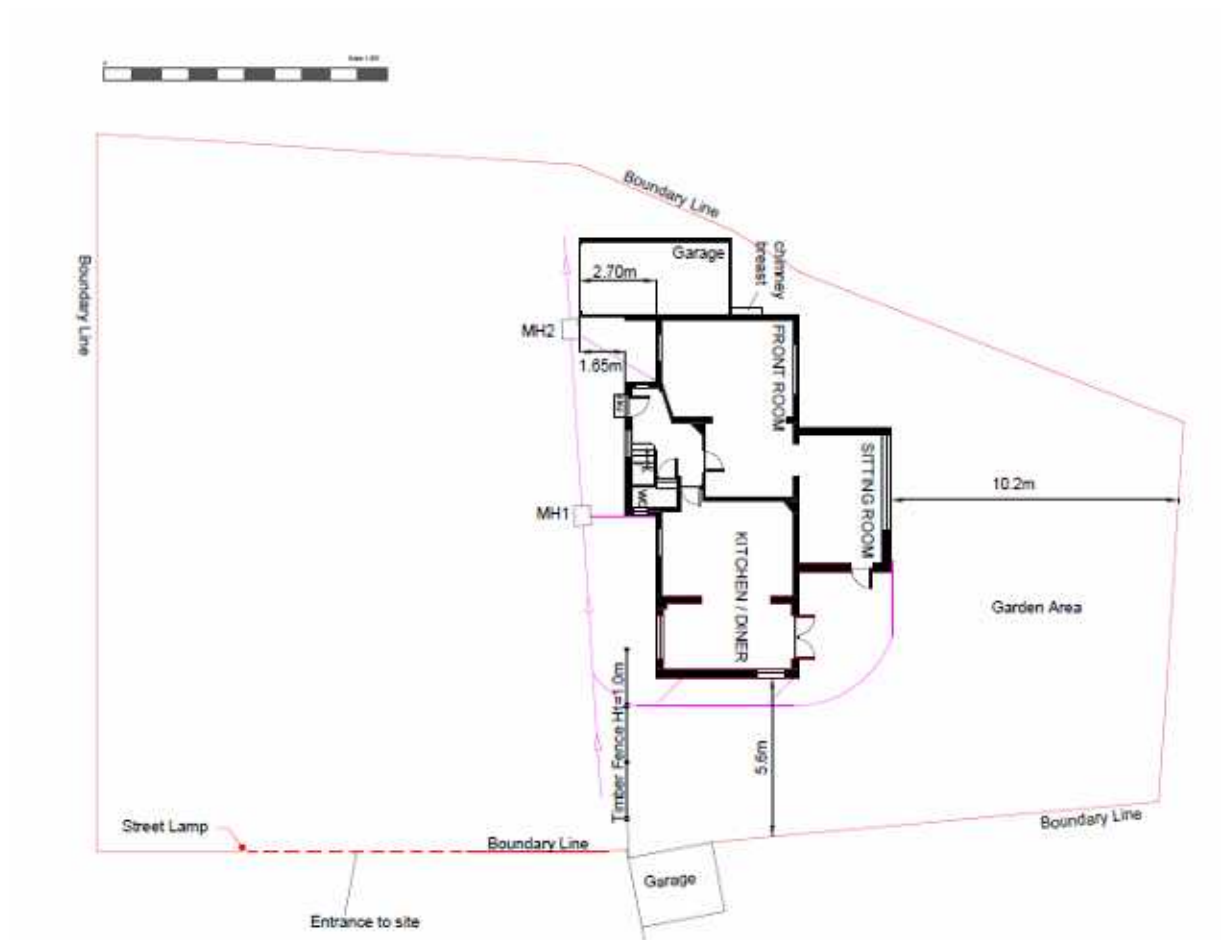


Address: 3 FIRS WALK, NORTHWOOD, HA6 2BZ.

The description:

Planning Description for proposed development is "Single storey front extension, **single storey side extension**, first floor side extension and conversion of garage to habitable use to include alterations to front, side and rear elevation".

Address: 3 FIRS WALK, NORTHWOOD, HA6 2BZ.



PLAN OF LAND/PLOT: 3 FIRS WALK

Green Belt:

The green belt designation is a planning tool and the aim of green belt policy is to prevent urban sprawl by keeping land permanently open.

As a planning concept, Green Belts have been around almost as long as the modern Town and Country Planning System. They were first suggested in the 1930s, but it was the new Town and Country Planning Act in 1947 that gave local authorities powers to designate them.

The original building is termed as a building as it existed in 1 July 1948 or, if constructed after this date, as it was originally built.

