

3.2 REFERENCE NO - 21/505951/FULL		
APPLICATION PROPOSAL Retrospective application for erection of two dormer windows with balconies on rear roof slope, addition of balcony to existing rear dormer window and use of flat roof as roof terrace, with railings. Proposed erection of single storey rear extensions.		
ADDRESS Gilron Bell Farm Lane Minster-on-sea Sheerness Kent ME12 4JA		
RECOMMENDATION Refuse		
SUMMARY OF REASON FOR REFUSAL The development seeking permission will further increase the bulk and form of the existing property which, taken together with previous extensions to the property, would cause unacceptable harm to the character and appearance of the property and wider countryside. Furthermore, the balconies and roof terrace created at the property cause unacceptable overlooking of Kentucky, the neighbouring property to the west.		
REASON FOR REFERRAL TO COMMITTEE Parish Council support.		
WARD Sheppey East	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Peter Lay AGENT Mr Ken Crutchley
DECISION DUE DATE 05/01/22		PUBLICITY EXPIRY DATE 02/02/22

Planning History

18/502561/LDCEX

Lawful Development Certificate for the existing dog grooming parlour and office.

Refused Decision Date: 08.08.2018

SW/11/0101

Re-application for proposed two storey side extension to existing chalet bungalow.

Approved Decision Date: 24.03.2011

SW/10/0411

Two storey side extension to existing chalet bungalow

Approved Decision Date: 21.05.2010

SW/09/0205

Two storey side extension.

Refused Decision Date: 13.05.2009

SW/08/0802

Two storey extension.

Refused Decision Date: 08.09.2008

SW/99/0246

Extension

Approved Decision Date: 05.05.1999

SW/74/0565

2 bungalows outline

Refused Decision Date: 11.09.1974

1. DESCRIPTION OF SITE

- 1.1 Gilron is a detached chalet bungalow situated on Bell Farm Lane, in the countryside between Minster and Eastchurch. It is set back from the road and has been extended a number of times in the past, including a one and half storey side extension permitted under application SW/11/0101 and a single storey side extension under SW/99/0246. Various extensions are also present at the property that don't appear to have planning permission, including a loft conversion, a single storey rear extension and a conservatory to the side of the property. All these works appear to have been in place for in excess of four years and would therefore immune from enforcement action.
- 1.2 Two dormer windows with balconies and a roof terrace at the rear of the property have also been constructed. These additions require planning permission and have not been in place for more than four years, and therefore are not immune from enforcement action. These form part of this planning application (as amended).
- 1.3 To the side of the property is a large outbuilding also within the applicant's ownership. A dog grooming business is operating from the building. Parking for the property and business is provided within a car park to the front of this outbuilding.
- 1.4 Across the road is a holiday caravan park, and there are other residential dwellings along Bell Farm Lane.

2. PROPOSAL

- 2.1 This application seeks retrospective planning permission for the erection of two dormer windows with balconies on the rear roof slope, the addition of a balcony to an existing rear dormer window on the eastern side of the property and use of a flat roof as a roof terrace, with railings. The dormer windows all have flat roofs, and are located on the western (rear) side of the property. The central dormer provides access to the flat roof of the existing rear extension, which is used as a roof terrace.
- 2.2 Two single storey rear extensions are also proposed. They will be located either side of the existing rear extension at the property. One extension will measure 3.2m x 3.1m in footprint, whilst the other will measure 3.6m x 3.1m in footprint. Both extensions will have a flat roof with a height of 3m, which matches the height of the existing rear extension. A roof lantern is also proposed in the flat roof. The extensions will provide a larger dining room at the property.

3. PLANNING CONSTRAINTS

- 3.1 The site falls outside of any built confines and within the open countryside as defined in the Local Plan.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies CP4, DM11, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

Supplementary Planning Guidance (SPG): 'Designing an Extension: A Guide for Householders'. In relation to balconies the SPG advice is:

“When considering applications for flat roofed extensions, the roof will not normally be allowed to be used as a balcony due to the resultant privacy problems for neighbours which can so often occur. The Council will seek to ensure that no doorway opens onto such a roof and may impose a condition preventing use of such an area as a balcony. Only in exceptional circumstances will a balcony arrangement be approved.”

