



Planning Policy Appraisal

Kirkstone, Abingdon Road, Tubney, Abingdon, OX13 5QL

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Executive Summary

1. SMS Planning has been appointed by Mr Mark Hadland to provide a planning appraisal for the dwelling known as Kirkstone in Tubney. This appraisal will outline the development potential of the property given its location within the Green Belt.
2. Kirkstone sits on a level, 0.27 hectare (0.67 acre) site with 100 metres of road frontage, located at the western end of Tubney in a semi-rural setting. Access is via an in and out driveway onto Abingdon Road. The property's garden benefits from significant natural screening. The entire plot lies within flood zone 1.
3. The planning history is limited, comprising three separate approvals for extension. There is no record of the original permission to build the house. We would estimate the property was built in the inter-war period given its layout and construction.
4. Planning policy is currently covered by the National Planning Policy Framework (NPPF) (updated December 2023) and the Vale of White Horse Local Plan (Parts 1 & 2) 2031. The latter of these will be superseded in due course by the Joint Local Plan 2041 and expanded by the Fyfield & Tubney Neighbourhood Plan, the plan area for which was fixed earlier this month.
5. Of prime planning policy significance is the Green Belt designation. Overarching central Government guidance in the form of the NPPF, the words from which are replicated by the Vale of White Horse Local Plan 2031, confirms that a dwelling in the Green Belt may be extended provided any extensions do not form disproportionate additions over and above the size of the original dwelling. Similarly, a dwelling may be replaced by a new house so long as the new building is not marginally larger than the one it replaces. Vale of White Horse District Council does not have published guidance confirming what this volume increase is as a percentage of the original dwelling and they are unable to answer this question verbally. The assumption planning professionals make, outside London, tends to be based on a volume increase of 30% - 40%. My professional experience would suggest the figure is closer to a maximum of 35% around Oxford.
6. 'Permitted development rights' (PD) allow householders to improve and extend their homes without the need to apply for planning permission where that would be out of proportion with the impact of works carried out. They derive from central Government guidance, the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order")

as amended. In employing PD rights, it would seem possible to facilitate a potentially larger home extension than might be feasible through applying for planning permission alone. This could include a side extension that equates to half the width of the original house and a rear extension of up to 8m. In theory it would also be possible to add a second storey to the existing house, but this is caveated by the house construction date falling between 1948 and 2018. Nonetheless, it could still be used as a fallback scenario for a planning application. Please refer to the annotated Floor Plan on page 30 for an indication of the potential PD extension options.

7. PD rights and planning permission can be used in combination to deliver a number of different potential extension scenarios, including the total redevelopment of the house. Alternatively the PD extension options can be used as a fallback scenario to underpin a planning application where the intention is to extend the property by more than the volume percentage allowed by the LPA.
8. It is recommended that each stage is underpinned by some form of lawful documentation from the local planning authority (LPA) whether that be in the form of a Lawful Development Certificate, Prior Approval or planning permission.

1.0 Introduction

- 1.01 SMS Planning has been appointed by Mr Mark Hadland to provide a planning policy appraisal for the dwelling known as Kirkstone in Tubney.
- 1.02 Information provided:
- Kai Carter Estates sales particulars & web link
- 1.03 The proposal under consideration concerns the development potential of the dwelling given its location within the Green Belt.
- 1.04 This report is based on a desk-top assessment of the information provided as well as other publicly available data sources. A site visit has not been undertaken and therefore certain assumptions are made.
- 1.05 Measurements given are indicative / approximate unless otherwise stated.
- 1.06 The contents of this appraisal are solely for the named recipient and the author guarantees no third-party reliance. Any opinions expressed are those of the author.
- 1.07 All discussions, conversations, advice provided etc will remain confidential between SMS Planning and the client / client's appointed team. No information will enter the public domain unless expressly approved by the clients.

2.0 The Site & The Setting

Images courtesy of Kai Carter Estates



Floor Plan



Front elevation



Aerial view looking west

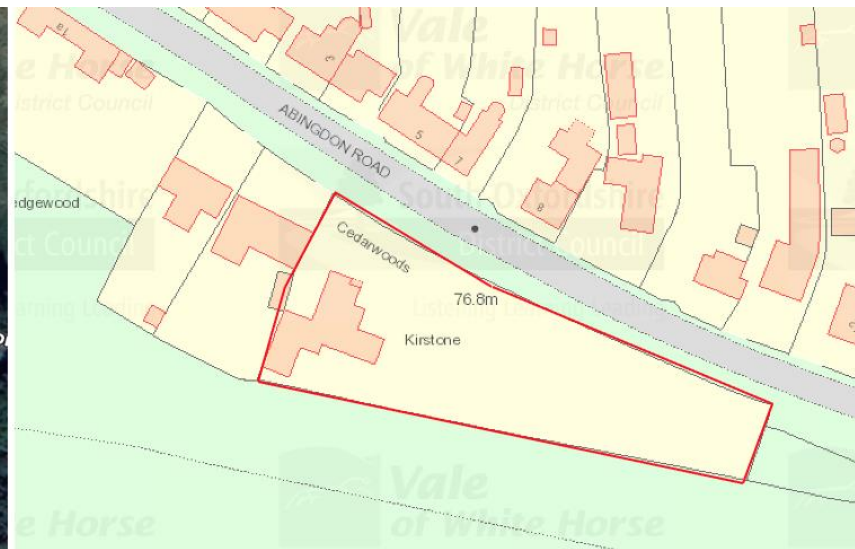
2.01 Kirkstone sits within a 0.27 hectare (0.67 acre) mature plot with 100 metres of road frontage. It lies at the western end of Tubney towards the settlement of Fyfield and would appear to date back to the 1920s / 1930s. Access is via an in and out driveway onto Abingdon Road.



2.02 The house is single storey with an extensive footprint, oriented to make the most of the garden views. It is of brick construction under a plain clay tile roof. There is limited loft access. The site is flat and bounded by a low stone wall with hedging to the front. The garden land, which runs predominantly in an easterly direction is very well screened by dense mature planting. The eastern and southern boundaries also benefit from significant tree and shrub screening.



Aerial view of Kirkstone (Google Earth)



Site boundaries edged red (Vale of White Horse DC GIS)

2.03 The location is semi-rural. Land use to the north and west is residential, a golf course (Frilford Heath Golf Club, planning approval obtained in 1992) lies to the south as well as also separating this stretch of Abingdon Road dwellings from the larger part of Tubney to the east. The A420, serving Faringdon to the west and Oxford to the east, lies in close proximity at the western end of Abingdon Road. Wider area land use is predominantly agricultural.

