

**PLANNING COMMITTEE – 4 APRIL 2019****PART 3**

Report of the Head of Planning

**PART 3**Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 18/506627/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed front porch and single storey rear extension, as amended by drawings JO/18/142.01rev A. 02A, 03A and 04A.		
<b>ADDRESS</b> 5 Parsonage Cottages Bexon Lane Bredgar Sittingbourne Kent ME9 8HD		
<b>RECOMMENDATION</b> - Refuse		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Bredgar Parish Council Support		
<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Bredgar	<b>APPLICANT</b> Mr & Mrs Jordan <b>AGENT</b> Woodstock Associates
<b>DECISION DUE DATE</b> 11/04/2019		<b>PUBLICITY EXPIRY DATE</b> 30/01/19

**Planning History**

None for this property.

**Planning History for 3 Parsonage Cottages, Bexon Lane**

SW/11/0169

1) Proposed first floor pitched roof rear extension. 2) Proposed ground floor pitched roof rear extension. 3) Proposed ground floor front extension.

Approved 19/04/2011

**Planning History for 6 Parsonage Cottages, Bexon Lane**

SW/97/627

Ground floor extension and front porch.

Approved 12/09/1997

**1.0 DESCRIPTION OF SITE**

1.1 5 Parsonage Cottages is a simply designed semi-detached property situated in an isolated rural location outside of any Local Plan built up area boundary and within the Kent Downs Area of Outstanding Natural Beauty. There is a grassed area and a paved area for parking a vehicle to the front of the property, and a long-enclosed garden to the rear.

1.2 The cottage is one of two pairs of semi-detached properties of similar appearance and size. They are grouped as numbers 3 and 4 as one pair, and numbers 5 and 6 as another pair. To the rear of the property there is open countryside and across the lane are a number of detached properties of differing styles and sizes. There is no recorded planning history for the property but it has existing minor extensions in the form of a

small 1.0m deep porch and, at the rear, a brick built single storey rear extension (3.3m deep) and a small 3.1m deep uPVC conservatory which sits on the common boundary with number 6.

- 1.3 The immediately adjoining attached cottage (number 6) has a 3.5m deep single storey rear extension set away from the common boundary with number 5 by 2.0m, and a small 1.25m deep porch to the front; both as approved in 1997.
- 1.4 Nearby, at number 3, there is a combined single and two storey rear extension reaching a maximum of 3.8m beyond the rear of the attached neighbour at number 4, and this is set 1m off the common boundary. Number 3 also has a combined porch and front extension spanning the entire front elevation and projecting 1.1m forwards.
- 1.5 All of these neighbouring extensions comply with the Council's current published design guidelines apart from the porch at number 6 which, at 1.25m deep, is just larger than the 1.2m design standard for porches.

## **2.0 PROPOSAL**

- 2.1 The current application seeks planning permission for a new front porch and a single storey brick and tiled pitched roof rear extension with 2no. rooflights and bi-fold doors facing the rear garden. The existing porch, single storey rear extension and rear conservatory would all be removed as part of the proposal.
- 2.2 The proposed front porch sees an enlargement and minor repositioning of the existing porch, which would now project from the front of the property by 1.5m, with a width of 2.5m. It would have a height to the eaves of approximately 2.7m and an overall height measurement of approximately 3.6m.
- 2.3 The proposed single storey rear extension was originally shown as a 6.0m long rear extension but it has since been reduced in length to show a proposed rear projection of 5m. This extension would have a width measurement of approximately 6.65m and it would sit directly on the common boundary with number 6. It would have a gable ended pitched roof where the height to the eaves would be 2.47m with an overall maximum height of 3.65m.

## **3.0 PLANNING CONSTRAINTS**

- 3.1 The site lies within the Kent Downs Area of Outstanding Natural Beauty which enjoys statutory protection in order to conserve and enhance the natural beauty of the landscape under the National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000.

## **4.0 POLICY AND CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 4.2 The Swale Borough Local Plan "Bearing Fruits 2031" (adopted 2017). Policies CP4 (good design), DM14 (general development criteria), DM11 (extensions to, and replacement of, dwellings in the rural area) and DM16 (alterations and extensions) are relevant.

Policy CP4 states that all development proposals should be "appropriate to the context in respect of materials, scale, height and massing" and "Adhere to relevant supporting design guidance".