It appears to me that the planning system is set up to allow development to proceed unless there is a harmful element to it. However, in Green Belts all development is considered inappropriate and therefore harmful but there are some types of **property developments which are approved in Green Belts?**

The types of developments that are the stated exception to the general rule in government policy include:

- Agricultural buildings.
- Facilities for outdoor sport and recreation.
- **The extension or alteration of an existing building (as long as it is not a disproportionate addition compared to the existing).**
- **The replacement of an existing building by one that is not materially larger.**
- Limited infilling in some villages.

So, there are exceptions and that Planning Legislation in green belt areas.

Town and Country Planning Act 1990

Householder Application for Planning Permission for Works or Extension to a Dwelling

Permitted Development guide from the planning portal:

Two-storey rear extension

(Extensions of more than one storey)

An extension or addition to your house is considered to be permitted development, not requiring an application for planning permission, provided certain limits and conditions are met.

1. On designated land extensions of more than one storey are not permitted development.

* Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Sites.

2. Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house.

The term 'original house' means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). Although you may not have built an extension to the house, a previous owner may have done so.

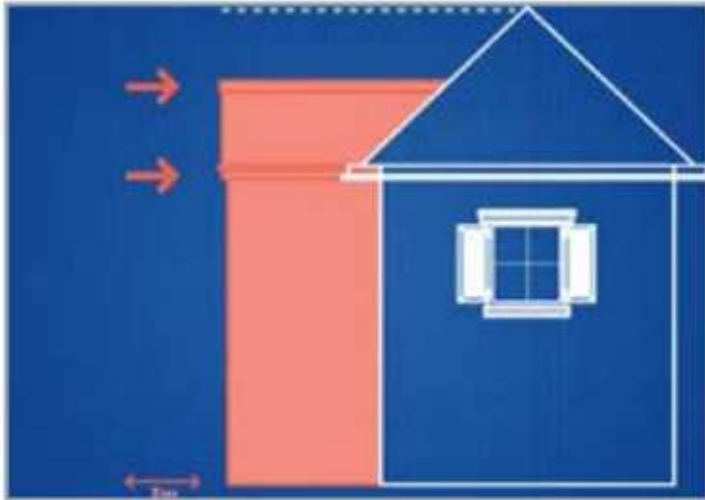
* Sheds and other outbuildings must be included when calculating the above 50% limit.

3. Maximum eaves and ridge height of extension no higher than existing house. If extension is within two metres of a boundary maximum eaves height should be no higher than three metres to be permitted development.

4. Extensions of more than one storey must not extend beyond the rear wall of original house by more than three metres or be within seven metres of any boundary opposite the rear wall of the house.

5. Roof pitch of extensions higher than one storey to match that of the existing house, as far as is practicable.

6. Materials used in exterior work to be similar in appearance to those of the exterior of the existing house.



So, under Permitted Development, as stated in the guide above (on the planning portal website), my client could build a two storey rear extension i.e. “Extensions of more than one storey, must not extend beyond the rear wall of the original house by more than 3m or be within 7m of any boundary opposite the rear wall of the house”.

Permitted Development Item (2) also states “Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house.

1. EXISTING: Footprint of house with extensions.

	Length (m)	Width (m)	Area sq.m.
Total area of Existing Site (100%)=			742.00
Footprint of Original House =			57.15
Area of Garage=	2.7	5.4	14.58
Area of (side) Kitchen Extension =	5.15	3	16.74
Area of Rear Extension =	2.65	5.1	13.52

2. EXISTING EXTENSIONS

	Length (m)	Width (m)	Area sq.m.
Area of Garage=	2.7	5.4	14.58
Area of (side) Kitchen Extension =	5.1	3	16.74
Area of Rear Extension =	2.65	5.1	13.52
		Existing Extension Total =	44.83

**3. EXISTING: Percentage of
land used (excluding
existing house)**

	Area sq.m.	% Of land used
Area of Garage=	14.58	1.96%
Area of (side) Kitchen Extension =	16.73	2.26%
Area of Rear Extension =	13.51	1.82%
% of Land used (as Existing)=		6.04%

**4. PROPOSED : Front
Extension + 1st
Floor Extension**

	Length (m)	Width (m)	Area sq.m.
Front Extension (plus porch) =			13.85
Proposed first floor Extension =	5.15	3	16.74

**5. PROPOSED
Front
Extension**

	Area sq.m.	% Of land used
Extension (plus porch (3 sq.m.)) =	13.85	1.87%

Total percentage of land used: [Existing extensions] + [Ground floor front extension]

Percentage (existing & proposed extensions) = [6.04% + 1.87%] = **7.91 %**

The planning portal technical guide suggests that additional work (extensions and outbuildings) which could be added are:

- Outbuilding (30 sq.m) – incidental to the main house e.g. Gym/Office/Hobby room
- Front Porch (3 sq.m.)
- Two storey rear extension (3m deep) with at least 7m behind the extension to the boundary. My client has 10m.

