

<b>2.5 REFERENCE NO - 18/503217/FULL</b>		
<b>APPLICATION PROPOSAL</b> Raising the roof height for the creation of a first floor to existing bungalow as amended by drawing no's. TS/2156/PD/02 D; TS/2156/PD/04 F and TS/2156/PD/05 D		
<b>ADDRESS</b> 28 The Street Oare ME13 0QE		
<b>RECOMMENDATION</b> - Approve		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection		
<b>WARD</b> Teynham And Lynsted	<b>PARISH/TOWN COUNCIL</b> Oare	<b>APPLICANT</b> Mr B Taggart <b>AGENT</b> Red House Design
<b>DECISION DUE DATE</b> 21/08/18		<b>PUBLICITY EXPIRY DATE</b> 01/01/19

### Planning History

None

#### **1. DESCRIPTION OF SITE**

- 1.1 28 The Street, Oare is a modern brick built detached bungalow located on a generous plot within the built up area boundary of Oare. There is a detached garage to the rear of the property, with a driveway in excess of 22m long, accessed off The Street.
- 1.2 The bungalow sits in a somewhat elevated position close to the junction of The Street and Church Road. However, as it is of low height, well set back and well screened by dense hedgerow, it is barely visible from the street scene. The site adjoins the boundary of gardens to neighbouring residential properties within Church Road, two of which are listed buildings. One of the listed buildings has a grade II\* rating due to rare internal wallpapers.
- 1.3 Properties to either side are generally two storey houses, but the relationship of gardens to the host property and to the application property is very unusual in places; and I have taken special care to visit all the adjacent properties to fully appreciate their likely perspective, and the impact of alterations on their outlook and privacy.

#### **2. PROPOSAL**

- 2.1 This application is seeking planning permission to increase the roof height of the bungalow to provide a three-bedroom house, with dormer windows and rooflights to light most first floor rooms.
- 2.2 As originally submitted, the proposal would have involved creating a full new first floor over almost the entire ground floor plan, by raising the roof of the existing building. In terms of first floor windows, it was proposed to have glazed doors and a dramatic glazed gable end providing light to the vaulted ceiling in the master bedroom facing the rear (with a Juliette balcony), two bedroom windows and a bathroom window facing the front, and side windows serving an ensuite, the stairwell and a boiler room/linen cupboard.

- 2.3 In the light of my concerns relating to potential overshadowing and loss of privacy to nearby properties, amended drawings have been received. These amended drawings have reduced the increase in roof height of the building, removed the dramatic glazed window in the gable roof and inset the rear facing window to the master bedroom to cut views to towards most private patio areas of nearby dwellings Three dormer windows are now proposed to the front elevation serving two bedroom and a bathroom and one rear facing dormer window serves bedroom 3. Three rooflights are proposed to each side elevation serving the master bedroom, an en-suite bathroom and the stairwell. Essentially, a lower overall height is now proposed in a chalet style, but with a similar amount of first floor accommodation.
- 2.4 The external walls would be finished in white render at ground floor with blue grey weatherboarding to the upper walls and the new roof would be constructed of Marley Eternit roof tiles.

### 3. SUMMARY INFORMATION

	<b>Existing</b>	<b>Original application</b>	<b>Amended proposal</b>
Approximate Ridge Height to the front (m)	<b>4.4</b>	7.1(+2.7)	<b>6.3 (+1.9)</b>
Approximate Ridge Height to the rear (m)	<b>5.2</b>	7.9 (+2.7)	<b>6.3 (+1.1)</b>
Approximate Eaves Height to the front (m)	<b>2.2</b>	4.8 (+2.6)	<b>4.0 (+1.8)</b>
Approximate Eaves Height to the rear (m)	<b>2.2</b>	4.8 (+2.6)	<b>3.2 (+1.)</b>
No. of Storeys	<b>1</b>	2 (+1)	<b>1.5 (+1)</b>

### 4. PLANNING CONSTRAINTS

None relevant

### 5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)
- 5.2 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies DM14, DM16 and DM32
- 5.3 Supplementary Planning Guidance (SPG) entitled “Designing an extension – A Guide for Householders”. Of particular reference here is the guidance on rear windows and dormers.

