BACKGROUND TO SECTION 73 APPLICATION – LINDISFARNE, 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 September 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*". I feel that the condition is unnecessarily restrictive in the light of subsequent development in the area and the recent removal of this same condition for my immediate neighbour at Avoca House (DC/24/1772).

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

HU/34/03 – 2 Storey rear extension – 7 February 2003
DC/05/0149 – 2 Storey rear extension – 26 January 2005
DC/05/1555 – 2 Storey rear extension – 23 June 2005
DC/05/2167 – 2 Storey rear extension – 12 September 2005

After more than 25 years in the property, I now wish to install more energy-efficient uPVC windows and doors (with exactly the same "look" as the existing wooden windows), a change that would ordinarily be allowable under the 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 six original properties in Farthings Walk, including my property. I believe that this is now disproportionate and unreasonable, as well as being unnecessary, and 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 two 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.

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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.

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 shall therefore be grateful if you will consider my application favourably.

Lindsay Dart
24 March 2025