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| 2.5 REFERENCE NO - 17/500947/FULL | | | |
| APPLICATION PROPOSAL Erection of a rear conservatory | | | |
| ADDRESS 1 Hever Place, Sittingbourne, ME10 1HE . | | | |
| RECOMMENDATION Approve | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION Proposed conservatory is of an appropriate scale and design, and would not give rise to any serious amenity issues for neighbouring residents or harm the character or appearance of the wider area. | | | |
| REASON FOR REFERRAL TO COMMITTEE Contrary to the written representation of a Councillor. | | | |
| WARD Homewood | PARISH/TOWN COUNCIL | APPLICANT Mr Hugh Horsfield And Ms Sue McKie AGENT Rupert Elliott Consulting | |
| DECISION DUE DATE 26/04/17 | PUBLICITY EXPIRY DATE 28/03/17 | | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| 17/500948/FULL | Retrospective consent for conversion of garage into bedroom and shower room for disabled person. | Approved | 06/04/2017 |
| Permission was required by virtue of condition (ii) of SW/94/0910 (see below). The conversion did not give rise to any serious amenity issues and retrospective consent was granted. | | | |
| SW/94/0910 | Reserved matters approval following grant of outline permission (as below). | Approved | 08/12/94 |
| Condition (ii) of the approval removed PD rights for alterations and extensions under Classes A, B, C, or D of the GPDO due to the nature of the site and the surrounding dwellings on existing estates to the front and rear. | | | |
| SW/91/1019 | Outline permission for erection of dwellings. | Approved | 16.02.92 |
| Condition (iv) restricted the use of the garages and parking areas. | | | |

1.0 DESCRIPTION OF SITE

1.01 1 Hever Place is a detached house situated on a modern housing estate within the built up area of Sittingbourne. It is set back from the highway with parking and soft landscaping to the front, and a good-sized rear garden. The garage to the property has recently been converted to a bedroom and shower room for a disabled person, as per the application ref. above. That application was supported by a letter from the applicant's doctor.

- 1.02 Hever Place is the continuation of Berkeley Court and forms a cul-de-sac at the southern end. The surrounding dwellings are generally all of a similar scale and design to the application property. The neighbouring dwelling immediately to the north, 54 Berkeley Court, is set back approximately 5m from the front of the no.1 (and other neighbouring dwellings) due to the position of a turning head in the road. The neighbour to the south, 2 Hever Place has a single storey rear extension projecting roughly 1m beyond the rear of no.1.
- 1.03 The reserved matters application for the wider estate, at condition (ii), removed permitted development rights for alterations and extensions to the property.

2.0 PROPOSAL

- 2.01 The application seeks permission for the erection of a rear conservatory. This would project 4m to the rear x 5.3m wide x 3.7m tall to the ridge. It will be constructed of glass and uPVC framing set above a brick dwarf wall, and sit approximately 4m from the common boundary with no.54 (to the north) and 1m from the common boundary with no.2 (to the south).
- 2.02 The proposal would fall within the scope of permitted development rights for the property, but permission is required because condition (ii) of SW/94/0910 removed PD rights for the whole estate.

3.0 PLANNING CONSTRAINTS

- 3.01 None.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) encourage developments that would not give rise to any serious amenity concerns.
- 4.02 Saved policies E1 (general development criteria), E19 (good design) and E24 (alterations and extensions) of the adopted Swale Borough Local Plan 2008 are relevant, and encourage householder extensions within the built up area, subject to consideration of amenity and visual impacts.
- 4.03 These policies are mirrored by DM14 and DM16 of the emerging Swale Borough Local Plan 'Bearing Fruits 2031.'
- 4.04 The Council's adopted Supplementary Planning guidance entitled "Designing an Extension" states that single storey rear extensions close to the common boundary should have a maximum rear projection of 3m, but that "*leaving a gap to the boundary with your neighbour may offset this requirement slightly.*"

5.0 LOCAL REPRESENTATIONS

- 5.01 The adjacent neighbours at no. 54 Berkeley Court, Cllr Truelove and his wife, comment as follows:

"We have no objection in principle to the conservatory and we appreciate the need for the residents. However we would have preferred it if the conservatory were planned to extend 3 metres rather than 4 metres, as the full 4 metres will obscure much of our outlook from our kitchen window."

5.02 No other comments received.

6.0 CONSULTATIONS

6.01 None.

7.0 BACKGROUND PAPERS AND PLANS

7.01 The application is accompanied by full drawings, and the historic applications noted above are relevant.

8.0 APPRAISAL

8.01 The property lies within the built up area where householder extensions are acceptable as a matter of principle, subject to amenity considerations as set out below.

8.02 The conservatory is to the rear and would not be prominent in any views from public areas due to the layout of the dwellings along the road. As such it would have very little impact upon the character of the area. The conservatory itself is of a relatively standard design and would sit comfortably on the house and within the context of the rear gardens, in my opinion.

8.03 The conservatory is of an appropriate scale and design and will thus have very limited impact upon residential amenity in my opinion. It would be set approximately 1m from the boundary with no.2, which features a small rear extension itself and would therefore not project significantly beyond the rear of that property.

8.04 The conservatory would be set roughly 4m from the boundary with no.54, who have expressed concern about the rear projection and its impact on their flank kitchen window. I have stood within the kitchen of no.54 and note that their flank window does indeed face directly on to the application site, but the kitchen is also served by large French doors extending almost the entirety of the back kitchen wall. I therefore consider that the intervening distance combined with the relatively low height of the conservatory and the primary kitchen windows to the rear of no.54 would minimise any serious impacts for those neighbouring residents. I would also note that there is no right to a view across another's property.

8.05 At the time of the site visit the footings had been dug for the conservatory as the applicant did not realise permission would be required (because, as above, the conservatory would have been PD if rights had not been removed by the 1994 permission). This should not have any impact upon the determination of the application, however, and the applicants have not done any further work since being alerted to the need for consent.

9.0 CONCLUSION

9.01 The proposed conservatory is similar to countless others approved across the Borough on a regular basis. It would not give rise to any serious amenity concerns or significantly harm the character or appearance of either the property or the wider area. I note local concern, but do not consider this justifies a refusal of permission.

9.02 Taking the above into account I recommend that planning permission should be 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.

Reason: 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 bricks to be used in the construction of the dwarf wall of the conservatory hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

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:

Offering pre-application advice.

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 acceptable as submitted and no further assistance was required, and 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.