

Young, Tony

From: Andy Morris [REDACTED]
Sent: 01 October 2015 11:53
To: Mutasa, Tendai
Cc: Planning
Subject: Re: Important - comments regarding lawful development applications for 3 Hillfield Road (2015/4981/P and 2015/4977/P)

Hi again Tendai

Thank you very much for speaking with me just now and yesterday, I appreciate you're not required to view my comments for these two applications so I'm very grateful for that.

Just to clarify, if Alexander is submitting a new plan for the infill **2015/4981/P (infill)** with a 3m roof instead of 4m then I'm very glad, since that shouldn't have as much an impact on us.

For **2015/4977/P**, which is the 3m extension with the ridge rising to 4m, this is my main concern highlighted in my email and that is where if possible I'd like to be looked at closely. The Class A exclusion h states that when building out from side elevation the extension cannot be more than 50% width of the property, including when that part goes out behind other rear walls; the total width must be under 50%. This plan uses a small (but important) part of side elevation at the side of the kitchen (there is a good reason none of the kitchens on this road are the full width there) and since that is building out to the rear it is well over 50% (roughly 70%).

Also, since Alexander is openly admitting to exploiting a loop hole allowing him to have a 4m eaves disguised as a ridge, I would again like to request the full scrutiny of the remainder of this application with regard to the 50% rule.

Apologies I do not want to appear as telling you what to do (I know I can't anyway!), I just wish to highlight the side elevation and 50% width and hope you therefore do not approve it as PD.

Again I'm looking at:

- pages 21-26 (exclusion h) from http://www.planningportal.gov.uk/uploads/100806_PDforhouseholders_TechnicalGuidance.pdf
- exclusion J from the full legislation http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf

Many thanks again and best regards
Andrew

On 27 September 2015 at 21:04, Andy Morris [REDACTED] wrote:
Hi Tendai

Thank you very much for speaking with me the other day - I am Andrew Morris who telephoned this week regarding some of the proposed lawful development plans at number 3 Hillfield Road. Just to confirm, I am the garden flat owner at number 5 Hillfield Road (flat 1).

As mentioned, I would like to raise a few points regarding planning applications 2015/4981/P and 2015/4977/P as I do not believe either of them fall under permitted development and should be subject to full planning applications where we can have our views fully taken into account.

Apologies for the detail of this email, I don't mean to suggest any of these plans would have been approved as PD, I'm just very nervous regarding the (many) plans that have been submitted so wanted to raise this.

If possible, please could you confirm receipt of this email?

Below I've quoted some sections from the technical guidance for permitted development from the government's planning portal, the link being:

http://www.planningportal.gov.uk/uploads/100806_PDforhouseholders_TechnicalGuidance.pdf

2015/4981/P

I do not believe this should be under permitted development because, as according to the technical guidance, an extension that is within 2 metres of a neighbouring property should have eaves no higher than 3 metres.

This proposal has a flat roof of approximately 4m high (thus its eaves are also 4m high) and is being built right on the boundary of my property.

Page 20 (section g of Class A) states the exclusion:

(g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres

Where any part of a proposed extension to a house is within two metres of the boundary of the land surrounding the property, then the maximum height of the eaves that is allowed for all parts of the proposal is three metres.

I would also question that this is in fact a single story extension as the existing building has ceiling heights of no more than 3 metres, this could be a mezzanine.

2015/4977/P

Firstly this application is listed as existing - this has definitely not been built and no work on it has commenced.

Regardless, I don't believe it should be allowed under permitted development because since the plans involve both side and rear elevation with no gap separating them and this section extends more than 50% of the width of the property then it isn't Class A Permitted Development.

Page 21 (section h) states the exclusion:

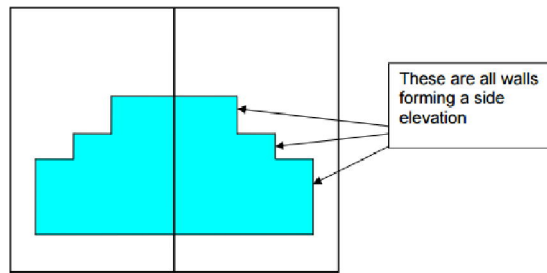
(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

(i) exceed 4 metres in height,

(ii) have more than one storey, or

(iii) have a width greater than half the width of the original dwellinghouse

A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls. For example:



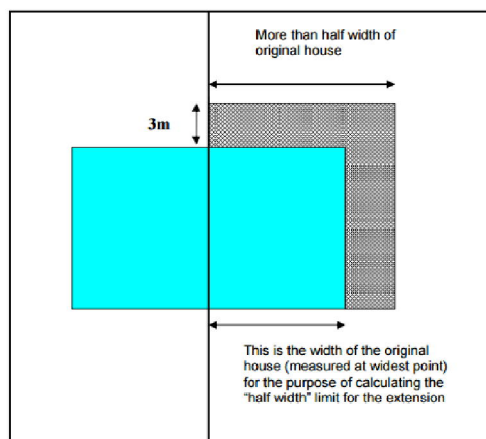
Where an extension is beyond any side wall, the restrictions in (h) will apply. Any extension can only be a single storey, is limited to four metres in height and can only be half the width of the original house. The width of the original house should be calculated at its widest point.

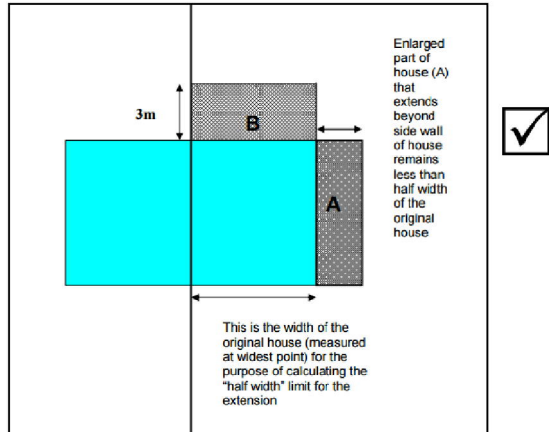
Rear and side extensions

Where an extension fills the area between a side elevation and a rear wall, then the restrictions on extensions beyond rear walls and side walls will apply. The extension must:

- (i) extend no more than three metres beyond the rear wall, or no more than four metres in the case of a detached house (or until 30 May 2016 no more than six metres beyond the rear wall, or eight metres for a detached house, except on article 1(5) land or sites of special scientific interest where the three and four metre limits remains in place),
- (ii) be a single storey and must not exceed four metres in height;
- (iii) have a total width that does not exceed more half the width of the house.

My understanding of the diagrams on pages 21-26 demonstrate that this property (like virtually all of north facing hillfield road) have two parts of side elevation: the main/large part and a second part where the original kitchens go out. This proposal wraps around the kitchen's rear and side elevation and is around 65-70% of the width of the property. The diagram above from page 21 shows how this property is stepped, and Page 25 shows the max width applying to proposals when they've wrapped around like this, with page 26 showing an acceptable approach (there are additional diagrams). Also, I think the applicant understands the property is stepped since he is preserving the stepped shape of the property and keeping within the 3m rear elevation rule, just not the 50% width part.





I would also like to question the eaves, as since the extension is within 2 metres of number 1 Hillfield Road, the same points on the eaves as the first application above, that all parts of the eaves must be at max 3m, whereas this proposal has up to 4m (and I believe the minimum in this proposal is about 3.2m which is over the limit anyway)

Thank you very much for taking the time to read this.

Best regards
Andrew Morris