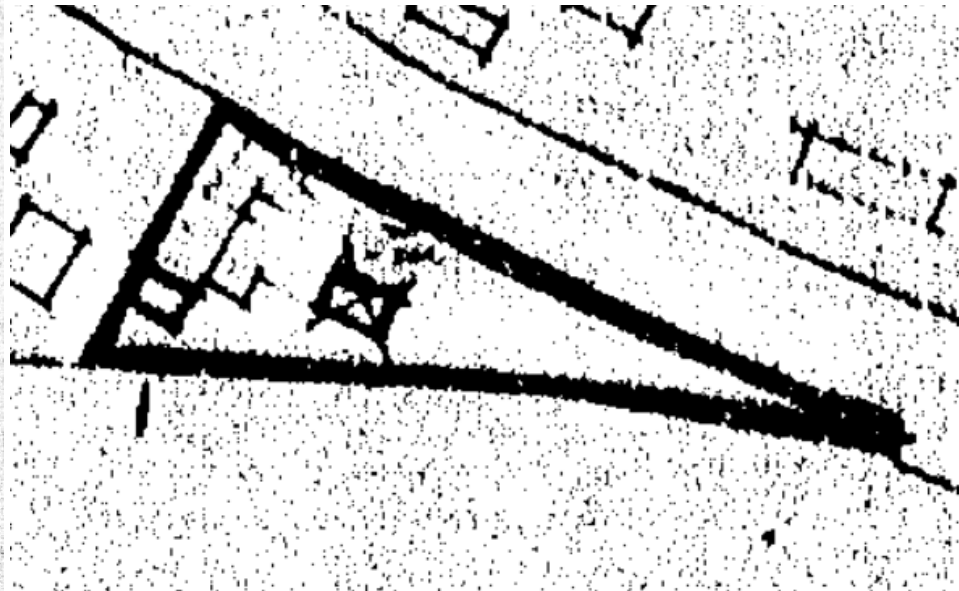
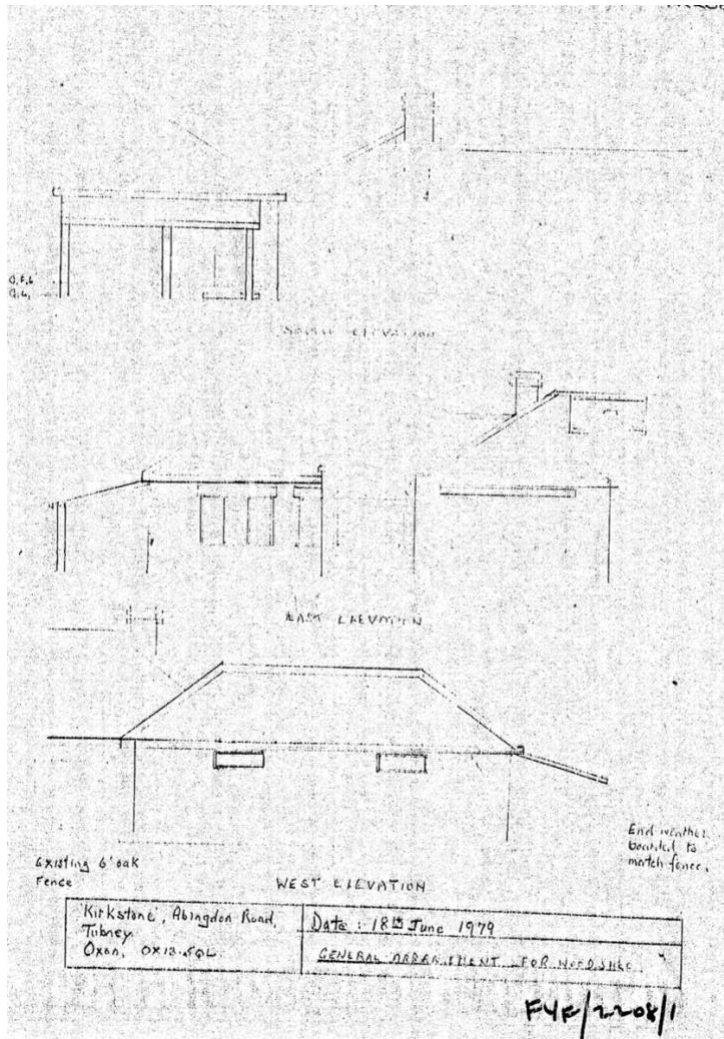
2.04 The property is within flood zone 1 therefore flood risk is not an issue and will not impact any development proposals.

3.0 Planning History

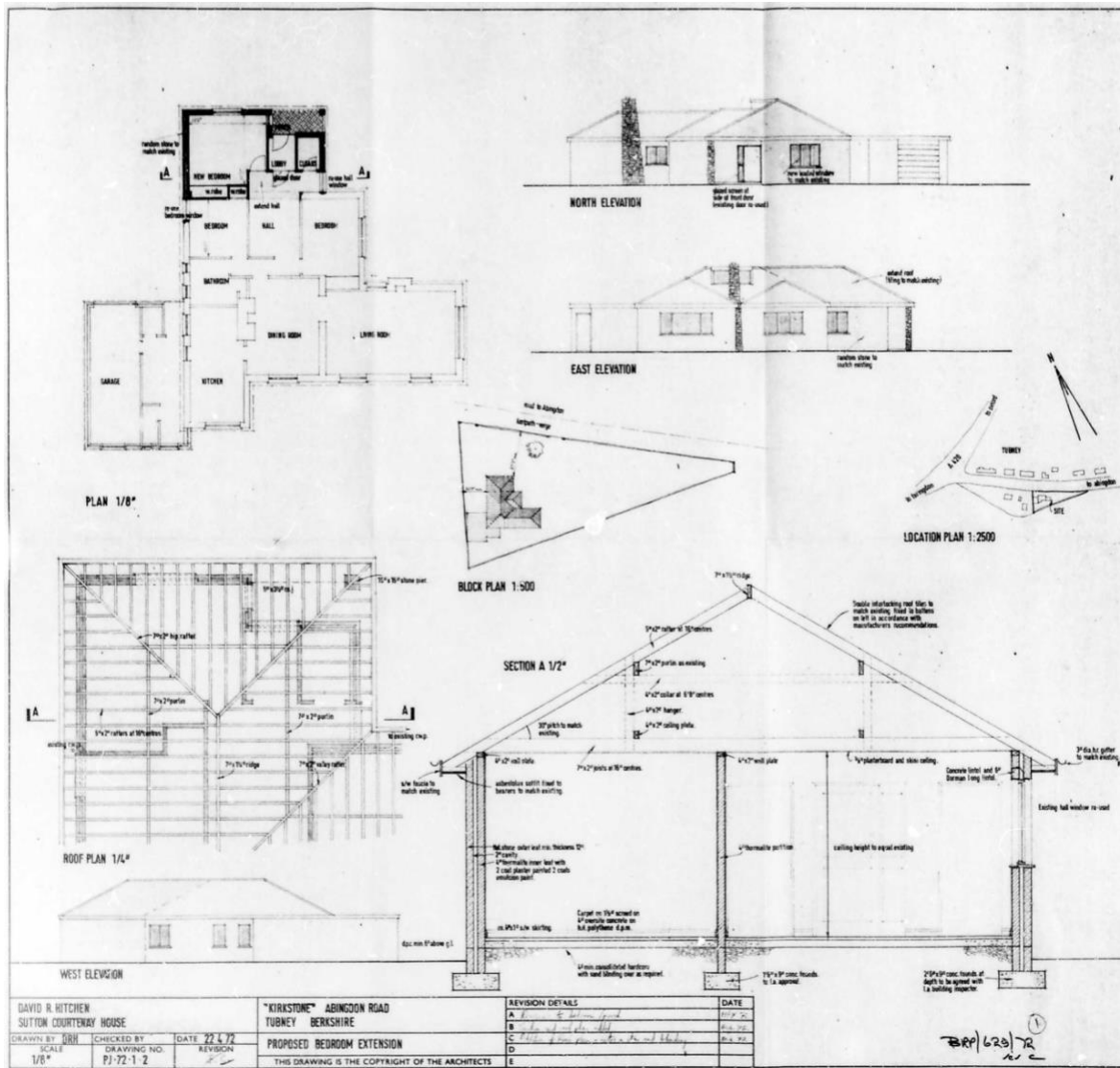
APPLICATION REF.	DESCRIPTION	COMMENT	DECISION	DATE
P79/V0330 (79/00330/FUL)	Lean-to log shed	Drawing: https://data.whitehorsedc.gov.uk/java/support/dynamic_serve.jsp?ID=2432056476&CODE=2E79644C2DFDCB87CBE1A18CAC67B6DA Decision notice: https://data.whitehorsedc.gov.uk/java/support/dynamic_serve.jsp?ID=2432056481&CODE=2E79644C2DFDCB878B65945FF9D58C62	Approved	08/08/1979
P72/V0368 (72/00368/FUL)	Extension	https://data.whitehorsedc.gov.uk/java/support/dynamic_serve.jsp?ID=2432050670&CODE=65069D0DB7CFB4A0F5A642BFDCC079FB	Approved	12/09/1972
P68/V0213 (68/00213/FUL)	Lounge extension & vehicular access	No drawings or documents are available on the Council's planning website	Approved	25/03/1968

