Background to Section 73 Application – Avoca House, Farthings Walk, RH12 1WR

I am applying for the removal of Condition 7 of the Planning Consent granted under reference HU/183/98 dated 10/9/1998, which states that "*…the building(s)* ***shall not be extended or altered in any way****, unless permission is granted by the Local Planning Authority on application in that behalf*" as I feel that it is unnecessarily restrictive in the light of subsequent development in the area and the size of the plot occupied by the property.

I have previously applied for, and secured, Planning Permission for the property under the following references:

- DC/17/0266 – Ramped access to front door for wheelchair user and widening door opening
- DC/22/1077 – Erection of a single storey rear extension and partial garage conversion

For various reasons we have now decided not to proceed with the extension for which permission was granted under DC/22/1077, but instead to remodel the property's kitchen within the existing footprint, as well as making the necessary structural changes to accommodate changes to the rear fenestration (opening up the external wall and incorporating sliding doors to facilitate wheelchair access for my son, and an enlarged window).

This proposed change would ordinarily be allowable under Permitted Development Rights.

However, as I understand it, condition 7 of the original approval under HU/183/98 effectively constitutes a blanket removal of all Permitted Development Rights associated with the 6 original properties in Farthings Walk, including my property which is the subject of this application. I believe this is now disproportionate and unreasonable, as well as being unnecessary, and this is inconsistent with the Government's current guidance relating to planning permissions.

The National Planning Policy Framework (the NPPF) states that (December 2023 version, paragraph 54):

"…planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."

Furthermore, the government's national Planning Practice Guidance suggests that:

"Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity" and that "Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity".

Notably, there have been 2 large-scale developments in the immediate vicinity (i.e. land on the southern side of Farthings Hill) in the intervening period. One, for 27 residential units, was approved under DC/09/0985 (Pines Ridge) and Permitted Development Rights appear not to have been removed. The other, for 26 dwellings, was approved under DC/13/0429

(Firs Close) and restrictions were imposed only on extensions on any elevation which front or face onto a highway or vehicular access; this seems proportionate and reasonable.

Taking these more recent developments into account, it doesn't seem justifiable that there continues to be a blanket removal of the Permitted Development Rights associated with my property; as a result, each and every change that I might wish to make to my property in future will incur additional costs in terms of the associated Planning Application.

To put this into context, despite already having permission for an extension, having to reapply for our alternative plans for a substantially smaller project is now going to cause us to incur substantial additional costs - I estimate these to be in the region of £800.

This seems disproportionate, and unfair, given that the proposed alterations could be freely undertaken by the owners of the large majority of properties nationwide which haven't had their Permitted Development Rights removed.

The property itself sits within a relatively large plot, is not overlooked to the rear, and any additions or alterations allowable under Permitted Development would not have an adverse effect of the amenity of the neighbouring properties.

I therefore feel that there is no longer any justification for the removal of national Permitted Development Rights from the property, and am therefore seeking their reinstatement by way of a Section 73 application to remove the offending condition from the original permission.

I should therefore be grateful if you would consider my application favourably, in the light of the above background information.

Paul Stanley

15/11/2024