With regards to rear windows, the guidance states:

*“Windows to the rear should be at least 21m from the windows of other houses to the rear.”*

With regards to dormers, the guidance states:

*“Dormers should be in proportion with the roof and only as large as necessary to allow light into the roof space. As a guide the dormer should be no deeper*

*than half the depth of the roof slope and square proportions or a vertical emphasis. They should normally have pitched roofs with tiles to match the main roof.”*

5.4 The Council has a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

5.5 The NPPF seeks to safeguard heritage assets and their settings. Paragraph 196 states that less than substantial harm to a heritage asset is balanced against the public interest.

## **6. LOCAL REPRESENTATIONS**

6.1 When first submitted seven representations were received from local residents, all objecting to the application. The contents therein may be summarised as follows:

- Overlooking and loss of privacy
- Overshadowing and loss of light
- The proposed development has the appearance of a three-storey house, not two storeys as claimed in the application, at least 9m high by a rough calculation
- The proposed elevation of ten metres will have a detrimental effect on the setting of our garden by directly overshadowing and overlooking our properties garden and depriving it of natural light in the afternoon
- Overbearing dominant feature within the street scene, towering above our fence line and dominating the immediate area
- It would dwarf my property and be totally out of proportion to surrounding properties
- The grading of the land at 28 The Street is higher than our property which is situated in a lower position
- It will present an unattractive façade of brickwork and roof tiling
- Development would do substantial harm to the character and setting of my grade II listed home
- Detrimental effect on our listed home, a grade II\* cottage and its setting. Our home has a particular feature of historic interest, French scenic wallpaper has been restored and we have obligations to allow public access to the wallpaper. Visitors view the paper via the rear of our home, in full view of the proposed development. The rear elevation is less than 5m from the dividing garden fence and at first floor, it will overlook directly into our garden. The rear room of our home, which contains the listed wallpaper, would be in direct line of sight of the proposed development, causing substantial harm to the ambiance and setting of the most important heritage aspect of our property
- The proposed development has the potential for six bedrooms

- Concerned development would create noise and dust during construction works
- Consideration be given to enforcing a condition relating to construction hours
- The bungalow is situated in a conservation area and the proposed development would have a negative impact

NOTE: This property is not situated within any conservation area

6.2 The amended drawings have been the subject of re-consultations, and five further objections were received from properties who had originally objected to the proposal, reiterating the points they previously raised. One letter acknowledges that the windows that would have directly overlooked the writer's property have been removed from the plans. Another expresses concern over rooflights in the loft space in terms of possible overlooking.

## 7. CONSULTATIONS

7.1 Oare Parish Council objected to the application when originally submitted, stating:

*"1. Overlooking/loss of privacy - neighbouring properties would be overlooked and suffer a loss of privacy.*

*2. Overshadowing/loss of light - neighbouring properties would be overshadowed and suffer a loss of light.*

*3. Impact on listed building – neighbouring properties are listed buildings and this would have a detrimental effect on their visual amenity."*

7.2 In relation to the amended drawings the Parish Council reiterates its previous objections.

7.3 Historic England did not wish to comment on the application.

7.4 The agent has responded to the objections to clarify that the proposal as originally submitted represented a 2.74m increase in ridge height to the existing roof. The neighbouring properties on the corner of Church Road and The Street all sit to the south and east of the building and are of a sufficient distance from the proposal that any loss of light or shading will be extremely limited. Privacy distances to nearby properties from the habitable rooms of the property are all within national guidelines and the glazed feature on the rear of the property would have no floor behind it other than the bedroom at first floor. The proposed development is in keeping with the surrounding area and architecture and being in excess of 20m from any listed building, it does not impinge on their surrounding curtilage.

7.5 Despite the agent's view that the scheme was acceptable as submitted, a revised scheme has been submitted reducing the height and bulk of the building, and the layout, and this is how the application is presented for Members' consideration.

## 8. BACKGROUND PAPERS AND PLANS

8.1 All plans and supporting documents relating to 18/503217/FULL.

## 9. APPRAISAL

- 9.1 The main considerations in the determination of this planning application are its design and the impact on the character and appearance of the street scene and the impact upon residential amenities of neighbours, and any impact on the setting of the adjacent listed buildings,.