P79/V0330 – Lean-to Log Shed

The drawings are not easy to interpret due to their age and poor quality. It would appear the log store is located towards the rear of the property in the south-western corner.



P72/V0368 - Extension



DAVID R. HITCHEN
SUTTON COURTYARD HOUSE
DRAWN BY GRH CHECKED BY DATE 22.4.72
SCALE 1/8" DRAWING NO. P72-V 2

"KIRKSTONE" ABINGDON ROAD
TUNBEY BERKSHIRE
PROPOSED BEDROOM EXTENSION
THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECTS

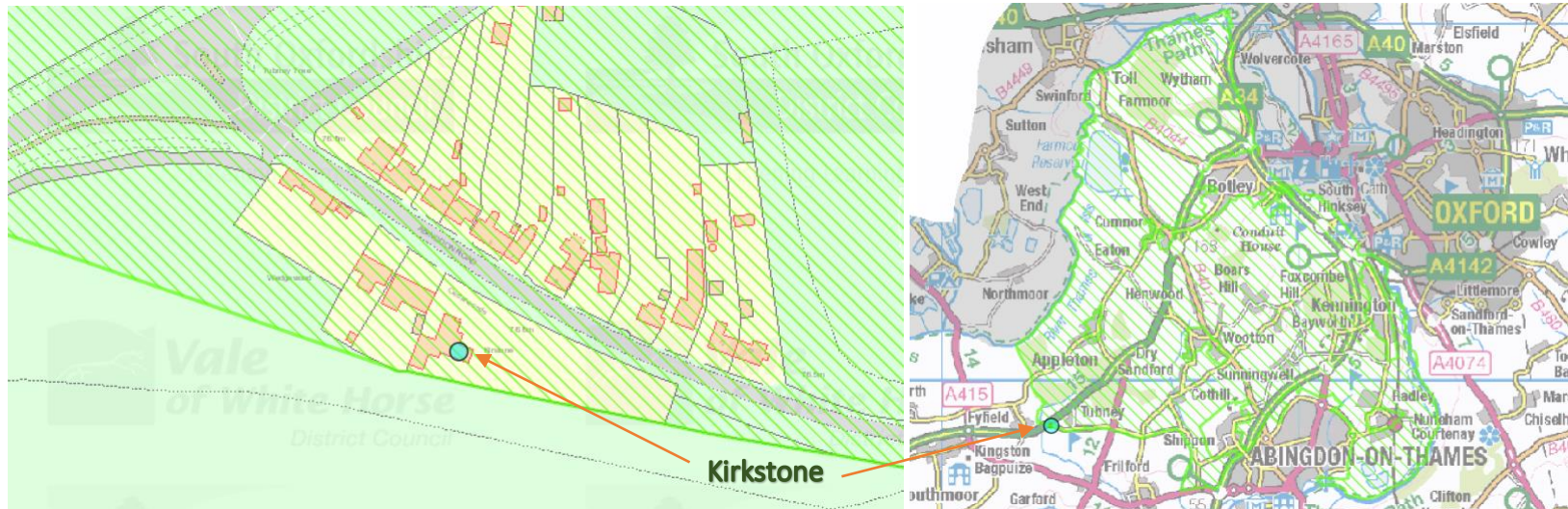
REVISION DETAILS	DATE
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BRP/623/72
R/C

4.0 Planning Policy Considerations

Site Specific Planning Policies

- 4.01 These are contained in the Vale of White Horse Local Plan (see below). Of greatest impact is the Green Belt designation, shown hatched in green, below. Kirkstone lies at the south-western extremity of the Green Belt boundary, the land to the south being outside the Green Belt designation.



Green Belt & Kirkstone's location within it

- 4.02 There are no tree protection orders, the building is not listed and the site does not fall within a Conservation Area nor is it subject to any other restrictive designations.

- 4.03 There does not appear to be a strictly defined building line on the southern side of Abingdon Road with the house known as Wedgewood being directly adjacent the highway and the two dwellings between it and Kirkstone being set somewhat further back. Kirkstone itself is then set further back than its neighbour, Cedarwoods. This suggests there may be some potential to extend to the front, subject to planning approval, to bring Kirkstone in line with the building line of its neighbours. This would be in addition to extension/s at the rear or side.

Legislation

- 4.04 Overarching government guidance is contained within the National Planning Policy Framework (NPPF) which was last revised in December 2023.

The site falls under the control of the Vale of White Horse District Council as local planning authority (LPA) and governing policies are currently contained within the Vale of White Horse Local Plan 2031.

The site also falls within the parish of Fyfield and Tubney. The Fyfield and Tubney neighbourhood area was formally designated on 4 September 2024 meaning that the Parish Council now has the authority to produce a Neighbourhood Plan for the designated neighbourhood area. This is likely to take some time to formulate, be consulted on, reviewed and finally adopted.

National Planning Policy Framework (NPPF)

- 4.05 The NPPF is the overarching guidance from central Government with which all Development Plans must accord. Whilst the NPPF contains a presumption in favour of sustainable development, the policies within it will underpin the policies contained within the VoWHLP. Paragraphs 142 to 156 of the NPPF deal with Protecting the Green Belt; paragraphs 152 to 156 specifically deal with development proposals in the Green Belt.

<https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>

- 4.06 The NPPF prohibits any development within the Green Belt, only allowing certain forms of development by way of exception. Paragraph 154(c) relates to extensions and facilitates:

"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;"

Whilst the specific size of the 'addition' is not defined, most LPAs, outside of London, assess this as being within the range of a 30% to 40% increase in volume. (N.B. the percentage increase is calculated by volume not floorspace / square meterage / square footage in the Green Belt).

Paragraph 154(d) facilitates the replacement of existing buildings, confirming that:

"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;"

'Not materially larger' can be interpreted in the same way as paragraph 154(c) is written, i.e. some allowance will be given for an extension and we interpret the volume increase to be between 30% and 40%.

Joint Local Plan 2041

- 4.07 South Oxfordshire and Vale of White Horse District Councils are working together on a Joint Local Plan which will guide the kinds of new housing and jobs needed and where they should go, informing planning application decisions for the districts. This plan is still in draft form with a 'Preferred Options' Consultation having been held between at the start of 2024.

