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Steven Abbott Associates LLP
Chartered Town Planners

PLANNING STATEMENT

Applicant: Gavin Baker

Proposal: Householder Application for a Single Storey Rear Extension with Flat Roof

Site Address: 36 College Close, Longridge, PR3 3AX

February 2018

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APPENDIX 1

1. INTRODUCTION

- 1.1. This statement has been prepared by Steven Abbott Associates LLP in support of an application at 36 College Close, Longridge. The application site is a detached dwelling which is part of a built up residential area in Longridge.
- 1.2. The retrospective application is for a single storey rear extension with a flat roof.
- 1.3. The three adjoining neighbours have confirmed that they have no objections to this development (Appendix 1).
- 1.4. The development would ordinarily be allowed by sub paragraph A.1 (g) of Class A in the GPDO. Developers must first obtain prior approval from the Local Authority before commencing any development allowed by sub paragraph A.1 (g). As the works have already started, prior approval can no longer be given by the Authority. Therefore, a full planning application has been submitted.
- 1.5. It should be noted that previous appeal decisions have taken into account the permitted development rights as a 'fall-back position'.
- 1.6. The remainder of the Statement will be set out as follows:
 - Section 2 Planning History
 - Section 3 Planning Policy
 - Section 4 Planning Appraisal
 - Section 5 Summary

2. PLANNING HISTORY

2.1. The planning history at this property is detailed below.

- 3/2016/1162 | Single storey flat roof rear extension projecting 8m from the rear of the property with a height of 2.85m. |WITHDRAWN
- 3/2017/0019 | Proposed 8m single storey flat roof rear extension | WITHDRAWN
- 3/2017/0301 | Notification for prior approval for a single storey extension to rear.8m long. 3 metres high max and 3m high to eaves |REFUSED

2.2. The most recent application was refused for the following reason:

"The proposed extension, by virtue of its scale, rearward projection and proximity to neighbouring boundaries would be of detriment to the residential amenities of the occupiers of 37 College Close, in that approval of the development would result an over-bearing and over-dominant impact, contrary to Policy DMG1 of the Ribble Valley Core Strategy."

2.3. Since the refusal in May 2017, there have been ongoing discussions with the adjoining neighbours. All of the adjoining neighbours, including 37 College Close, now have no objections to the proposals.

2.4. This application has been submitted because the previous reason for refusal has now been resolved.

3. PLANNING APPRAISAL

3.1. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) allows certain development in England to be carried out without express planning permission from the Local Authority. Schedule 2, Part 1, Class A of the order refers to the enlargement, improvement or other alteration of a dwelling house. The proposed development complies with Class A of the GPDO and would normally be permitted development.

3.2. The rear extension extends by 8m from the rear wall of the existing dwelling house and is therefore permitted by Class A, sub paragraph A.1 (g) of the GPDO which states that until 30th May 2019, extensions which do not exceed beyond 8m of the rear wall of the original detached dwelling house are permitted. Larger extensions permitted by subparagraph A.1 (g) are subject to a condition which requires the developer to request prior approval from the Local Authority. A prior notification was received by Ribble Valley Borough Council in 2016. Adjoining land owners were subsequently consulted. The neighbours sent in representations which objected to the application and so the prior notification was withdrawn by the developer/applicant.

3.3. Since then, discussions have been ongoing with the neighbours who now understand the scale of the development better. All the adjoining land owners now have no objections to the development. This has been confirmed in writing and can be viewed in Appendix 1. Therefore, if prior approval was sought for the same development again, the local authority would not need to assess the impact on of the proposed development on the amenity of any adjoining premises.

3.4. The works to the rear extension have since been started and therefore prior approval can no longer be sought from the local authority. If the application was not retrospective then our client could seek prior approval and erect the extension under permitted development rights.

3.5. A recent court of appeal decision, *Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314*, has dealt with the status of permitted development as a material consideration in

a planning decision. In particular, paragraph 28 of Lindblom L.J.'s judgement which stated that:

"In this case, in the circumstances as they were when the application for planning permission went before the committee, it was plainly appropriate, indeed necessary, for the members to take into account the fallback available to the East Malling Trust as the owner of the land, including the permitted development rights arising under Class Q in the GPDO and the relevant provisions of the development plan, in particular policy CP14 of the core strategy. Not to have done so would have been a failure to have regard to a material consideration, and thus an error of law."

- 3.6. The judgement concluded that the planning officer was entitled to accept there was a "real prospect" of the fallback development being implemented, and to give the weight it evidently did to that fallback as a material consideration.
- 3.7. It is evident that for the reasons above, the permitted development rights which apply to the proposed development at 36 College Close should be afforded significant weight in the determination of this application.

4. SUMMARY

- 4.1. This retrospective application is for a single storey rear extension at 36 College Close, Longridge.
- 4.2. The development is made up of appropriate materials which are characteristic of the surrounding area. The development will not cause any harm to the residential amenity of the adjoining neighbours. This is supported in writing by all adjoining land owners (Appendix 1).
- 4.3. The proposed development would normally be permitted development, by Class A of the GPDO. However, as the works have already started, prior approval cannot be given by the Local Authority and therefore a full application has been submitted.

For the reasons outlined in this Statement, we respectfully request that planning permission is granted for the proposed development.



Steven Abbott Associates LLP
Chartered Town Planners

APPENDIX I



[Redacted]
20 November 2017

To whom it may concern.

Reference the extension at Number 36 College Close, Longridge.

We have no objection to the extension as it has been built, a single-story extension to the rear of the property.

Signed
[Redacted]

13 NOV 20

To whom it may concern

Would like to make it known
that we have no objections
of ^{to the current plans} College Close, Longridge
which backs onto our property.

yours faithfully

19th December 2017

Steven Abbott Associates LLP

Dear Sir or Madam,

Planning application at 36 College Close

I refer to your letter of the 7th December 2017 ref BC/DB/3112-01/BJ.

I would like to say that at no point did I object to the development at the above address. The comments that were made on planning application 3/2017/0019 were as follows:

'The side of the house now continues a further 8 metres (according to the plan) into the back garden. From our side we now see an uninterrupted brick wall. From the plan, east side elevation, I see that there is to be a window but this has not been created. My wife has said that it reminds her of a prison wall, which she finds intimidating. I suspect the extension will cast a large shadow into our garden during the sunnier days.'

On the plan (no 17 0019 Existing & Proposed Site Plan) the distance quoted between the properties is shown as 2549mm or 8' 4". It is in fact 2175mm or 7' 1 5/8".

As you can see I did not say I objected to the extension but merely to comment on the fact that it was really just a plain wall.

I hope that this letter will enable you to put forward another planning application and I can confirm that I will not put forward any objection to Ribble Valley Borough Council.

Yours faithfully,

Steven Abbott Associates LLP

5 - JAN 2018

Wigan