DM14 requires (amongst others) that developments “cause no significant harm to amenity and other sensitive uses or areas”.

DM16 requires developments are “appropriately scaled in relation to the building and its surroundings” and “protect residential amenity”.

4.3 The Council’s own Supplementary Planning Guidance (SPG) entitled “Designing an Extension A Guide for Householders” has been in use since 1992 and establishes consistency in decision making and a balance between the rights of neighbours where extensions are concerned.. Of particular relevance here is the guidance in relation to porches at paragraph 5.2/5.3 and on rear extensions at paragraph 5.7.

4.4 In relation to front porches paragraph 5.3 of the SPG states that;

*“To make sure the extension to the front of your dwelling is of a good design, the Borough Council normally requires that it should have a pitched roof and that its projection should be kept to an absolute minimum. The Borough Council normally requires that front additions are kept to a maximum of 1.2m.”*

4.5 To avoid situations where a rear extension may adversely affect the outlook and amenity at the rear of attached or closely spaced houses, the guidance is that a single storey rear extension on the boundary should not extend along the common boundary further than 3m from the original rear wall. The SPG states;

*“For single storey rear extensions close to your neighbour’s common boundary, the Borough Council considers that a maximum projection of 3.0m will be allowed.”*

...and...

*“On well-spaced detached properties or where an extension is to be built away from the boundary a larger extension may be acceptable.”*

## **5.0 LOCAL REPRESENTATIONS**

5.1 None received.

## **6.0 CONSULTATIONS**

6.1 Bredgar Parish Council supports the application. No reasons for this support were initially given, but I contacted the Parish Council to establish their specific planning material comments, in accordance with the Council’s Constitution and they responded stating the following specific comments:

*1 The current neighbours do no object to the proposal, and any future purchaser of number 6 would be buying with the extension to number 5 in place, and so in buying the property, would be happily accepting the position and size of that extension.*

*2 From a planning perspective there is a precedent for a similar extension in the same group of houses, as number 3, Parsonage Cottages appear to have such an extension, approved in 2011 (SW/11/0169).*

*3 Turning to the adopted Local Plan: CP4 – ‘Requiring Good Design’ – I don’t believe that the proposed structure would be contrary to anything in this policy. I assume you are referring to s 8 – “scale height and massing”, and as above these factors do not seem to have*

*caused an issue in relation to the structure at no 3, nor with the current neighbours.*

*DM14 – General Development Criteria – the only potential issue here is with s3 – which refers to the ‘Supplementary Planning Guidance’ Having reviewed the Swale Planning and Development Guidelines (no 5) on Designing an Extension, I don’t see anything which the proposed application falls foul of.*

*DM16 – Alterations and Extensions – I believe that the proposal fulfils the criteria (insofar as they can be applied to a small rear extension).*

- 4 *The conclusion that the structure would be “oppressive and overbearing” seems somewhat extreme, especially in the light of the Guidance and Local Plan.*

## **7.0 BACKGROUND PAPERS AND PLANS**

- 7.1 Application papers and drawings referring to application reference 18/506627/FULL.

## **8.0 APPRAISAL**

### Principle of Development

- 8.1 The main considerations in the determination of this planning application are the design of the extensions and their impact on the character of the existing dwelling including any impact of the proposal upon the residential and visual amenities of the area, on the designated countryside location and on the natural beauty of the Kent Downs Area of Outstanding Natural Beauty.

### Visual Amenity

- 8.2 The proposed single storey rear extension would be situated to the rear of the property and as such would not be visible from public viewpoints so there would not be any adverse impact on the existing streetscene from this element of the proposal.
- 8.3 The Council’s Supplementary Planning Guidance entitled “Designing an Extension” under paragraph 5.3, advises that front additions are kept to a maximum of 1.2m deep. I note that both number 6 which adjoins the host property, and number 3, have both had previous approvals for front additions. At number 6 this has a forward projection of 1.25m, but this is only marginally excess of the SPG guidance, whereas at number 3 the front extension which extends across the whole width of the property has a depth of just 1.1m which is in accordance with the SPG. These do not set any kind of precedent or reason to approve the porch now proposed. In this instance the proposed porch would project to the front of the property by 1.5m which is considerably deeper than that advised by the Council’s adopted SPG, resulting in a porch which will appear bulky, overlarge, dominant and out of scale with the existing cottage, with a resultant adverse impact on visual amenity. The applicants have been given the opportunity to amend the depth of the proposed porch but have declined to do so.