Current governing legislation is therefore contained within the Vale of White Horse Local Plan.

Vale of White Horse Local Plan 2031 (VoWHLP)

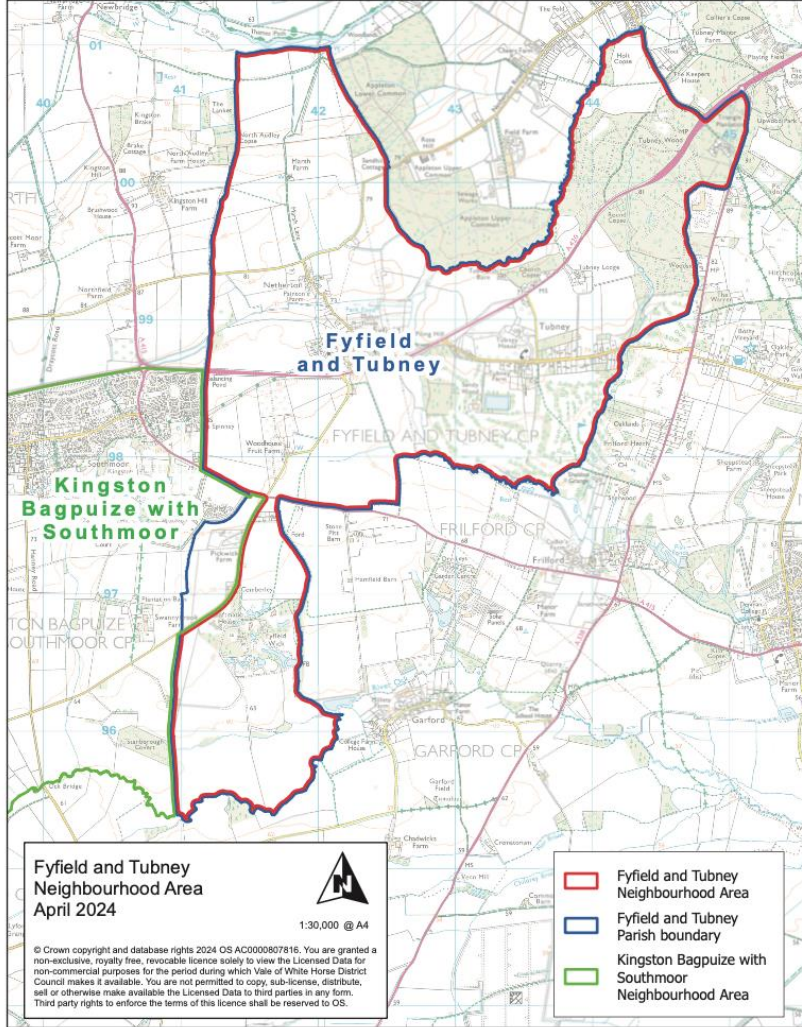
- 4.08 The Vale of White Horse District Local Plan is divided into two parts: Local Plan 2031 Part 1 was adopted at Full Council in December 2016; and Local Plan 2031 Part 2 was adopted by Full Council in October 2019.
- 4.09 Local Plan Part 1 sets out the Council's district-wide aims, including the parameters for development in the Green Belt in Core Policy 13. This is in accordance with NPPF guidance and therefore CP13 (iii) replicates the wording of NPPF paragraph 154(c) and CP13(iv) replicates the wording of NPPF paragraph 154(d). (The purpose of the Oxford Green Belt is to prevent urban sprawl

around Oxford by keeping the land permanently open, and to preserve the rural setting and special character of the city of Oxford.)

- 4.10 Local Plan Part 2 provides an update to Local Plan Part 1 as well as containing more detailed development management policies. Part 2 includes Core Policy 13a which provides some updates on the Green Belt area to allow for some of Oxford's unmet housing need.
- 4.11 Of relevance to any proposal to extend Kirkstone is the need to understand what the percentage size increase permissible might be. Outside of the Green Belt, the standard rule is that a plot may be covered by no more than 50% built development, subject to adherence to an LPAs relevant amenity space standard. In the Green Belt, extensions and outbuildings are permitted, but the percentage increase is measured by volume rather than by square footage / square meters. As outlined in paragraph 4.06 above, most LPAs will allow somewhere between a 30% to 40% volume increase in the Green Belt. Published VoWH District Council guidance on this is lacking. In speaking with the Planning Department, they could not confirm what the allowance should be and suggested the submission of a pre-application enquiry to raise the question. Based on my experience, it would seem as though the volume increase would be dependent on a number of factors including the size of the original dwelling, or for a property that pre-dates 1948, the size of the property in 1948, the plot size in which the property sits and the degree of visibility from the public realm. Also, in my experience, I will say that the maximum volume increase I have achieved in the Green Belt has been 35%. This was under Wokingham Borough Council. It would seem as the only way to get a definitive answer to this question would be to raise a pre-application enquiry proposing say a 40% volume increase and await the Council's written response.

Fyfield and Tubney Neighbourhood Plan (NP)

- 4.12 The NP area has been fixed as shown below. Whilst over time the Parish may adopt policies of relevance to the redevelopment of Kirkstone, nothing currently exists.



5.0 Permitted Development (PD)

- 5.01 As a homeowner, you are able to perform certain types of work without needing to apply for planning permission. These are called 'permitted development rights'. They allow householders to improve and extend their homes without the need to apply for planning permission where that would be out of proportion with the impact of works carried out. They derive from a general planning permission granted by central Government called the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.
- 5.02 The rules on permitted development, set out in Schedule 2 of the Order, are sub-divided into a series of Parts. Part 1 specifically deals with development within the curtilage of a house. Part 1 is then sub-divided into Classes covering various types of development:
- Class A covers the enlargement, improvement or alterations to a house such as rear or side extensions as well as general alterations such as new windows and doors. There is a neighbour consultation scheme for larger rear extensions under Class A, paragraph A.1(g).
 - Class B covers additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows.
 - Class C covers other alterations to roofs such as re-roofing or the installation of roof lights/windows.
 - Class D covers the erection of a porch outside an external door.
 - Class E covers the provision of buildings and other development within the curtilage of the house.
 - Class F covers the provision of hard surfaces within the curtilage of the house such as driveways.
 - Class G covers the installation, alteration, or replacement of a chimney, flue or soil and vent pipe.
 - Class H covers the installation, alteration, or replacement of microwave antenna such as satellite dishes.

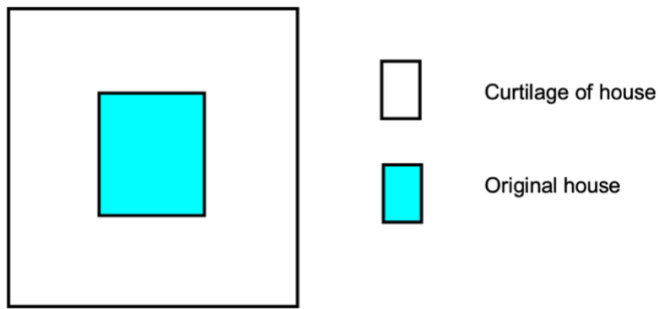
There are also other Parts of the Order that may be relevant to householders. For example, Part 2 covers matters such as erection or construction of gates, fences and walls, exterior painting, charging points for electric vehicles and CCTVs. Part 14 covers the installation of domestic microgeneration equipment such as solar panels.