5. LOCAL REPRESENTATIONS

- 5.1 Minster Parish Council supports the application, but it did not provide reasons for its support. Officers have sought to clarify this and the Parish Council has advised that it could find no material considerations not to support the application, and that this is a relevant planning consideration in itself.

6. CONSULTATIONS

- 6.1 None

7. BACKGROUND PAPERS AND PLANS

- 7.1 Documents and plans provided as part of 21/505951/FULL.

8. APPRAISAL

Impact on character and appearance of rural area

- 8.1 The property lies within the countryside, and policy DM11 in The Swale Borough Local Plan 2017 states the Council will permit extensions (taking into account any previous additions untaken) to existing dwellings in the rural area where they are of an appropriate scale, mass and appearance in relation to the location.
- 8.2 In addition, paragraph 3.3 of the Council's adopted SPG states:

“The Council will not normally approve an extension to a dwelling in a rural area if it

results in an increase of more than 60% of the property's original floorspace”.

- 8.3 The previous additions to the property (including the side extensions, rear extension and conservatory) have added approximately 102m² to the original floor space. This would represent an increase of roughly 204%. Taking into account the extensions proposed under this application, an additional 18.7m² will be added to the existing floor space. When added to existing extensions undertaken this would result in the property being approximately 241% bigger than its original floor space. As a result, the overall resulting floor space significantly exceeds the 60% adopted guidance within the SPG. Whilst the dormer windows and external balconies do not add floorspace, they add further bulk and scale to the building.
- 8.4 Whilst the proposed extensions and dormers could be considered to be limited in scale in isolation, when taking into account the extent of existing extensions at the property, the development as a whole further increases the substantial bulk and form of the dwelling compared to the original dwelling. This cumulative increase will cause harm to the character and appearance of the property and wider countryside in my view, and is contrary to policy DM11.

Impact on neighbouring amenities

- 8.5 The main property that could be impacted by the development is Kentucky to the south. The proposed single storey extension will project roughly 5m past the rear elevation of Kentucky, which is in excess of the 3m projection recommended in the SPG for such extensions. However, in this case I note that there is a gap of roughly 2.8m between the properties. Taking into account this separation distance, I do not envisage the rear extension would cause any harm to amenity at this neighbouring dwelling. Due to the separation distance to other dwellings, I do not consider the rear extensions will result in any unacceptable impact to neighbouring amenity.
- 8.6 The dormer windows, balconies and roof terrace would not cause any loss of light or outlook to Kentucky. However, I have serious concerns regarding overlooking into this neighbouring property from the western balcony and roof terrace. Both these balcony / roof terrace areas will provide clear views of the rear elevation of Kentucky and its private amenity space. This will cause unacceptable harm to residential amenity of the occupiers of this dwelling, by virtue of a significant loss of privacy. I consider this to be unacceptable and contrary to policy DM14 of the Local Plan.

9. CONCLUSION

- 9.1 This dwelling was originally a modest, single storey property that has already been significantly extended. I consider that the further development proposed under this application would add to the bulk and scale of the dwelling in a manner which will be harmful to the character and appearance of the property and to that of the wider countryside, contrary to policy DM11 of the Local Plan. Furthermore, the western dormer balcony and roof terrace will result in unacceptable overlooking of Kentucky to the west, and therefore will lead to a harmful impact on the residential amenities of this property,

contrary to policy DM14 of the Local Plan. As such I recommend planning permission is refused.

10. RECOMMENDATION - REFUSE for the following reasons:

- (1) The site is located within the countryside where policies of restraint generally apply. The proposed development (including the retrospective development subject to this application) would, when taken together with previous extensions to the existing dwelling, result in a development of significant scale, mass and appearance, that would fail to appear subservient to the original property and would be harmful to the intrinsic amenity value and character of the countryside. As such, the development is contrary to policies CP4, DM11 and DM14 of Bearing Fruits 2031 - The Swale Borough Local Plan (2017), and the Council's Supplementary Planning Guidance (SPG) 'Designing an Extension'.
- (2) The western dormer window balcony and roof terrace provides unrestricted views of the rear elevation of the property Kentucky to the west, and its private amenity space. This results in a significant loss of privacy to the occupiers of this dwelling, and is therefore contrary to policies CP4, DM14 and DM16 of the adopted Swale Borough Local Plan – Bearing Fruits 2031 and to 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.

