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Application for Prior Approval in respect of a proposed rear extension to Tara, Hollybush Lane, Datchworth SG3 6RB

Supporting Statement

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4.0 Legislative requirements

4.1 Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out permitted development rights in respect of the enlargement, improvement or other alteration of a dwellinghouse.

4.2 The proposal complies with the criteria set out in Class A as follows:-

(a) The dwellinghouse was not approved under Class M, N, P, PA or Q of Part 3 of the Order;

(b) The dwelling has an extensive curtilage and the total area of ground covered by buildings would not exceed 50% of the total area of the curtilage of the site;

(c) The height of the extension would not exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) The height of the eaves would not exceed the height of the eaves of the existing dwellinghouse;

(e) The proposed extension would not extend beyond a wall which forms the principal elevation of the building; or that fronts a highway and forms a side elevation of the original dwellinghouse

Note: As set out in section 5.0 below, the principal elevation of the dwelling is considered to be that which faces south/south east – the proposed extension would therefore extend beyond the rear wall of the original dwelling.

(f) This proposal relates to development that is subject to paragraph (g) and therefore (f) is not applicable;

(g) The site is not on Article 2(3) land and the proposal involves a single storey extension that extends beyond the rear wall of the house by not more than 8.0 metres; and is of a height not in excess of 4.0m;

(h) n/a as not more than single storey

(i) the proposed extension is not within 2 metres of the boundary of the curtilage of the dwellinghouse

(j) the extension would not extend beyond a side wall of the original

5.3 The DCLG's Technical Guidance document "Permitted development rights for householders" states that:-

*"in **most cases** the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house.....It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house".* [my emphasis]

5.4 In this case, it is clear that the main architectural features such as the bay windows and main entrance are on the southern elevation, although this doesn't face the main highway serving the house. It is, however, this elevation that any visitor would approach the house from, and there is no entrance to the house on the northern elevation.

5.6 The northern elevation is clearly subsidiary to the principal elevation. It may 'front' the main highway, but it is not the 'principal' elevation and it is significant that the relevant part of the Technical Guidance uses the words "in most cases" as it clearly envisages exceptions occurring.

5.7 This point is commonly accepted in appeal decisions such as in appeal reference APP/N4205/X/16/3165889 where the Inspector concluded that the principal elevation was the one facing away from the main highway which contained the front entrance door and main architectural features of the house. A copy of that appeal decision notice is attached for reference. It is also relevant to note that the Council accepted that the principal elevation of the adjacent house, Tol Pedn, is similarly not that which faces Hollybush Lane but (in that particular case) the western elevation (LPA ref: 3/14/0848/CL).

5.8 On the balance of considerations, therefore, it is concluded that the southern/south western elevation of this property constitutes its 'principal elevation' for the purposes of the General Permitted Development Order.

5.9 It follows logically then that the northern/north east elevation of the property is the 'rear wall' of the house and not its side. This is again supported by the Technical Guidance April 2017 which states, at page 17, that:-

"The rear wall or walls of a house will be those which are directly opposite the front of the house".

5.10 It is hoped that this clarification is helpful in the determination of the application.