should be allowed.*

In conclusion, the 27 degree roof pitch would not comply with the Permitted Development rule A.3(c) but appears acceptable in design terms and creates a negligible level of additional overshadowing. The 36 degree extension accords with the Permitted Development rule A.3(c) but would have a slightly greater impact on 3 Braishfield Road. Both roof options comply with the 45 degree overshadowing rules and are acceptable in terms of the above Appeal Precedent. However, it is requested that the 27 degree extension roof pitch is approved for the benefit of 3 Braishfield Road.

7. Summary and Conclusions

- The single storey rear extension to 1 Braishfield Road complies with the Permitted Development rules and does not therefore require planning permission.
- The two storey rear extension to APP/11/00288 complies with all but three of the Permitted Development rules.
- Although APP/11/00288 has not yet been implemented, the Permitted Development rules provide strong justification for the proposed development.
- Overshadowing of 1 Braishfield Road is of no cause for concern due to the single storey rear extension.
- The 35 metre separation distance from 96 Stockheath Way means that the gable elevation first floor windows do not require obscure glazing as there is no unacceptable loss of privacy.
- Both the 27 degree and 36 degree extension roof pitch comply with the 45 degree overshadowing rules and recent Appeal precedent. Whilst the 27 degree roof pitch does not comply with the Permitted Development rules, it should be acceptable in planning terms and would have the least impact on 3 Braishfield Road.

Havant Borough Council are respectfully requested to confirm that the proposed development (with 27 degree roof pitch) accords with local and national planning policy and is therefore acceptable.