

MC/21/2790

Date Received: 27 September 2021  
Location: 7 Princes Avenue Walderslade  
Chatham Medway  
Proposal: Application for prior approval for the enlargement of a dwelling house by the construction of additional storeys. The maximum height proposed is 9.25 m  
Applicant: Mr Mike Tovey  
Ward: Walderslade Ward  
Case Officer: Sam Pilbeam  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8th December 2021**

**Recommendation - Refusal**

The external appearance of the dwelling would be adversely impacted upon, by reason of the proposed height and visually obtrusive design. Therefore, the development would fail to meet the set criteria and conditions by virtue of Schedule 2, Part 1, Class AA (Condition AA.2(3)(ii)(aa)) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal would therefore cause significant harm upon the appearance of the host dwelling and street scene, contrary to Policy BNE1 of the Medway Local Plan 2003 and paragraphs 126 and 130 of the NPPF.

**For the reasons for this recommendation for refusal please see Planning Appraisal Section and Conclusions at the end of this report.**

## Proposal

This is an application for prior approval under Schedule 2, Part 2, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of an additional storey measuring a total of 9.25m.

## Relevant Planning History

|            |   |
|------------|---|
| MC/18/3162 | Construction of two storey extension to rear together with excavation works to facilitate an adjoining single storey extension to rear<br>Decision: Refusal<br>Decided: 20 March 2019   |
| MC/19/0992 | Construction of a single storey extension to rear together with excavation works to facilitate an adjoining single storey extension to rear - Resubmission of MC/18/3162<br>Decision: Approval with Conditions<br>Decided: 20 June 2019   |
| MC/21/0419 | Part excavation of ground to facilitate the construction of a two-storey outbuilding to rear<br>Decision: Refusal<br>Decided: 13 May 2021   |
| MC/21/1425 | Part excavation of ground to facilitate the construction of an outbuilding to rear - Resubmission of MC/21/0419<br>Decision: Refusal<br>Decided: 16 July 2021   |
| MC/18/0240 | Demolition of front garage and current steps to property, excavation of grassed area to lower level to enable extension of current hard-standing, construction of open fronted carport/garage with deck area above surrounded with 1.8m fencing<br>Decision: Approval with Conditions<br>Decided: 15 March 2018 |

## Appeals

|              |   |                |
|--------------|---|----------------|
| 21/00034/REF | Part excavation of ground to facilitate the construction of a two-storey outbuilding to rear                    | 28.10.20<br>21 |
| 21/00038/REF | Part excavation of ground to facilitate the construction of an outbuilding to rear - Resubmission of MC/21/0419 | 28.10.20<br>21 |

## **Representations**

The application has been advertised by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Three** letters of objection have been received, concerning:

- Overlooking and subsequent loss of privacy
- Not in keeping
- Loss of light
- Overdevelopment

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

## **Assessment**

Part 1 Schedule 2 Class AA Sets out the issues and considerations for the enlargement of a dwelling house by construction of additional storeys.

Part 1 Schedule 2 Class AA allows for the enlargement of a dwelling house consisting of the construction of—

(a) up to two additional storeys, where the existing dwelling house consists of two or more storeys: or

(b) one additional storey, where the existing dwelling house consists of one storey, immediately above the topmost storey of the dwelling house, together with any engineering operations reasonably necessary for the purpose of that construction

AA.1 states development is not permitted if —

|     | Technical guidance   | Yes/No |
|-----|--|--------|
| (a) | permission to use the dwelling house as a dwelling house has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use); | N      |
| (b) | the dwelling house is located on—  | N      |

|     |  |    |
|-----|--|----|
|     | (i) article 2(3) land.<br><i>or</i><br>(ii) a site of special scientific interest;   |    |
| (c) | the dwelling house was constructed before 1st July 1948 or after 28th October 2018;  | N  |
| (d) | the existing dwelling house has been enlarged by the addition of one or more storeys above the original dwelling house, whether in reliance on the permission granted by Class AA or otherwise;  | N  |
| (e) | following the development, the height of the highest part of the roof of the dwelling house would exceed 18 metres:  | N  |
| (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—<br>(i) 3.5 metres, where the existing dwelling house consists of one storey.<br><i>or</i><br>(ii) 7 metres, where the existing dwelling house consists of more than one storey:   | N  |
| (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—<br>(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).<br><i>or</i><br>(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; | NA |
| (h) | the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—<br>(i) 3 metres.<br><i>or</i><br>(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwelling house;  | N  |
| (i) | any additional storey is constructed other than on the principal part of the dwelling house;   | N  |
| (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.<br><i>or</i>  | N  |
| (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.   | N  |

## Conditions

AA.2 sets out a list of conditions that the developer must adhere to, the conditions set out in sub-paragraph (3) are as follows —

(a) 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 dwelling house, including the design and architectural features of—

(aa) the principal elevation of the dwelling house, and

(bb) any side elevation of the dwelling house 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 dwelling house, 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.

### Assessment

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light.

Policy BNE2 of the Local plan and paragraphs 130 and 130f of the NPPF relate to the protection of these residential amenities.

Due to the sitting of the proposal relative to the orientation of the sun and encompassing properties, it is not considered that the extent of overshadowing would go above and beyond what is currently experienced. Likewise, given the existing first floor windows, and topography of the site, the proposed additional storey would not afford views that do not currently exist mutually between neighbours.

As such, no objection would be raised to the impact of the proposal on residential amenity, therefore would accord with Policy BNE2 of the Local Plan and paragraphs 130 and 130f of the NPPF.

(ii) the external appearance of the dwelling house, including the design and architectural features of—

(aa) the principal elevation of the dwelling house, and

(bb) any side elevation of the dwelling house that fronts a highway.

Policy BNE1 of the Local Plan states that the design of developments should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details and materials. Paragraphs 126 and 130 of the National

Planning Policy Framework emphasises the importance of good design. In particular, decisions should be visually attractive as a result of good architecture.

The property is a two storey semi-detached pair, sited within a residential area of Chatham, Walderslade. Located on a sharp bank fronting Princess Avenue, in turn elevating it above the highway. The property forms one of a row of dwellings, comprising of similar architectural designs and fenestrations, all of which consist of uniform building heights.

The proposed additional storey would match the existing materials of the property and would measure 9.25m in height. Whilst no objections are raised to the materials of the proposed development it is considered its height, and subsequent massing and bulk, would result in an unbalanced form of development, that is not subservient to the host property. In turn appearing out of proportion and contrived within the confines of the relatively small plot size afforded. Once more, given the lack of any meaningful detailing of the proposal in conjunction with its increased verticality, particularly considering the raised topography of the site which exacerbates its height, such a proposal would result in an overbearing and bland principle elevation.

Therefore, would not accord with the provisions of Policy BNE1 of the Local Plan or paragraphs 126 and 130 of the NPPF. Furthermore, the negative appearance of the dwelling would be in conflict with condition AA.2(3)(ii)(aa) of Class AA, Part 1, Schedule 2 of the GDPO.

(iii)air traffic and defence asset impacts of the development.

Due to the sites location this is not relevant.

(iv)whether, as a result of the siting of the dwelling house, 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

Due to the sites location this is not relevant.

### **Conclusions and Reasons for Refusal**

The external appearance of the dwelling would be adversely impacted upon, by reason of the proposal's height and visually obtrusive design. Therefore, would be contrary to with condition AA.2(3)(ii)(aa) of Class AA, Part 2, Schedule 2 of the GPDO, Policy BNE2 of the Local Plan and paragraphs 126 and 130 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Councillor Gulvin due to the size and scale of the proposed development, contrary to Policy BNE1 of the Local Plan.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>