### **Impact on the character and appearance of the street scene and amenity of neighbours**

- 9.2 The existing bungalow is situated on an area of raised ground so that the ground level is already substantially higher than the buildings on the opposite side of the road and higher than both its nearest neighbours. This is despite the fact that the road is on a slope and one of its neighbours with a lower ground floor level is further up the hill. In my view, the height and bulk of the first floor extension originally proposed would have been excessive, resulting in an extremely bulky detached house, and I shared many concerns expressed about it at that time. I also considered that the rear facing first floor window would have oblique views of the rear windows and private rear patio areas of properties in Church Road (including the two listed buildings, which I considered would be harmful and unacceptable.
- 9.3 Accordingly, I suggested a reduction in the height and scale of the proposals, and suggested reducing the amount of glazing to the rear. The revised proposals, which have been negotiated with officers, address these concerns successfully, by proposing a one and half storey building, removing the dramatic glazing and Juliet balcony within the rear facing gable and channelling views from the rear facing master bedroom away from the most sensitive parts of neighbouring gardens and rear windows.
- 9.4 Although the dwelling will now be up to 1.9m higher (at most) than the existing building, I consider this increase to be acceptable. The rear gardens of the properties in Church Road back onto the side elevation of the building but in terms of reducing the daylight to their properties to an unreasonable degree, I am of the opinion that this is unlikely considering the neighbouring properties are some distance from the proposed building.
- 9.5 With regards to overlooking, there will now be little impact from the rear facing windows as the windows are set back from the rear wall, with flanking roof areas cutting out oblique views. I am mindful that the neighbouring property at no. 9 Church Road has a patio area some way down its garden, and that this is directly adjacent to the boundary wall/fence at no. 28 The Street. However this patio is located towards the far end of the garden where amenity space is generally less private; and I do not believe that the proposal will give rise to significant harmful overlooking. In terms of side windows, none are proposed. Instead rooflights will be installed to the new roof slope at high level (1.7m). A condition requiring this to be the case will prevent any loss of privacy proposed here.
- 9.6 The proposed dormer windows conform to the guidance set out in the Council's SPG and I consider that the proposals now have considerable merit. The surrounding area features predominately two storey dwellings and as such the proposed building will not appear out of place or a dominant feature. I am therefore of the opinion that the

proposed development will enhance the character of the street scene and the visual amenities of the area.

### **Impact on the setting of the listed buildings**

- 9.7 The site is not located within a conservation area but is adjacent to two listed buildings, no's. 7 and 9 Church Road, albeit situated in excess of 21m from these properties. There is local concern that the alterations proposed could result in substantial harm to the ambiance and setting of these listed buildings. Whilst the proposal is a change to the existing situation, it is acceptable in my opinion. The setting of these listed buildings is mixed residential development of varying ages. The modern bungalow to the rear is already part of that setting, and the character of the building will not be changed, albeit it will now be a chalet bungalow with rooms in the roof.
- 9.8 I consider that the building as now proposed is appropriate in scale and height providing three bedrooms within the new roof space. Whilst the proposal will be more visible than the existing property, it is acceptable in my opinion and would sit comfortably in its context and conserve the setting of the adjacent listed buildings. The grade II\* building is not listed for its exceptional setting, but for rare internal features which will in no way be diminished by this development nearby. I see no harm arising to the designated heritage assets here, and consider that the development meets the test of paragraph 196 of the NPPF.

## **10. CONCLUSION**

- 10.1 I consider that the proposal is acceptable in terms of its impact upon the visual amenities of the area, upon the residential amenities of neighbouring properties, and in terms of the impact on the setting of the adjacent listed buildings I therefore recommend that planning permission be granted.

## **11. RECOMMENDATION – Approve, subject to the following conditions:**

### **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 development hereby approved shall be carried out in accordance with the following approved drawings:
- TS/2156/PD/02 Rev D; TS/2156/PD/04 Rev F and TS/2156/PD/05 Rev D
- Reason: For the avoidance of doubt and in the interests of proper planning
- (3) Upon completion, no further development permitted by Classes B or C of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.
- Reason: In the interests of the amenities of the area.

- (4) No development beyond the construction of foundations shall take place until details of the external facing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity

- (5) All rooflights shall have a cill height not less than 1.7m above the finished floor levels of that room.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- (6) The area immediately outside and below the window to Bedroom 1 as shown on drawing TS/2156/PD/02 D shall be formed as a pitched lean-to style roof and shall not at any time be used as a balcony.

Reason: For the avoidance of doubt and to prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.