- 5.03 In some areas of the country, known generally as 'designated areas', permitted development rights are more restricted. For example, in a Conservation Area, a National Park, a National Landscape (formerly known as an Area of Outstanding Natural Beauty), a World Heritage Site or within the Norfolk or Suffolk Broads.
- 5.04 Of significance, permitted development rights are NOT restricted in the Green Belt. This means you can lawfully extend a house and construct outbuildings under PD so long as certain rules are followed; most permitted development rights are subject to conditions and limitations.
- 5.05 In order to understand what options are available to you or a potential purchaser of Kirkstone, the following paragraphs set out the relevant PD options. The full raft of PD options is more extensive than outlined. This appraisal only references those that are relevant to the potential redevelopment of Kirkstone.

Class A - enlargement, improvement or other alteration of a house

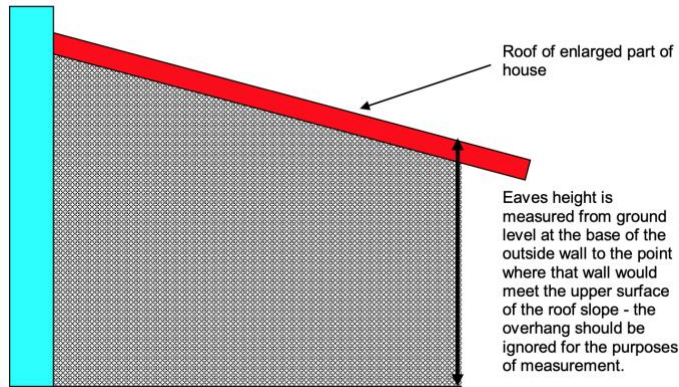
- 5.06 Extensions to a house (including under planning approval) and other buildings must not exceed 50% of the curtilage. Given the extensive garden at Kirkstone, this should not be problematic.

In the diagram below, the maximum area that can be built on as permitted development, whether as an extension to the house or outbuildings erected under Class E, would be 50% of the white area.

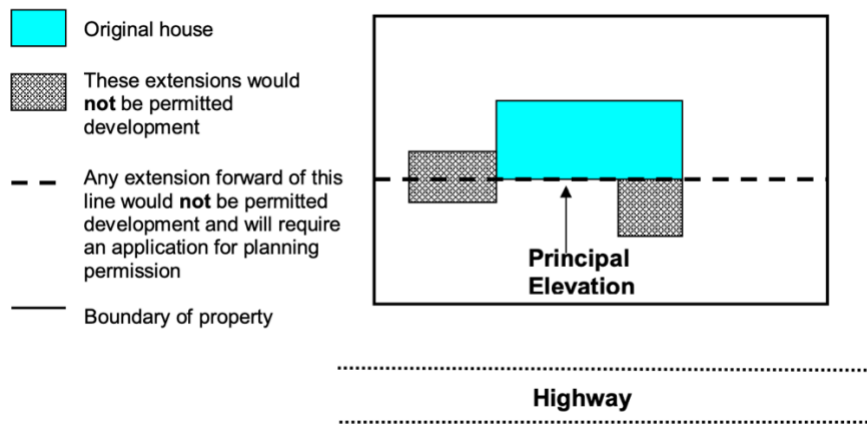


Any enlargement, improvement, or alteration to a house must not exceed the height of the highest part of the roof of the existing house, i.e. the ridge line. If it does, an application for planning permission will be required.

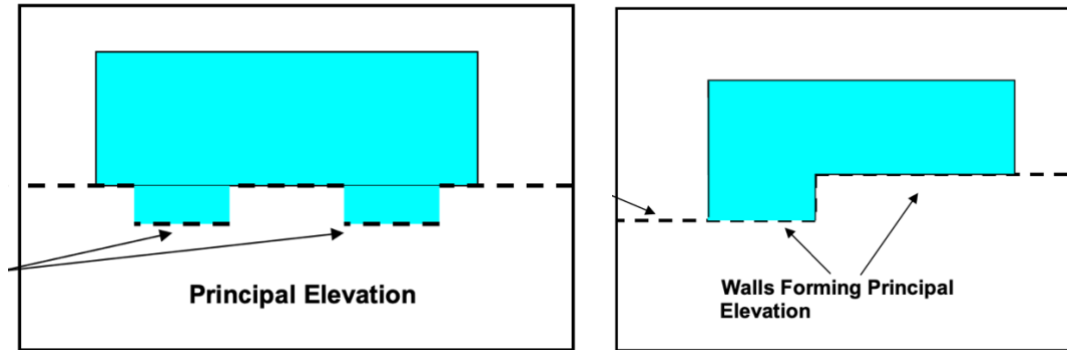
The height of the eaves of the part of the dwellinghouse enlarged, improved or altered must not exceed the height of the eaves of the existing dwellinghouse also.



The enlarged part of the dwelling house cannot extend beyond the principal elevation, i.e. the front elevation. Any proposed extension to the front requires planning permission.



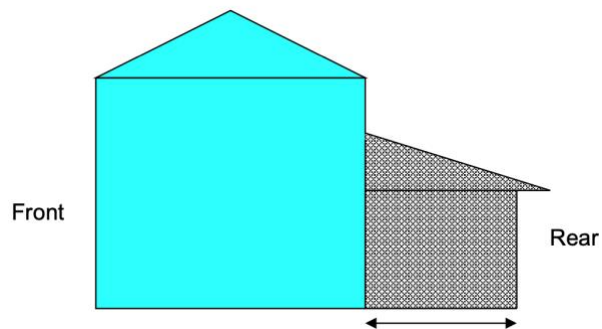
Principle elevations can take many forms, for example.....



Rear single storey extensions are permitted, up to 4m in the case of a detached property, though the ridge height may not exceed 4m. By applying for 'Prior Approval', this may be extended by up to 8m. (See paragraph 5.07)

N.B. Prior Approval is a PD process for larger home extensions. Whilst similar to a planning application, it is far less onerous, though is subject to a neighbour consultation scheme to assess the impact of the proposed development on the amenity of the neighbour's property.

Measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house to the outer edge of the wall of the extension (not including any guttering or barge boards).



The standard PD extension can add an additional 4m to the rear of the property, but a large PD extension can add up to 8m. Such extensions can only be to the rear or side though (not both). Where a new extension is joined to an existing extension, the 4m or 8m limits apply to the size of the total enlargement (being the proposed enlargement together with the existing enlargement). If a detached house has an existing, single storey, ground floor extension that was not part of the original house, and which extended beyond the rear wall by say 4 metres, then it would not be possible to add an additional single storey, ground floor extension of say 5 metres as a larger home extension without an application for planning permission. Section 6.0 will demonstrate permissible PD extension limits.

Given that the property is single storey, PD extensions applicable to two-storey houses are not covered here as these include further restrictions.

Side wall extensions are also allowed under PD. The rules are the same as for a rear extension. A side extension can be no more than half the width of the original house and up to 4m in depth.

Where any part of a proposed extension to a house is within 2 metres of the boundary of its curtilage, then the maximum height of the eaves that is allowed for the proposal is 3 metres.

Verandahs, balconies and raised platforms are not permitted development and will require planning permission.

