

2.3 REFERENCE NO - 14/500234/FULL			
APPLICATION PROPOSAL Part single / Part two storey side extension and roof extension including provision of dormer to rear roof slope.			
ADDRESS 6 Paradise Cottages Lower Hartlip Road Hartlip Kent ME9 7SU			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION On balance, the increase in size of the dwelling is not unacceptable, and the development proposed is not so harmful that planning permission ought to be refused.			
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection			
WARD Hartlip, Newington & Upchurch	PARISH/TOWN Hartlip	COUNCIL	APPLICANT Mr W Hilden AGENT Mr Gary Edwards
DECISION DUE DATE 25/08/14	PUBLICITY EXPIRY DATE 25/08/14	OFFICER SITE VISIT DATE August & October 2014	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/13/0561	Two storey side and rear extension	REFUSED	30 th July 2013
<i>The proposed extension would not represent a modest extension of a dwelling in the countryside, and it would result in substandard parking provision at the site.</i>			
A subsequent appeal was dismissed (copy of decision attached as Appendix A to this report.)			
SW/14/0115	Lawful Development Certificate for single storey rear extension, single storey side extension, hip to gable roof extension, rear dormer window and tile cladding to the first floor elevations of the existing property (Proposed)	APPROVED	7 th April 2014
The development proposed amounts to permitted development			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site lies in the countryside, as defined in the proposals map for the Swale Borough Local Plan 2008. It amounts to a modest, but recently extended two storey semi-detached dwelling, with parking to the side and garden to the rear. To the side and rear of the site is agricultural land. To the front lies a grade II listed building.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for a part single, part two storey side extension, and a roof extension together with the provision of a dormer window in the rear roof slope.
- 2.02 The proposed single/two storey side extension would be set back 3.3m from the front of the dwelling, projecting 3.3m from the side of the dwelling, and 4.7m to the rear. It would thus have a total depth, when viewed from the side, of 9.9m. The two storey element would sit above the first 5.25m of the side projecting element of the scheme. The scheme also includes the raising of the hipped roof to a gable, and the construction of a rear facing dormer window. This does though amount to permitted development (in isolation from the development proposed under this application) and has already been carried out.
- 2.03 The cumulative increase in floor space of the development proposed under this application, over that of the original dwelling, would be approximately 115%.
- 2.04 Members will note the previous planning application and associated appeal. A copy of the relevant appeal decision is attached at Appendix 1 to this report. The development proposed under that application proposed a two storey extension projecting 4.5m from the side of the dwelling, and with a total depth of 9.23m, together with a small ground floor rear extension. This gave rise to an increase of approximately 114% over that of the original dwelling. Planning permission was refused for two reasons, relating to the scale of the extension and to the parking provision at the site (although this reason was not pursued by the Council at appeal.)
- 2.05 The agent has set out in his supporting statement that, in his view, the majority of the scheme amounts to permitted development, and the main considerations here relate to the first floor side extension and the increase in scale of the ground floor extension. An excerpt from the supporting is as follows:

“The proposed extension has been sensitively designed in order to overcome the concerns raised by the previous Planning Inspector. In his decision letter the Inspector raised concern primarily with the bulk and rearward projection of the two storey side extension.

In order to address there concerns, the two storey side extension has been significantly reduced in size. It is now substantially smaller than the appeal proposal...

It is considered that the design of the proposed development would be entirely appropriate in terms of its impact upon the character and appearance of the existing property and immediate locality...

The proposed extension would not be visually prominent in this location. When viewed from the north-east it would be screened by the existing dwelling. From the south-west it would be substantially screened by the existing tree planting on the western side of Lower Hartlip Road.”

3.0 PLANNING CONSTRAINTS

- 3.01 The site lies opposite a grade II listed building – the Old Farmhouse. Members will be aware of the statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990
- 3.02 The site also lies in Environment Agency Flood Zone 2, in a groundwater source protection zone, and in the countryside, as defined in the proposals maps of the Swale Borough Local Plan 2008.

4.0 POLICY AND OTHER CONSIDERATIONS

Development Plan: E1, E6,, E14 E19, E24 and RC4 of the Swale Borough Local Plan 2008

Supplementary Planning Documents: Designing an Extension - A Guide for Householders

Adopted SPG entitled “Designing an Extension - A Guide for Householders”, was adopted by the Council in 1993 after a period of consultation with the public, local and national consultees, and is specifically referred to in the supporting text for saved Policy E24 of the Local Plan. It therefore remains a material consideration to be afforded substantial weight in the decision making process.

National Planning Policy Framework (NPPF)

The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states “that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

The 12 month period noted above has now expired, as such, it is necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF.

