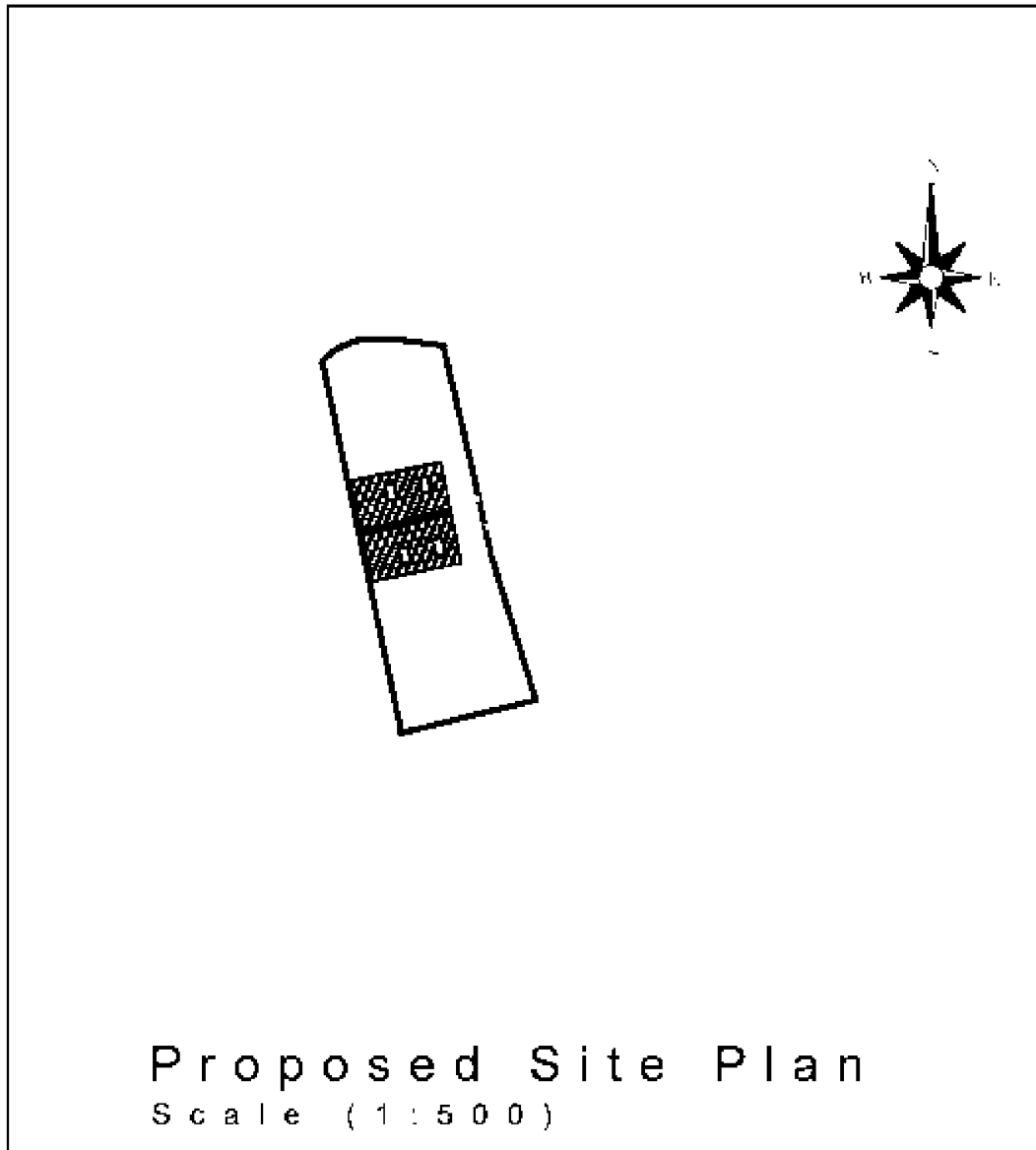


PLANNING STATEMENT

25th September 2023

A REQUEST AS TO WHETHER PRIOR APPROVAL IS REQUIRED, AND IF IT IS, IF IT IS GIVEN, IN RESPECT OF THE ENLARGEMENT OF A DWELLINGHOUSE BY CONSTRUCTION OF AN ADDITIONAL STOREY



AT: 23 Elswick Gardens Mellor BB2 7JD

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants
on behalf of Mr Foran

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- 1.1. This planning statement is submitted in support of an application for a request as to whether prior approval is required relating to a proposed upwards extension of one additional storey to 23 Elswick Gardens Mellor BB2 7JD.
- 1.2 The proposed extension will be created by the addition of an extra storey to the eastern side of the dwelling, as shown on the submitted plan, below:



2. Planning Status of the Site & Planning History

- 2.1. A previously submitted application for an upwards extension, above the original part of the dwellinghouse was refused by the council under application reference number 3/2023/0076.

The dwelling retains its permitted development rights.

3. The Proposed Extension

- 3.1. The proposed extension will add an additional storey to the existing two storey dwelling, with materials to match the existing.

4. Permitted Development

- 4.1. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) sets out what constitutes permitted development for the purposes of upwards extensions. The conditions and limitations are set out below with commentary to demonstrate that the proposed scheme is in conformity.