Development is permitted by Class A subject to the following conditions-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse

5.07 Rather than a standard extension, it is also possible to build a larger home extension without applying for planning permission. A larger home extension relates only to a single storey proposal and must conform to the following parameters:

- Be between 4m and 8m for a detached house
- Have a maximum height of 4m and not be higher than the ridge-line of the house
- Have a maximum eaves height of 3m if within 2m of a boundary and not be higher than the eaves of the house
- Cover no more than 50% of the original space around the house including any existing outbuildings or sheds etc.
- It cannot be built on article 2(3) land – conservation area, AONB, Broads or a site of special scientific interest
- The materials should be of a similar appearance to existing house
- The extension cannot extend beyond a side elevation that fronts a highway or the principal elevation of the original dwelling house
- It cannot include a verandah, balcony or raised platform

A Prior Approval application must be submitted for a larger home extension. Whilst this takes a similar form to a planning application, it is far less onerous in that an applicant is simply confirming their proposal conforms to the PD rules. It is also consulted on by neighbours to ensure there is no detrimental impact on a neighbouring property. Given that Kirkstone sits at the end of a short row of houses with the only neighbour being to the west and given the presence of the existing garage which extends further than 8m from the rear wall of the original house, then it would be unlikely for any proposed larger home extension to impact the residential amenity of the neighbour.

Class B – Additions to the roof

5.08 This provides permitted development rights for the enlargement of a house consisting of an addition or alteration to its roof. Under Class B the following limits and conditions apply:

B.1 Development is not permitted by Class B if –

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

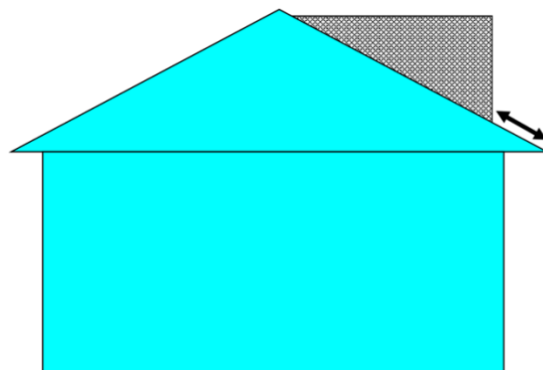
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway
- d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres
- (e) it would consist of or include -
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

Also, it should be noted that dormer windows as part of a loft conversion, or any other enlargement of the roof space, are not permitted development on a principal elevation that fronts a highway and will therefore require an application for planning permission.

B.2 Development is permitted by Class B subject to the following conditions -

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse
- (b) the enlargement shall be constructed so that –
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse

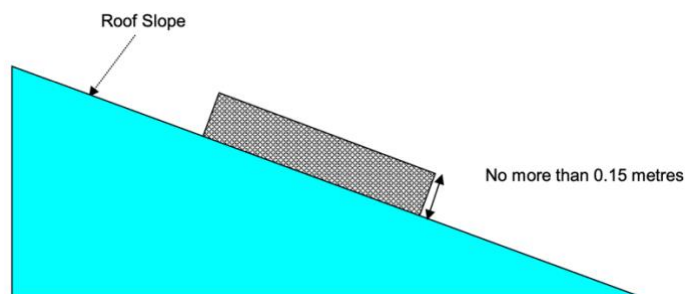


Minimum of 0.2m from eaves to edge of the enlargement to be measured along the roof slope from the edge of the enlargement to the outer edge of the eaves. The enlargement cannot overhang the outer face of the wall of the original house.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -
- (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

Class C – Other alterations to the roof

- 5.09 C.1 Development is not permitted by Class C if –
- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)
 - (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof



- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (d) it would consist of or include-
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be -

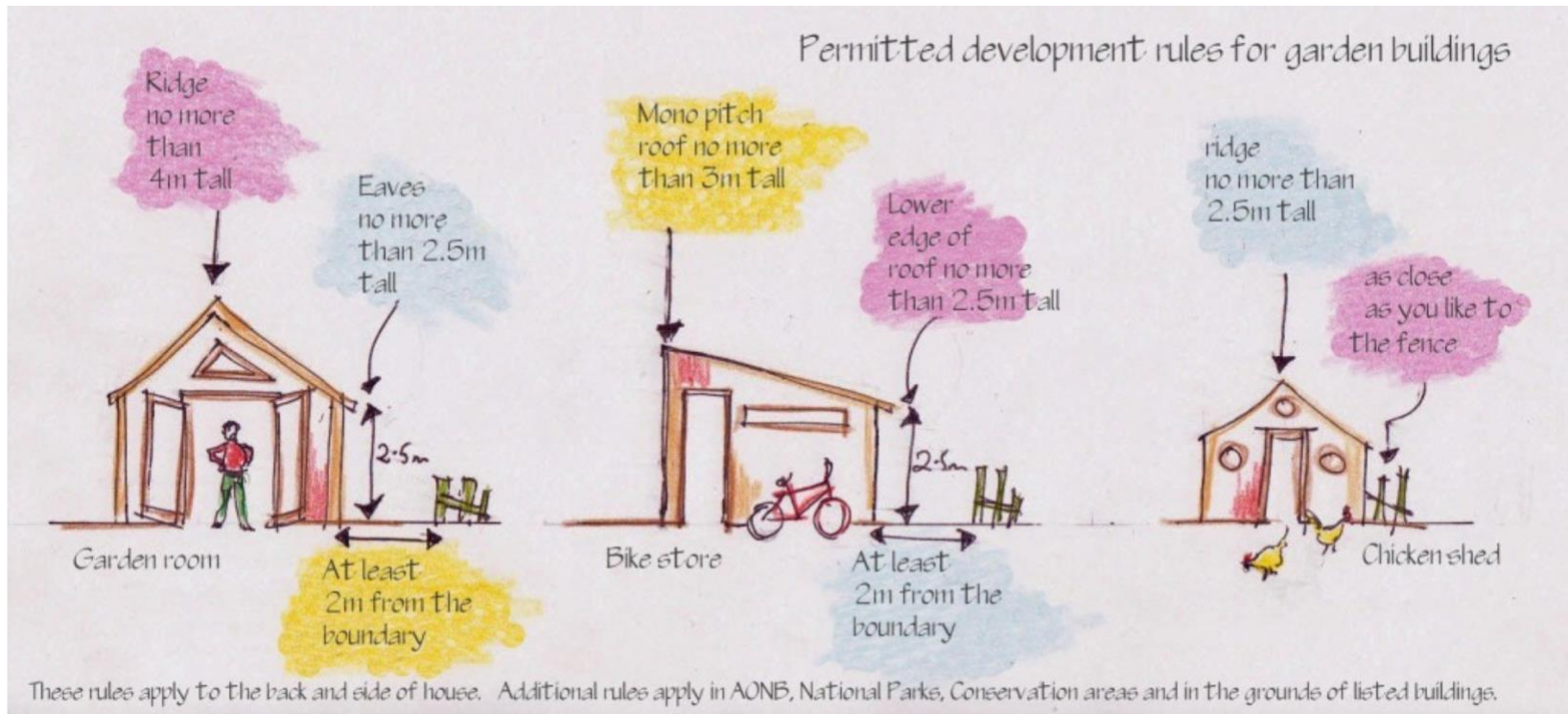
- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

Class D – Porches

- 5.10 D1. Development is not permitted by Class D if –
- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)
 - (b) the ground area (measured externally) of the structure would exceed 3 square metres
 - (c) any part of the structure would be more than 3 metres above ground level or
 - (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

Class E – Buildings

- 5.11 This provides permitted development rights within the curtilage of a house for:
- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
 - (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas



So long as there is no Article 4 direction in place restricting PD rights and that the proposed outbuilding is not within the curtilage of a listed building (neither of which apply to Kirkstone), then Class E permits the construction of a range of incidental outbuildings subject to the following stipulations, including:

- The total area of ground covered by all buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) cannot exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)
- No part of the building can be situated on land forward of a wall forming the principal elevation of the original dwellinghouse
- The building must be single storey

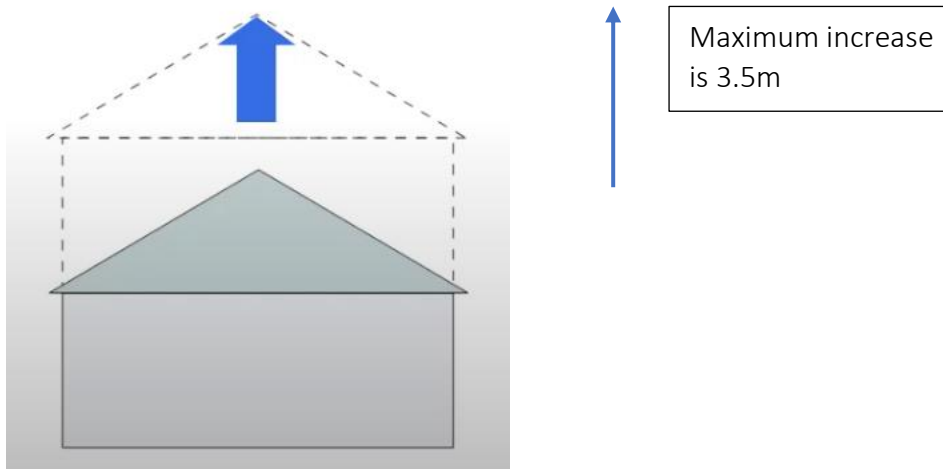
- A building cannot exceed the height of 4 metres in the case of a dual-pitched roof, 2.5 metres if within 2 metres of the boundary, and 3 metres in any other case.
- The eaves height cannot be more than 2.5m
- The use of such buildings shall be incidental to the enjoyment of the dwelling house ('incidental' is defined as activities that can only be carried out in association with use of the main house, for example use of an outbuilding as a hobby room, gym, art studio, music room, home office, storage, garage, garden shed etc. Any activity that can be carried out in isolation of the main house would be classed as an ancillary use and would not be permitted development, for example, use as a bedroom, bathroom, dining room etc.)

Classes F, G & H

5.12 These classes relate to the details of development rather than the potential to expand the volume of the house or build outbuildings. I have therefore not covered them in this report, but details can be provided if required.

Class AA

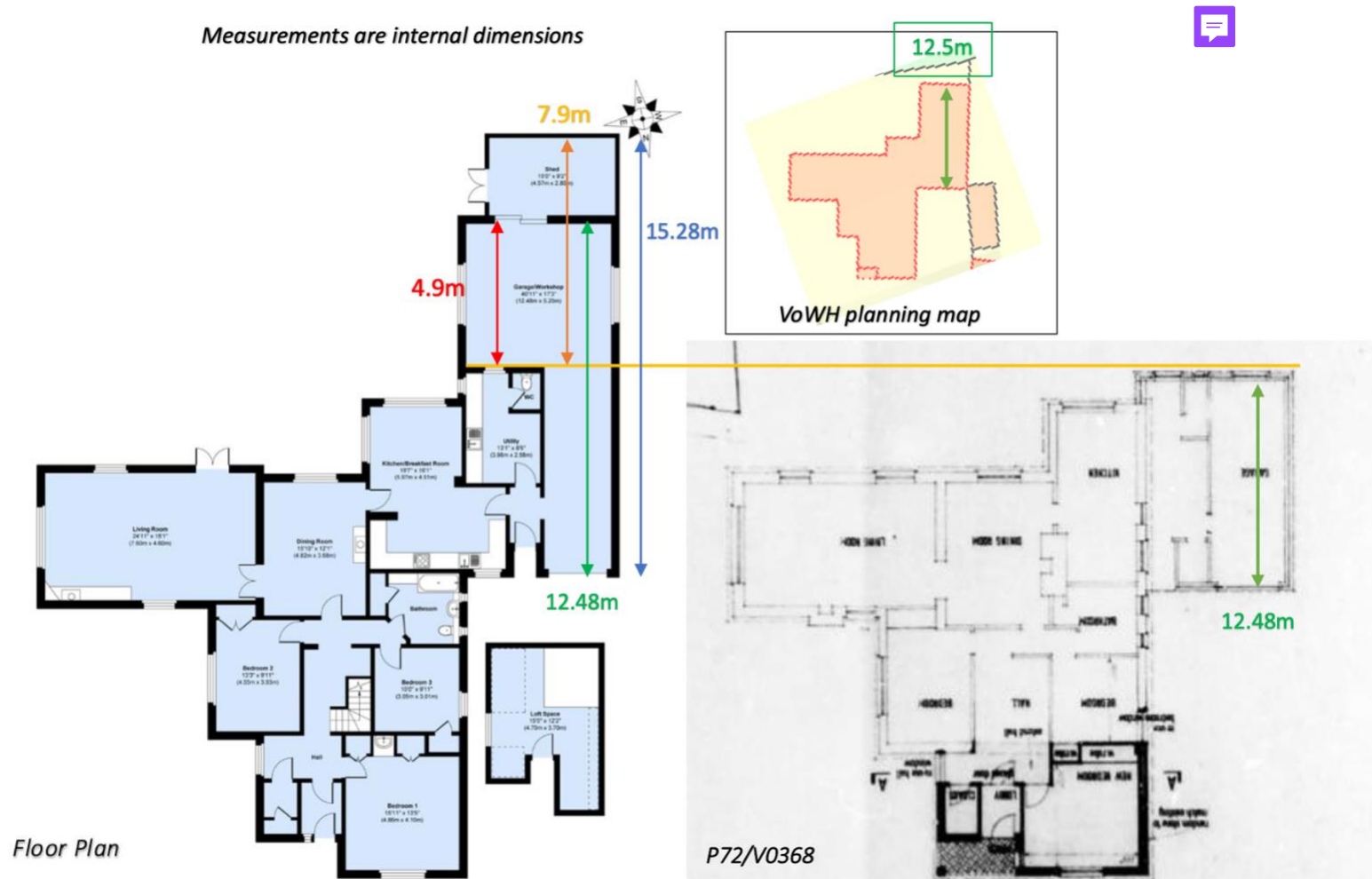
5.13 This is an additional class, brought in in 2020 that facilitates the construction of an additional storey under larger home PD rights. As with the 8m single storey rear extension, this must also be applied for through the Prior Approval process.



