

3.2 REFERENCE NO - 16/507503/FULL		
APPLICATION PROPOSAL Demolition of existing conservatory and erection of a single storey rear extension.		
ADDRESS 38 Yeates Drive Sittingbourne Kent ME10 2UH		
RECOMMENDATION - REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed extension, by virtue of its depth, bulk and massing would have a significantly overbearing and oppressive impact upon the occupiers of 40 Yeates Drive, and would be contrary to the Councils SPG 'Designing an extension – A guide for householders and the development plan.		
REASON FOR REFERRAL TO COMMITTEE This application has been called in by Cllr Mike Dendor		
WARD Kemsley	PARISH/TOWN COUNCIL	APPLICANT Mr M Cook AGENT NFA Architects Limited
DECISION DUE DATE 26/12/16	PUBLICITY EXPIRY DATE 25/11/16	OFFICER SITE VISIT DATE 23/11/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
SW/01/0536	Conservatory (Retrospective)	GRANTED

1.0 DESCRIPTION OF SITE

- 1.01 No. 38 Yeates Drive is a two storey semi-detached dwelling within the defined built up area boundary of Sittingbourne. There is a small amenity space to the front and a large garden to the rear. The property lies within a cul-de-sac.
- 1.02 The application site is characterised by similar residential properties within this cul-de-sac.

2.0 PROPOSAL

- 2.01 The proposal seeks planning permission for the demolition of the existing fully glazed conservatory and the erection of a 3.975m deep brick built single storey rear extension in its place. It will measure 7.045 in width and would have a pitched roof measuring 2.3m to the eaves with an overall height 3.4m
- 2.02 The materials proposed match the main dwelling.

3.0 PLANNING CONSTRAINTS

None

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and The National Planning Practice Guidance (NPPG): The NPPF and NPPG are relevant in that they encourage good design and seek to minimise serious amenity concerns.
- 4.02 Development Plan: Saved policies E1, E19 and E24 of the adopted Swale Borough Council Local Plan 2008, and Policies CP4, DM14 and DM16 of the emerging Swale Borough Council Local Plan Bearings Fruits 2031 are relevant in that they relate to

general development criteria, require good design and state that developments should not cause unacceptable harm to amenities.

- 4.03 Supplementary Planning Documents: The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and remains a material consideration having been through a formal review and adoption process. It is specifically referred to in the supporting text to saved policy E24 of the adopted Swale Borough Local Plan 2008 and to policy DM16 of the emerging plan. As such it should be afforded significant weight in the decision making process.

5.0 LOCAL REPRESENTATIONS

- 5.01 One representation has been received in support of the application from no.36 stating:
- Gives this young family the added extra living space
 - Properties face south and there will be absolutely no impact on blocking daylight or over bearing

6.0 APPRAISAL

Principle of Development

- 6.01 The site is situated within the defined built up area boundary of Sittingbourne in which the principle of development is acceptable subject to other relevant policy considerations.

Visual Impact

- 6.02 The proposed extension is largely to the rear and would not be of a form that would harm the character and appearance of the existing dwelling. There would be a small part of the extension to the side but the visual impact is limited and there would be no harm to the streetscene.

Residential Amenity

- 6.03 The existing conservatory is 3.4m in depth and is of light construction with a fully hipped roof pitching away from the neighbouring property, no.40, so minimising its impact on the outlook from next door.
- 6.04 No.40 is set slightly rearwards of no.38. The proposed extension would though still project 3.8m past the rear of this dwelling. It would have a gable brick elevation facing the neighbour and would be greater in depth, mass and bulk than the existing conservatory. In my opinion the proposed development would be likely to result in significant additional loss of light and outlook to the neighbouring property. In this instance the circumstances of the site do not warrant departure from the Council's established guidance which limits such extensions to 3m to allow the development proposed, given the very close proximity of the extension to no.40.
- 6.05 The proposed extension would project 4.275m beyond the rear wall of no.36 but due to the separation of approximately 1m to the boundary and 3m to the dwelling, the impact upon neighbouring amenity will not be unacceptable in this respect.
- 6.06 As such, I take the view that the 3m guidance in the SPG should be applied here and, whilst the current conservatory exceeds this dimension (not having needed planning permission) the additional impact would be significantly harmful to the residential amenity of 40 Yeates Drive by virtue of having an overbearing and oppressive impact

and leading to an unacceptable sense of enclosure and loss of light. This amounts to a reason for refusal. While I accept that the current occupiers of no.40 have made no comment on the application, I do not consider this to sufficiently outweigh the harm identified.

7.0 CONCLUSION

7.01 This application would fail to comply with the development plan and the SPG and would result in unacceptable harm to the amenity of no.40 and I therefore recommend that permission be refused

8.0 RECOMMENDATION – REFUSE for the following reasons:

REASONS

- (1) The proposed extension, by virtue of its depth, massing, scale and siting on the boundary, would have a significantly overbearing and oppressive impact upon the occupiers of 40 Yeates Drive, leading to an unacceptable sense of enclosure and loss of light. The proposal would therefore be harmful to residential amenity in a manner contrary to saved policies E1, E19 and E24 of the adopted Swale Borough Council Local Plan 2008, policies CP 4, DM 14 and DM 16 of the emerging Swale Borough Council Local Plan Bearing Fruits 2031 and the adopted Supplementary Planning Guidance entitled "Designing an Extension A Guide for Householders".

Council's approach to the 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 applicant/agent was advised of changes required to the application and these were not forthcoming.

This application was not considered to comply with the provisions of the Development Plan and NPPF as submitted.

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.