### Residential Amenity

- 8.4 The Council’s Supplementary Planning Guidance entitled “Designing an extension” advises that single storey rear extensions sited along the common boundary should not exceed a depth of 3m. This standard has been set and applied across Swale for many years with a very high degree of consistency, resulting in fair treatment to all parties. Initially the proposed single storey rear extension would have projected a distance of 6m from the original rear of the property along the common boundary with no.6 Parsonage Cottages which would have doubled the usually approved distance. The

applicants were given the opportunity to amend the proposal. Various options were discussed, including one which I would have been recommended for approval where the extension would have been set in from the common boundary by 1.2m at a depth 3m, but the applicants have not been prepared to accept that compromise and the proposal has only been slightly amended and still suggests a rear projection of 5m with the extension only being set away from the common boundary with number 6 by approximately 10cm. A projection of 5m towards the rear so close to the common boundary would significantly exceed the 3m limit for rear extensions along a common boundary and I believe that the excessive depth would amount to an overbearing structure that would have an unacceptably adverse impact on the neighbouring property at number 6 which has a rear kitchen window close to this boundary.

- 8.5 At number 6 Parsonage Cottages which adjoins the current application property and shares the common boundary, the single storey rear extension approved under SW/97/627 is 3.5m deep but is set away from the common boundary by 2.0m. This respects the advice of the SPG, but I believe the extension now proposed at number 5 with the depth of 5m would significantly overshadow and limit the outlook from the neighbours' rear kitchen window.
- 8.6 At number 4 Parsonage Cottages which is situated on the north west of the property the extension would be situated 1.8m away from their side wall which would offset some of the impact of the proposed rear extension and as such allow for a rear extension which projects further than the required 3m. I consider the proposed extension would not cause such significant harm to this neighbouring amenity.
- 8.7 The Parish Council has supported the proposal for a number of reasons. With regards to their first point I do not share this view as the Borough Council acts in the public interests and seeks to strike a balance between the rights of neighbours, which often means safeguarding future amenity even if the current neighbour does not necessarily mind.
- 8.8 Reference has also been made to the extensions approved at number 3 Parsonage Cottages under SW/11/0169, but there are some fundamental differences between the two extensions. The proposal at number 3 was for a rear projection of 3.8m which is just 0.8m over the SPG guidance and the approved single storey rear extension is set away from the common boundary which offsets the additional rear projection. The case officer comments on this proposal at the time were as follows:

*“The SPG states that rear extensions on the boundary should have a depth of no more than 3 metres. However, as there is a gap of 0.8 metres between the western elevation of the proposed extension and the common boundary, which will allow space for light and remove any overbearing aspect that may have occurred towards no.4, I deem the extension to be acceptable”.*

For this reason I therefore believe there is no comparison between the approved single storey rear extension at number 3 Parsonage Cottages and this proposed single storey extension at number 5 Parsonage Cottages.

## **9.0 CONCLUSION**

- 9.1 I consider the proposed porch is unacceptable due to its depth which would give rise to significant harm to the character and appearance of the streetscene, contrary to paragraph 5.3 of the Council's adopted Supplementary Planning Guidance, entitled "Designing an Extension – A Guide for Householders".
- 9.2 I consider the proposed rear extension, by virtue of its excessive depth and positioning would amount to an overbearing and overshadowing structure that would have an

adverse impact to the residential amenity of the occupiers of no.6 and no.4 Parsonage Cottages. This would also be contrary to the Council's own published guidance.