Class AA.1 Development Not Permitted	Assessment
(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)	It has not.
(b) the dwellinghouse is located on: (i) article 2(3) land; or (ii) a site of special scientific interest;	It is not.
(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018	It was not.
(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise	It has not.
(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;	It would be less.
(f) following the development the height of the highest part of the roof of the dwelling house would exceed the height of the highest part of the roof of the existing dwelling house by more than— (i) 3.5 metres, where the existing dwelling house consists of one storey; or	It would not.

(ii) 7 metres, where the existing dwelling house consists of more than one storey;	
<p>(g) the dwelling house is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—</p> <p>(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or</p> <p>(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;</p>	The dwelling is semi-detached and it does not exceed the height of the highest part of the adjoining property by more than 3.5 metres.
<p>(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—</p> <p>(i) 3 metres; or</p> <p>(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwelling house;</p>	The floor to ceiling height is 2.35 metres.
(i) any additional storey is constructed other than on the principal part of the dwelling house;	This is not the case.
(j) the development would include the provision of visible support structures on or attached to the exterior of the dwelling house upon completion of the development;	This is not the case.
(k) the development would include any engineering operations other than works within the curtilage of the dwelling house to strengthen its existing walls or existing foundations.	It would not

4.2. In respect of the conditions set out within AA.2:

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.	This would be the case.
(b) the development must not include a window in any wall or roof slope forming a	No windows are proposed in the side elevations.

side elevation of the dwelling house.	
(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse	The roof pitch of the extended house replicates that of the existing.
(d) following the development, the dwelling house must be used as a dwelling house within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.	Once extended, the property will continue to be used as a dwelling house.

4.3. In accordance with AA.3, before beginning the development, the developer must apply to the local planning authority for prior approval as to—

- (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
- (ii) the external appearance of the dwellinghouse, including the design and architectural features of—
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway;
- (iii) air traffic and defence asset impacts of the development; and
- (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

4.4. This statement, and the associated plans and application forms, form that application.

5. Response to Previous Reasons for Refusal

5.1. In this section, the previous reasons for refusal will be outlined and addressed in turn;

‘The information submitted fails to provide adequate detail relating to internal ceiling heights and therefore the ability of the scheme to satisfy criteria Paragraph AA.1 (H)i) and ii) cannot be fully assessed. As such the Local Planning Authority cannot confirm the proposal is permitted development benefitting from the prior approval option allowed by Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020’.

5.2. Information has been provided as part of the proposed plans that show the proposed internal ceiling heights. The internal ceiling height of the proposed additional storey would not exceed 3 metres and therefore satisfies the requirements within Paragraph AA.1 (H) i) and ii).

‘The proposed development, by virtue of its visual prominence, height and overdominance, would introduce an anomalous and discordant form of development which would unacceptably

harm the external character and appearance of the subject dwelling, neighbouring buildings and surrounding area. As such the proposal would conflict with sub-paragraph (3) (a) (ii) of condition AA.2. of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020.'


- 5.3. The proposal seeks to extend upwards on the eastern side of the dwelling, using matching materials and a design that is coherent with the existing and neighbouring properties. We have designed the extension so that the proposed additional storey would integrate well, without it visually unbalancing the form or appearance of the existing dwelling. In terms of the wider streetscene, the properties on the road stand on various land levels with different ridgeline heights and given the increase of only 1.8 metres in height, it would not be at odds with neighbouring dwellings nor would it cause unacceptable harm to the character and appearance of the surrounding area.
- 5.4. Notwithstanding the above, an appeal case under application reference APP/X1735/D/21/3269472 has shown that the visual assessment should be made with regard to the impact of the design on the house itself, not on the wider streetscene.

'The proposed development, through the introduction of windows at an elevated position, would establish new opportunities for unacceptable overlooking upon adjoined dwellings and their curtilage, to the significant detriment of their privacy. Furthermore due to the elevated position of the proposal, it, would result in an overbearing impact on the adjacent properties and those sited to the rear (south). As such the proposal would be contrary to sub-paragraph (3) (a) (i) of condition AA.2. of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020'.

- 5.5. Whilst the new windows at the second floor level would be in a slightly elevated position than the existing first floor windows, the proposal would only marginally change the existing situation and would not cause significant or unacceptable harm with regard to overlooking. The proposal is extending upwards with a hipped roof and given that the two adjoining neighbours are set back in relation to the subject property, neighbouring occupants can enjoy their private garden areas and habitable rooms without being affected by the extension and therefore there would not be an overbearing impact. Owing to the angle of view of the rooflights in relation to the neighboring properties, there would not be any harmful overlooking.
- 5.6. There is a separation distance of 22 metres between the rear elevation of the subject property and the first floor windows of the nearest property to the south of the site. Also, the vegetation screening to the rear of the garden further reduces the potential of any overlooking.

6. Conclusion

- 6.1. In light of the above, the proposed upwards extension compiles with Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), and would not have any detrimental impacts on those matters for which prior approval is sought.
- 6.2. It is therefore respectfully requested that prior approval be granted.

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