So, if works are done under permitted development, the area of land use would significantly increase.

At present, the existing garage is in front of the line (i.e. front elevation) of the existing house by 1m. The proposal of the front extension was to bring the ground floor extension (which includes the porch area (3 sq. m.); in line with the front of the garage.

The roof of the existing kitchen extension is 5m high from the ground. Nowadays only 4m are allowed under permitted.

Address: 3 FIRS WALK, NORTHWOOD, HA6 2BZ.



VIEW FROM GOOGLE MAPS



LOCATION PLAN – NOT TO SCALE

Address: 3 FIRS WALK, NORTHWOOD, HA6 2BZ.



VIEW FROM THE REAR GARDEN



VIEW FROM THE FRONT GARDEN

Address: 3 FIRS WALK, NORTHWOOD, HA6 2BZ.

It can be seen from google maps that my clients neighbour's each side have extensions in front of the front line (i.e. front elevation) of their properties.

My Client's house (3 firs walk) has a doubly pitched roof, totally different from the adjoining properties. You can see the pitch roof to the side extension. If the first floor extension were to be erected, there would be no significant change to the roof plan (as existing).

In addition both adjoining properties are significantly far away, so as not to lose any privacy, as there are no windows proposed to the side of the first floor extension.

My Clients property is also set well back, so as not to be noticed, compared to other properties on this road where other properties are very close to the road (near to the front).



London College of Theology is to the rear of 3 Firs Walk which is visible from the garden, which is totally out of keeping with the area where my Client's property is located.

Hillingdon Planning Website also shows recent decisions made for other houses in this area where first floor extensions have been allowed. The decision for development should be similar by planning. I understand that each application is looked at, by planning, separately on its own merits.

Additional information in support of my appeal:

A) Hilton R Vs Secretary of State for the home department (2016)

The "Landmark Chambers" website ([link](#)) states that the following **High Court judgment** has found that the phrase **"the enlarged part of the dwellinghouse"** within Part 1 Class A of the GPDO **included only that which was being proposed under Part 1 Class A:**

- **Hilton, R (on the application of) v Secretary of State for the Home Department [2016] EWHC 1861 (Admin) (15 June 2016).**

[UPDATE: The transcript for the above High Court judgment is now available as a free-to-view transcript on the Bailii.org website ([link](#))].

As such, the above High Court judgment appears to support the interpretation that where a proposed extension would be attached to an existing extension, then the phrase *"the enlarged part of the dwellinghouse"* applies to **only the proposed extension**. In other words, only the proposed extension should be assessed against those limitations and conditions of Part 1 Class A that apply to *"the enlarged part of the dwellinghouse"*. This is a relatively significant interpretation that contradicts the DCLG "Technical Guidance" document and contradicts the majority of appeal decisions that have dealt with this particular issue (for more info, please see below).

"The court held that the Inspector was wrong, and that the "enlarged part" of a dwellinghouse for the purposes of Class A included only that which was being proposed under Class A."

In other words, it appears that for the application for prior approval subject of the above High Court judgment, the judge found that the phrase *"the enlarged part of the dwellinghouse"* applies to **only the proposed extension** (i.e. the new single storey rear extension), and **not** to the combined structure (i.e. the resulting part two-storey / part single storey rear extension).

b) Appeal ref: APP/Y3615/D/13/2190932

Appeal Decision

Site visit made on 26 February 2013

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 March 2013

Appeal Ref: APP/Y3615/D/13/2190932

3 Rectory Close, Guildford, Surrey, GU4 7AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Woodward against the decision of Guildford Borough Council.
 - The application Ref 12/P/01869 dated 25 October 2012 was refused by notice dated 18 December 2012.
 - The development proposed is two storey side extension.
-

Decision.

1. The appeal is allowed and planning permission is granted for first floor side extension, two storey rear extension and single storey front extension at 3 Rectory Close, Guildford, Surrey, GU4 7AR in accordance with the terms of the application ref: 12/P/01869 dated 25 October 2012 and subject to the following conditions:

SUMMARY:

1. There are exceptions and that Planning Legislation in green belt areas.
 - **The extension or alteration of an existing building (as long as it is not a disproportionate addition compared to the existing).**
 - **The replacement of an existing building by one that is not materially larger.**
2. The proposed ground floor front extension is 1.87% of the existing Plot.
3. London College of Theology is to the rear of 3 Firs Walk which is visible from the garden, which is totally out of keeping with the area where my Client's property is located.
4. In support of my Appeal
 - Hilton R Vs Secretary of State for the home department (2016)
 - Appeal ref: APP/Y3615/D/13/2190932

It is my view that Planning should be granted for all of the reasons stated above.
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