9.3 I therefore recommend that planning permission be refused.

**10.0 RECOMMENDATION** – Refuse for the following reasons:

### **REASONS**

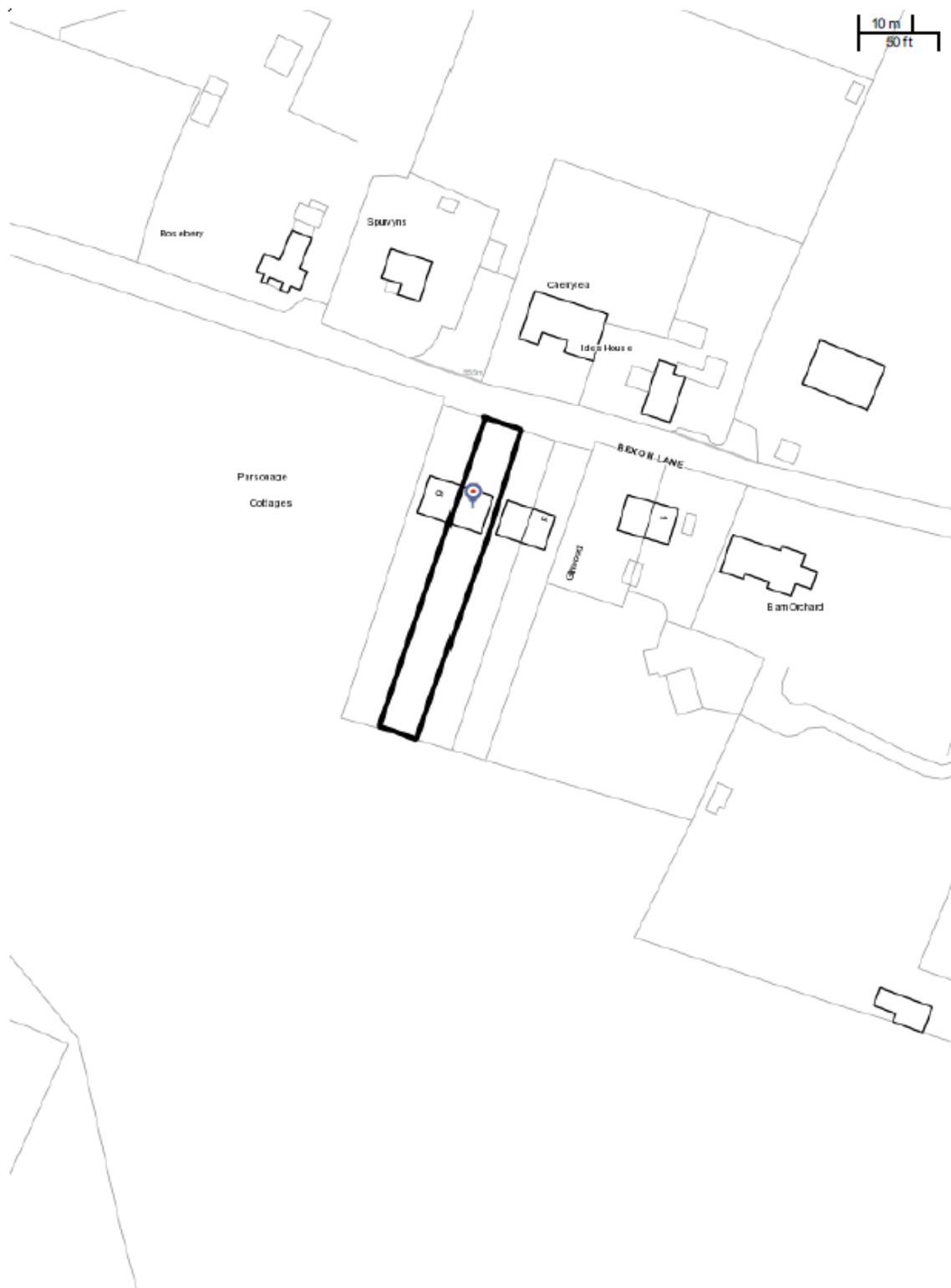
- (1) The proposed porch, by virtue of its depth would appear large and obtrusive on this modest cottage and give rise to significant harm to the character and appearance of the property, contrary to Policies CP4, DM14 and DM16 of the adopted Swale Borough Local Plan – Bearing Fruits 2031 and to paragraph 5.3 of the Council's adopted Supplementary Planning Guidance, entitled "Designing an Extension – A Guide for Householders"
- (2) The proposed single storey rear extension, by virtue of its excessive depth and positioning on the common boundary would amount to an overbearing and overshadowing structure that would have a significantly adverse impact on the outlook and residential amenity of occupiers of number 6 Parsonage Cottages. The proposal would therefore be contrary to policy DM14 of the adopted Swale Borough Local Plan – Bearing Fruits 2031 and the Council's adopted Supplementary Planning Guidance, entitled "Designing an Extension – A Guide for Householders".

### **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.



3.1 5 Parsonage Chase Bexon Lane Bredgar  
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