

<b>2.3 REFERENCE NO - 16/506618/FULL</b>		
<b>APPLICATION PROPOSAL</b> Single storey residential annexe		
<b>ADDRESS</b> 41 Windsor Drive Sittingbourne Kent ME10 1UN		
<b>RECOMMENDATION</b> Approve		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The application site lies within the built up area boundary where the principle of development is accepted and the proposal would not give rise to unacceptable harm to residential or visual amenities.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Local Objections and Called In by Cllr Truelove		
<b>WARD</b> Homewood	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr P Rainer <b>AGENT</b> Richard Baker Partnership
<b>DECISION DUE DATE</b> 18/10/16	<b>PUBLICITY EXPIRY DATE</b> 23/09/16	

**1.0 DESCRIPTION OF SITE**

- 1.01 No.41 Windsor Drive is a semi detached bungalow with hardstanding to the side, hard and soft landscaping to the front and a relatively generous amount of private amenity space to the rear. The private amenity space rises gently towards the rear of the site.
- 1.02 The properties in this part of Windsor Drive are characterised by bungalows of a similar design.

**2.0 PROPOSAL**

- 2.01 This application seeks planning permission for the erection of a detached single storey annexe to be located at the back of the rear garden. The annexe will be 3.8m in height with a pitched roof, 2.6m to the eaves with a footprint of 9m in width and 5m in depth.
- 2.02 The materials proposed would be rendered walls and cement roof slates and white uPVC windows and doors.
- 2.03 Internally the annexe would provide a lounge / diner, bedroom and shower room.

**3.0 PLANNING CONSTRAINTS**

- 3.01 None

**4.0 POLICY AND OTHER CONSIDERATIONS**

- 4.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant in terms of encouraging good design standards and

minimising the potential impacts of any development upon the amenity of neighbouring residents.

- 4.02 The adopted Swale Borough Local Plan 2008 echoes a similar sentiment, and saved policies E1 and E19 in particular encourage the provision of high-quality development and minimising potential amenity impacts for local residents.
- 4.03 The emerging Local Plan, Bearing Fruits 2031 Proposed Main Modifications June 2016 is also relevant and policies CP4 (Requiring Good Design) and DM14 (General Development Criteria) have similar aims to the policies of the adopted Local Plan as set out above.
- 4.04 The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and provides general design guidance. The SPG remains a material consideration, having been through a formal review and adoption process.

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 Surrounding properties were sent a consultation letter, four responses were received raising objections on the following grounds:
- The design and materials not in keeping with other residential properties in the area;
  - If approved would open the door for further back garden development;
  - Greatly increase the density of residential dwellings in the area;
  - Annexe would overlook neighbouring properties causing loss of privacy;
  - Two trees that could fall across the proposed development;
  - Reduce light to surrounding properties;
  - Sun would reflect off annexe towards neighbouring property;
  - Trees would need to be removed in order for development to proceed;
  - Annexe could have been achieved by extending the property;
  - There is a Roman road at the back of the properties;
  - Light from the annexe will shine into the property;
  - Neighbours would be looking up at a tall building;
  - Concerns about what use the building will be used for when no longer required for its original purpose;
  - Contravention of Section D of Schedule 3 to the Land Certificate.

## **6.0 CONSULTATIONS**

- 6.01 Cllr Truelove stated *"I would like this to go to the Planning Committee. The neighbours raise genuine concerns about the impact on their amenity and about the appropriateness of the design and setting of this proposed development. I am not sure this is a clear cut case and I would like the local feelings to be considered by elected members."*

## **7.0 BACKGROUND PAPERS AND PLANS**

- 7.01 Application papers and correspondence relating to planning reference 16/506618/FULL.

## **8.0 APPRAISAL**

### **Principle of Development**

- 8.01 The application site lies in the built up area boundary where the principle of development is accepted. The main considerations in this case concern the impact that the proposal would have upon residential and visual amenities.

### **Residential Amenity**

- 8.02 The proposed annexe would be located at the very rear of the garden. I firstly take into account that the garden of the host property is relatively generous, measuring 27.4m in depth and 10m in width. The adjacent gardens are of a similar size. The proposed building would be limited in height to 3.8m to its ridge, with a footprint of 9m x 5m. Therefore, the very closest part of the annexe would be 21.4m away from the closest part of No.43 and approximately 23m away from the closest part of No.39. As such, when this amount of separation is combined with the limited height I am of the view that the proposal would have an extremely limited impact in terms of loss of light to these neighbouring properties. In addition, although the land levels in the garden rise towards the rear the slope is gentle. I do not believe that the height of the building is excessive and on this basis I take the view that it would not create a significantly overbearing impact.
- 8.03 I note concern has also been raised regarding overlooking from the annexe. Although the annexe is single storey I recognise that the height of the fence running along the common boundary between No.41 and 43 is limited to approximately 1m. Therefore, I consider that clear views into the private amenity space, and towards the rear elevation of this adjacent property would already be available from the garden of the host property. I also give significant weight to the separation distance of 21.4m between the annexe and the adjoining property which is in excess of the 21m minimum rear to rear distance that the Council would normally expect. Due to this assessment I am of the opinion that the proposal would not give rise to unacceptable levels of overlooking or a loss of privacy, over and above what is already achievable.
- 8.04 On the opposite side there is an existing boundary fence and an outbuilding within the private amenity space of No.39 which would screen views. Therefore, notwithstanding that the annexe is in excess of 21m away from this property I consider that the opportunities for overlooking would not be available and as such the proposal is acceptable in this regard.

### **Visual Amenities**

- 8.05 Due to the location of the annexe, at the rear of the private amenity space, views to the building from public vantage points would be extremely limited. I note the use of materials proposed and in this case, as the annexe is not attached to the dwelling consider them to be appropriate for this development.

### **Other Matters**

- 8.06 I note the comments received from neighbouring occupiers and have responded to a number of these by virtue of the discussion above. Of those that remain I make the following points. Firstly, there appears to be some confusion regarding the proposal itself but to reiterate, this is an application for an annexe rather than a separate dwelling, this is controlled by condition 3 which I have recommended below. Although not physically attached, no separate access is available and the annexe itself does not provide any kitchen facilities and therefore these would be expected to be shared with the main dwelling, as would the private amenity space. There are a number of trees within the rear garden, some of which are close to proposed location

of the annexe. However, these trees are not protected and in my view are of limited amenity value, as such their removal if required would not be controlled by the Council. Therefore I consider that the presence of the trees would not have an impact upon the recommendation. I note the comment related to the possibility of a Roman road but the site does not fall within an area of archaeological potential by the County Council and I can see no benefit in consulting the County Archaeological Officer. I do not believe that typical lighting expected within an annexe would be so significant as to cause harm to residential amenities. Furthermore, I do not consider that light reflecting off the annexe towards neighbouring properties would be so great as to be unacceptable. In terms of future uses of the building, if planning permission is required for these then that will be considered at that time, however, no regard can be had to this currently. Finally, the point relating to the land certificate is not a material planning consideration.

## **9.0 CONCLUSION**

9.01 Overall I consider that the principle of development is accepted and the proposal would not give rise to unacceptable harm to residential or visual amenities. I recommend planning permission is granted.

## **10.0 RECOMMENDATION – GRANT** Subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those as stated on the application form.

Reasons: In the interests of visual amenities.

- (3) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 41 Windsor Drive.

Reasons: Its use as a separate unit would impact unacceptably upon the amenities of the area.

### **The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.