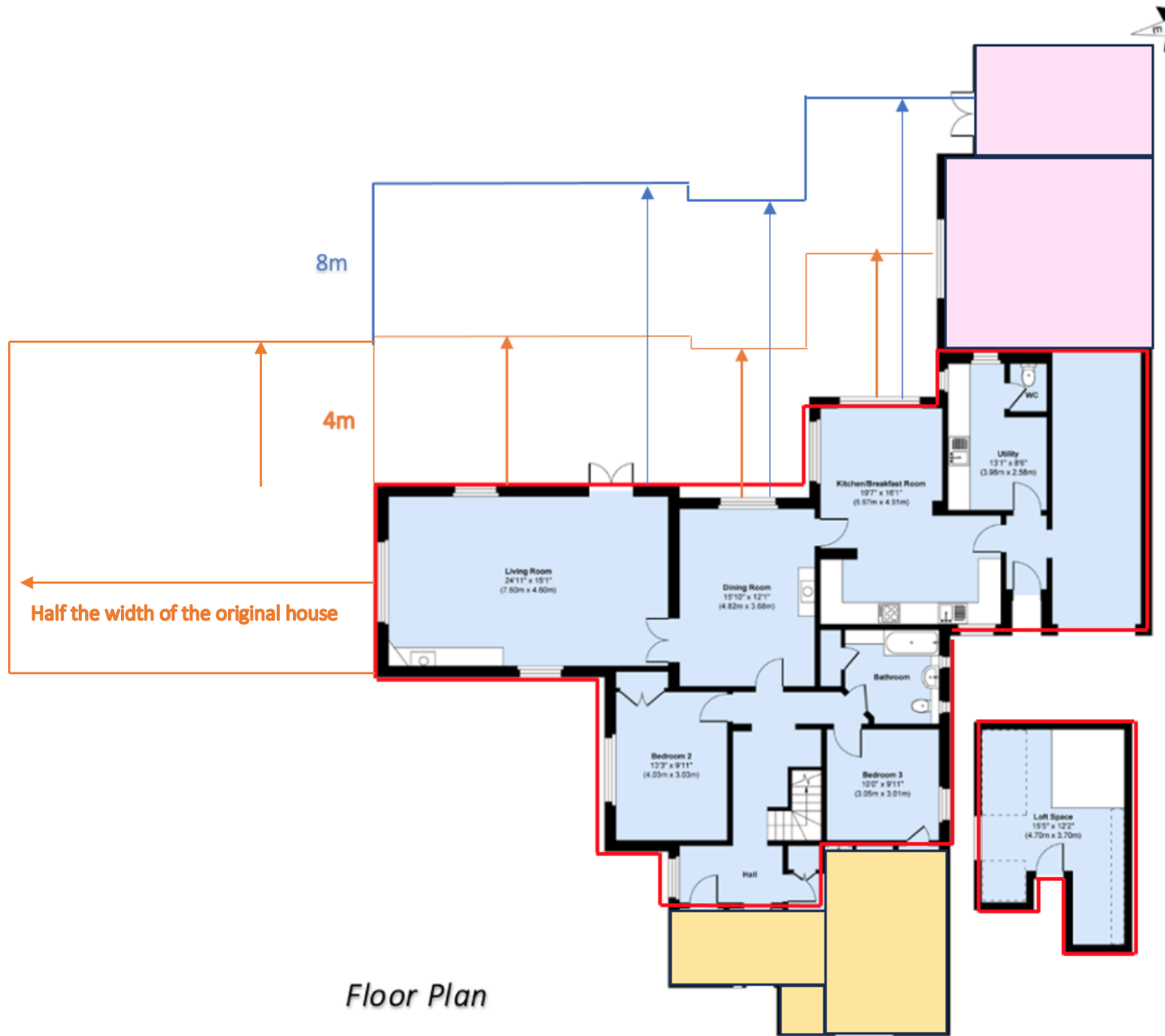
I would issue a note of caution in that one of the restrictions on its application is that the original house must have been built between 1948 and 2018. The onus of proving the date of construction is on the applicant. If, as we suspect, the original house was built prior to 1948, then this option may not be available. That said, I have previously used Class AA rights as a planning application fallback position to justify a second storey extension on a home that was built prior to 1948 and this was accepted by the case officer. Planning is as much subjective as it is objective!

6.0 Appraisal

Composite of comparison information & drawings



- N.B Measurements in green are taken from either Kai Carter's Floor Plan or measured off the VoWH planning system. The VoWH measurements are approximate and should not be taken as accurate. Measurements in red and orange are interpreted from the Floor Plan. They are indicative given the Floor Plan does not have an accompanying scale.
- 6.01 There appears to be no original permission listed for the dwelling on the Council's planning application website and without the 1968 drawings we cannot ascertain the extent of the original house or date of construction. The current building seems a little larger than the 1972 drawings so I have produced a comparison from which we can estimate the extent of the original house. This is important in understanding how much we may extend the house by, both by way of a planning application and under PD rights.
- 6.02 In comparing Kai Carter's floor plan with the drawings submitted for the extension to the front elevation under P72/V0368, we can say that this extension benefited from planning permission. We also know that in 1968 there was an extension to the living room, however, we do not know if this was ever built and, if it was, what the extent of it was compared to the original house.
- 6.03 The plans for the lean-to log shed (P79/V0330) are very poor and it is difficult to establish what we are looking at or what the dimensions are. It would seem that the log shed was to be constructed at the rear of the garage as shown on the 1972 drawings (P72/V0368). If it was never built, then the permission for this will have lapsed. If it was built, it now appears to have been 'consumed' by the garage / workshop.
- 6.04 The comparison above shows that the extent of what there is planning permission for is defined by the horizontal orange line, possibly with the addition of the log store. The garage is therefore built, in part, on the footprint of the log store. It is likely the rear part of the garage / workshop above the orange line does not have planning permission. If it has been in-situ for more than four years, it is unlikely to be an issue though (but may be raised by a purchaser's solicitor).
- 6.05 The VoWH planning map shows the entirety of the dwelling save for the shed to the rear. This suggests some form of recognition as to the extent of the lawful building.
- 6.06 Based on these facts and assumptions, we can suggest, for the benefit of any future planning application and/or in understanding PD rights, the 'original building' might look something like this, as shown by the red line below.



- 6.07 This means that the area shown in yellow is likely to be netted off the total volume of any extension permitted by a planning approval within the circa 30% to 40% allowance.
- 6.08 Also, without the benefit of planning permission, the Council may suggest that the area shown in pink falls under the PD allowance and similarly nett this area off under any PD extension/s. This is less problematic given that, under PD rights, a homeowner is allowed to extend their dwelling by up to 50% of the total site area, which in the case of Kirkstone is extensive. It would be more problematic if the LPA also netted this off the allowable volume increase percentage.
- 6.09 The orange lines show the extent of how the house may be extended under PD rules without seeking prior approval from the LPA. I would add a note to suggest, even when a PD development is being undertaken, it is often wise to seek a Lawful Development Certificate for the proposed extension prior to work commencing. This is far less onerous than applying for planning permission, and it does provide a certificate confirming that what you are seeking to build is lawful. This is incredibly useful should the development subsequently be challenged for any reason.
- 6.10 The blue lines show the extent of how the house may be extended under PD rules for a larger home extension. This is caveated in that any extension must not come within 2m of the boundary, but I think there is sufficient space to the rear of the property to allow a full 8m extension if required.
- 6.11 In addition to what is shown on the above graphic, a second storey extension over the existing house could also be feasible. This very much depends on whether it is possible to establish the date of construction as being between 1948 and 2018. Even if it is not possible to do this, the principle of an upward PD extension should be able to be used to demonstrate there is a viable fallback position which would make an application for the same feasible.
- 6.12 These PD rights can be used in combination with any application for planning permission. Given the Green Belt designation, it might be sensible to establish a PD extension of the property prior to applying for planning permission. The PD route is likely to facilitate a larger home extension including the construction of outbuilding/s than a planning application alone is likely to deliver.

Report ends.