This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. Policies E1, E6, E14 E19, E24 and RC4 are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

5.0 LOCAL REPRESENTATIONS

- 5.01 12 representations of support have been received, which are summarised as follows:
- The proposal would improve the property and the area and provide a home for the family;
 - The neighbouring house has a very large extension;

- Other similar proposals in this road have been approved;
- The extension would not overlook anyone;
- Hartlip is a very unique village with an eclectic mix of dwellings and the granting of this application can only enhance the surrounding area;
- The design, appearance and materials proposed will enhance the property;
- The size of the proposal is much smaller than the adjoining property;
- We understand that the new application is smaller than that proposed last year. We have had a number of very large extensions in Hartlip creating 5 and 6 bedroom houses from 3 and 4 bed roomed homes. As a result the village has very little in the way of affordable accommodation for young families which has resulted in an increased average age of the community. It has also effected a reduction of local children to our village school.
- In order to ensure that young families can live in villages, a sympathetic consideration needs to be given to applications such as this;
- The proposal would not harm the character of the area;
- The proposal would accord with the NPPF, and is modest in scale;
- An extension of the scale proposed is required, due to the size of the applicant's family;
- The proposal is consistent with extensions to other houses elsewhere in the village.

5.02 One representation with general observations has been submitted.

6.0 CONSULTATIONS

6.01 The Environment Agency does not raise objection.

6.02 Hartlip Parish Council objects to the application, and comments as follows:

“The reduction in scale and bulk of the 2 storey proposed side extension is a big improvement on the previous scheme but it is still too big for the plot. It is a much larger development than has been allowed in the Lawful Development Certificate. It is a much larger footprint and there has been a linkage between the roof extension and the side extension sweeping round the back. It would still conflict with reason of the Appeal Decision Appendix 1.

The applicant appears to have used his Lawful Development rights to the maximum and then come back for a modest extension which has produced unsympathetic designs that look quite out of place and the loft conversion looks awful. The second storey extension to the rear still dominates the building, as in the inspector's comments at appeal, making the bulk and mass of the building look out of place when viewed from the footpath or road to the South.

For the above reasons, HPC objects to this application.”

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application drawings, supporting statement and appendices.

8.0 APPRAISAL

8.01 The extension of dwellings in the countryside is acceptable as a matter of principle, subject to matters relating to design and scale. The proposed development would not in my opinion give rise to harm to residential amenity by virtue of overlooking, overshadowing or loss of outlook. The proposed parking provision would be acceptable (it remains unchanged from the previous scheme). Members will note that the Environment Agency do not raise objection, subject to the informatives recommended below.

The key issue here is, therefore, whether the proposed development would amount to a modest, acceptable extension, taking into account its bulk and scale, and the cumulative increase in floorspace

8.02 In this case, Members will note that the cumulative increase in floorspace over the original dwelling is approximately 115%. As Members will be aware, this is significantly above what would normally be considered acceptable.

8.03 I am though mindful of the recent appeal decision at this site, and in particular, paragraph 5 of that decision, which refers to the bulk and scale of the two storey extension proposed not being subservient to the main dwelling, and being visually dominant and incongruous with the original dwelling.

8.04 The applicant has attempted to address the concern of the Inspector by significantly reducing the bulk of the two storey side extension. Taken in isolation, the two storey extension now proposed is in my view acceptable. It would be modest in scale and would not dominate the original dwelling in the manner of the previously refused scheme.

8.05 Equally, I am mindful that the dormer window and roof alteration amount to permitted development, and that single storey side and rear extensions could also be constructed as permitted development here, albeit on a much smaller scale than those proposed under this application.

8.06 However – the proposal, taken as a whole would still be substantial in scale in comparison to the original dwelling, and it would in my view cause some harm to the character of the dwelling. I am though mindful that whilst the development proposed here would be much larger than normally considered acceptable, it is designed such that the dwelling would still retain some of its character.

8.07 In addition, the site is comparatively well screened. The extension would only be visible from public vantage points close to the site, would not be visible at all on approach from the north and only from almost in front of the site from the south. As such, there would be a very limited impact on the character and appearance of the countryside or the wider area.

8.08 I have given consideration as to the effect of the proposed development on the setting of the listed building. I do not consider that the proposal would have a harmful impact. The front elevation of the proposed extension would be set

back from the highway, and would not appear incongruous when viewed in conjunction with, or from the listed building.

9.0 CONCLUSION

- 9.01 This is a very finely balanced decision. The proposed development is, on the face of it, contrary to the adopted SPG, which sets out that domestic extensions in the countryside should generally increase the floorspace of the original dwelling by no more than 60%. In addition, when viewed from the side, the extensions and alterations to the dwelling would be such that it would be increased in bulk in a moderately harmful manner.
- 9.02 However – the extension would be of an acceptable design (notwithstanding its bulk and scale), and the main objection of the Planning Inspector (namely the size of the two storey element of the scheme) has been addressed. I am also mindful that single storey side and rear extensions to the dwelling could be carried out as permitted development, and that the site is not readily visible from public vantage points.
- 9.03 Given the above I am, on balance, of the view that the increase in size of the dwelling is not unacceptable, and that the development proposed is not so harmful that planning permission ought to be refused.

