

SUPPLEMENTARY COMMENTS

**22 JASMINE CLOSE
BLYTHE BRIDGE**

SEPTEMBER 2024

1 Comments on LPA Statement of Case

- 1.1 The Local Authority contends that the condition does not encompass a blanket removal of freedoms. We disagree. It removes the rights to extend and alter the premises, to carry out upward extensions, to add dormer windows, to add rooflights and to erect outbuildings. We contend that such restrictions are unnecessary and unreasonable, and thus fail the tests for conditions, as set out in detail within the Grounds of Appeal.
- 1.2 The Local Authority contends that adding an extension to the west of the building could impinge upon parking on the site. However, as set out within the Grounds of Appeal, such an extension would be prohibited by Part 1, Class A of the Order, as it would involve the erection of a side extension that fronts a highway and forms a side elevation of the original dwellinghouse (contrary to A.1(e)(ii) of the Order).
- 1.3 The Local Authority also contends that adding an extension at the eastern end of the building could have implications for parking provision, as it would increase the demand for parking spaces. They also cite the potential for part of the existing building to also be converted to provide a further bedroom. The Local Authority's adopted Car Parking Standards require the provision of two spaces for dwellings with up to three bedrooms.
- 1.4 The existing dwelling constitutes a one-bedroomed property and provides space for the parking of two vehicles. Therefore, even if an extension were to be added at the eastern end of the dwelling, and internal works undertake to create an additional bedroom, the proposal would still not command any additional parking requirements, as two parking spaces will remain, in accordance with the adopted parking standards.

- 1.5 The dwelling would not benefit from Class AA PD Rights on account of the dwellinghouse having been constructed post 28th October 2018 (Criterion AA.1(c) refers), so removing such PD rights is unnecessary, and even if it did, prior approval would still be required to consider any impact on residential amenity and the external appearance of the dwellinghouse.
- 1.6 The building / roof pitch is not tall enough to provide for dormer windows (Class B), and any rooflights that may or may not be provided would be located above head height, and thus not give rise to any impacts to neighbouring amenity (Class C). There is not a large gap to the rear of the building as the Local Authority suggests, and this will become apparent during the appeal site inspection. Consequently, a rear extension is as unlikely as it is unfeasible.
- 1.7 The erection of an outbuilding (Class E) could only occur to the east of the existing dwelling and could not sit forward of the front (northern) elevation of the building which constitutes the principal elevation. Any such outbuilding would be located well away from the neighbouring property (circa 21m distant at the closest point) such that no harm to amenity could arise. Any outbuilding erected under Class E would be modest in height (max 2.5m) and would also have to be incidental to the enjoyment of the dwellinghouse, thus avoiding any form of primary living accommodation.
- 1.8 The wording of Condition 4 of SMD/2024/0610 constitutes a blanket removal of freedoms to carry out small scale domestic extensions that would otherwise not require an application for planning permission, and in some cases removes PD rights that it is unfeasible to implement in any event. The condition is therefore in **direct conflict** with the advice set out in the Planning Practice Guidance.
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- 1.9 There is only limited scope for further alterations / extensions to be carried on this site as Permitted Development and it is submitted that any such development would not give rise to any material harm to the character and appearance of the surrounding area or the amenity of neighbouring occupiers. Condition 4 of SMD/2024/0610 is consequently concluded to fail the tests of necessity and reasonableness, and thus conflicts with the provisions of paragraph 56 of the National Planning Policy Framework. There is accordingly a compelling case for the condition to be removed.

2 Comments on 3rd Party Representations

- 2.1 The comments raised by Mr. D. Williams are not considered to warrant dismissal of the appeal. If full permitted development rights were to be reinstated it would not result in any form of development that would prejudice to the amenity of nos. 20 or 22 Jasmine Close, for the reasons set out within the Grounds of Appeal.
- 2.2 Any works carried out under Permitted Development would furthermore not result in any flood risk issues. The existing dwelling sits high above the river and does not sit within the flood plain. Much of the curtilage to the north does lie in the flood plain but permitted development would not allow for that area to be developed, as such extensions / outbuildings would sit forward of the principal elevation, contrary to the provisions of Class E.
- 2.3 The concerns raised about increased vehicles do not stand up to scrutiny, as even if this property were to be extended up to a three bedroomed property (as suggested as a possibility by the Local Authority), the parking requirement of two spaces would be unaltered.