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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

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

Informatives:

Drainage

The development site lies in a Source Protection Zone 2 for our potable water supply, and on Seaford Chalk Geology in a Major Aquifer therefore we recommend the following:

Foul drainage

Foul drainage should be connected to the main sewer. Where this is not possible the Environment Agency recommend the installation of a Package Treatment Plant. If these are installed and it is proposed to discharge treated effluent to ground or to a surface watercourse, the applicant may require an Environmental Permit from the Environment Agency. Applicants should apply online at <https://www.gov.uk/waste-exemptions-disposing-of-waste> or contact the EA for an Environmental Permit application form and further details on 08708 506506.

The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.

To help the applicant choose the correct option for sewage disposal, additional information can also be found in the Environment Agency's Pollution Prevention Guidelines (PPG) 4: Treatment and Disposal of Sewage where no Foul Sewer is available which can be found at:

<http://webarchive.nationalarchives.gov.uk/20070109100153/http://publications.environment-agency.gov.uk/pdf/PMHO0706BJGL-E-E.pdf>

Surface water drainage

Please note that only clean uncontaminated roof water should drain to the surface water system, entering after any pollution prevention methods installed.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to the Environment Agency guidance "PPG1 – General guide to prevention of pollution", which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

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.

Appeal Decision

Site visit made on 18 October 2013

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2013

Appeal Ref: APP/V2255/D/13/2205048

6 Paradise Cottages, Lower Hartlip Road, Hartlip, Sittingbourne, Kent ME9 7SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr W. Hilden against the decision of Swale Borough Council.
- The application Ref SW/13/0561 was refused by notice dated 30 July 2013.
- The development proposed is the erection of a two storey side extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposal on:
 - (i) the character and appearance of the countryside; and
 - (ii) highway safety, with particular regard to car parking provision.

Reasons

Character and appearance

3. The appeal property is a 2-storey semi-detached house. It is situated in a rural area and forms part of a small group of dwellings of similar age and appearance, some of which have been extended in the recent past.
4. The proposal would comprise the removal of a group of dilapidated outbuildings to the side of the house and the erection of a 2-storey extension which would be set behind the line of the front elevation of the property and extend a significant distance beyond the original rear building line. It would have a pitched roof and partly rendered, partly tile hung walls plus windows that would match the proportions of the existing.
5. Whilst the addition would reflect the appearance of the host, due to its overall bulk – which would be similar to that of the existing house - and its rearward projection it would not be subservient in size to the house. In my judgement, as a consequence, it would be a visually dominant and incongruous element that would not sit comfortably on the site, despite being partly screened by tall road-side hedges.

APPENDIX A – ITEM 2.3

Appeal Decisions APP/V2255/D/13/2205048

6. For these reasons I conclude that the proposal would have an unacceptable effect on the character and appearance of the countryside. It is therefore contrary to the aims of Policy E1 of the Swale Borough Local Plan 2008 (LP) which seeks development that is of a scale that is appropriate to the location. It also conflicts with the objectives of the Council's guidance document *Designing an Extension – A Guide for Householders* which, whilst somewhat dated, includes broad aims that are consistent with the LP.
7. I note that some nearby properties include side extensions and that the addition to 4 Paradise Cottages was built following a planning application allowed at appeal in 2010 (ref: APP/V2255/D/10/2134525). These recent additions are smaller than the appeal proposal and located in less exposed positions. They are not directly comparable to the appeal proposal and, as each application and appeal should be considered on its individual merits, I therefore attach limited weight to them.
8. The Council has referred to LP Policy RC4. As the existing ground floor area of the appeal property is less than 50sqm and a need for smaller accommodation in the area has not been identified, I am satisfied that the proposal complies with this policy. However, this does not outweigh my conclusions above.

Highway safety

9. The application drawings indicate that 2 off-street car parking spaces would be provided at the front of the property. This level of parking is in line with the standards set out in the *Kent Design Review: Interim Guidance Note 2 – Residential Parking* (2008) which was produced to form the basis for residential parking policies in Local Development Frameworks across Kent. The proposal therefore complies with LP Policies E1 and T3 which require car parking provision to accord with County Council standards. For this reason I am satisfied that the proposal would not result in unacceptable effects on highway safety in the area.

Conclusion

10. Although I have concluded that the proposal would not have an unacceptable effect on highway safety, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR