

2.2 REFERENCE NO - 22/501594/FULL		
APPLICATION PROPOSAL Erection of a single storey rear extension (retrospective).		
ADDRESS 8 Park Road Faversham Kent ME13 8ES		
RECOMMENDATION – Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Alexander Rozema AGENT Invicta Planning
DECISION DUE DATE 28/07/22	PUBLICITY EXPIRY DATE 19/05/22	OFFICER SITE VISIT DATE 25/04/22

Planning History

18/505539/FULL - Erection of a single storey rear extension and loft conversion with rear dormer, second floor rear extension and 2no. velux conservation rooflights to front. Refused 7/01/2019.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 No.8 Park Road is a traditionally designed two-storey Victorian semi-detached property, on a road comprising similar properties of the same age and character, situated within the Faversham conservation area. As with many Victorian properties of this type, these properties have original two storey outshoots extending part-way across their rear elevation. This means that the ground floor window in the main rear elevation - usually a dining room, as is the case here - enjoy only a limited amount of light and have a somewhat tunnelled aspect. It is the impact on this window at the ground floor rear of no 9 that is the main consideration in terms of the impact on residential amenity (see below).

1.02 The property is also subject to an Article 4(2) Direction dated May 2007 which was issued in order to prevent piecemeal degradation of the streetscape of the town via incremental Permitted Development changes and, ideally, to raise the standard of appearance of properties when changes are being made. The Direction affects the front elevation and roof-slope of the property. This Direction does not affect alterations to the rear elevations of the property.

1.03 The front the dwelling abuts the footpath along Park Road and to the rear is an enclosed rear garden.

2.0 PROPOSAL

2.01 This application is seeks retrospective planning permission for the erection of a single storey rear extension of lean-to design that infills the space between the application property's two storey outshoot and the boundary with no 9 adjoining, indeed, encroaches across the boundary to no 9 by up 0.24m.

- 2.02 The proposal is 2.2m wide, has a depth of 3.05m measured from the recessed two storey rear main wall of the house and is of lean-to design, from a maximum height of 2.8 up against the flank of the existing two storey outshoot. A set of patio doors face the rear and there are 2no. rooflights within the tiled roof-slope
- 2.03 In terms of materials the roof tiles are slate which match the roof tiles on the existing dwelling. The rear wall of the extension has been rendered and painted. The side of the extension/boundary wall which has been constructed between no 8 and no.9 Park Road has not been finished and unrendered breeze blocks remain facing the neighbouring dwelling no.9 Park Road.
- 2.04 Amended drawings have been provided as the encroachment across the boundary across the boundary with no.9 was not shown accurately when the application was originally submitted. A new ownership certificate also needed to be submitted, reflecting the fact the extension straddles land not within the applicant's ownership, in addition notice needed to be served on the other party (no 9) to formally let them know the application incorporates land within their ownership. The application is now valid and can be determined.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Article 4 Swale Article 4 directive

Conservation Area Faversham

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 4.02 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:
- CP4 (Requiring good design)
 - DM14 (General development criteria)
 - DM16 (Alterations and extensions)
 - DM33 (Development affecting conservation area)
- 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".*
- DM33 requires development within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the area's special character or appearance.*
- 4.03 Supplementary Planning Guidance (SPG); Designing an Extension: A Guide for Householders and Conservation areas. Relevant extracts state:

- 3.4** *On houses with pitched roofs it is always best to have a matching pitched roof on the extension with the same type of tiles. All such two-storey extensions should have a pitched roof and other prominent single storey extensions are normally better for having pitched roofs.*
- 4.0** *On any house, an extension should be well designed to reflect its character. Use of matching bricks, other facing materials, and roof tiles together with appropriate doors and windows is essential if an extension is not to upset the appearance of the house or the area as a whole.*
- 5.6** *If not sensibly planned, rear extensions can have considerable impact upon your neighbour. Careful regard should be given to the outlook of your neighbours and the effect of the extension on sunlight and daylight to their dwelling. This is particularly important where the extension is along a common boundary and especially on terraces or semi-detached properties. To minimise this impact, the Borough Council limits the amount of outward projection on the extension.*
- 5.7** *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. A first floor extension should not exceed 1.8m (with two storey rear extensions the potential impact can be even greater). Leaving a gap to the boundary with your neighbour may offset this requirement slightly depending on the distance allowed.*

5.0 LOCAL REPRESENTATIONS

5.01 One letter of objection has been received from the occupant of the adjoining property (no 9) which says in summary:

- *When Mr Rozema built the wall next to my property, 9 Park Road, I expected it would be placed along the boundary wall which would take up an equal amount of space on each of our properties. Instead Mr Rozema placed the wall at a right angle to the original building, causing it to encroach further over on my property. He then explained the bricklayer had made a mistake and the wall had encroached a further 7 or so cm onto my property.*
- *The shared wall is longer than 3 meters from the original building.*

(Plans have been amended to show the correct depth of the extension and the encroachment across the common boundary).

- *I had allowed Mr. Rozema to use my property during the building works which was quite disturbing during the building with much noise and interference in my garden without complaint.*
- *Mr Rozema did not ask me to sign a shared wall agreement before the building began. However, after the building was complete, I asked him for permission to do some repair work on our shared chimney. He refused to give this, unless I signed a retrospective shared wall agreement. The plans Mr. Rozema sent me, showed of his intentions of placing the wall at a right angle, encroaching over my property, which was not mentioned to me before the build. I did not agree.*

- *The plans I have seen which he is now presenting to the council for retrospective planning permission seem to show the shared wall is going along the boundary wall. That is not accurate.*

(Plans have been amended to show this).

- *He promised to make good my side of the building by rendering the wall and filling in the gaps in the concrete. This has not taken place.*
- *Mr. Rozema has encroached on part of my land for his build and has not made any compensation for this.*

5.02 One letter of support has been received from a resident within Faversham which say in summary:

- *The application is for a single storey extension that in-fills the area between the back wall and the kitchen/bathroom dog-leg, the side return, if you will. This is a common layout for Victorian homes and a relatively common extension for a property of this age. The extension is 3m in depth, or there about.*
- *The length of the extension would in most circumstances fall under permitted development. I would argue that the length of the extension going beyond permitted development thresholds is extremely de minimis. I would also argue that any enforcement action, given the diminimus nature of the extensions length beyond PD, would not be in the public interest.*
- *The extension is not visible from Park Road, nor is it visible from Chapel Road. The only way it could be visible from Chapel Road is if the viewer was in an elevated position directly inline with the back garden. My opinion is that there is no harm at all to the Conservation Area.*
- *The extension meets the criteria in Policy DM14 of the Local Plan, the general development policy for such development as an this extension.*
- *The scale of the extension is well sited and of a sympathetic design and appearance to the location. The development uses materials to match and complement the existing building and makes use of natural lighting to reduce heating and lighting energy uses. It reflects the positive characteristics and features of the site and locality.*
- *The absence of harm to the conservation area.*
- *The extension has been designed to be subservient to the building and to be hidden from any street views in the Conservation Area. it therefore conserves and enhances the built environments taking into account sustaining and enhancing the significance of heritage assets.*
- *The NPPF (paragraph 199) makes clear when considering potential impacts on heritage assets that greater weight should be given to any harm dependent on the significance of the heritage asset. The heritage asset here is the Conservation Area which should be given a substantially lesser weight than Listed Building Gradings, Scheduled Monuments or WHS.*

- *If officers were minded to consider that the development does cause harm to the conservation area then this must surely be considered to be at the very lowest end of 'less than substantial' harm given the small scale of the extension and the more limited weight to be attributed to the heritage asset in line with the NPPF para 199.*
- *I am of the opinion that the extension should be granted planning permission. It accords with the development plan and does not cause harm to any heritage asset.*
- *Non- Planning Matters*
 - *Party wall/boundary wall disputes are a civil matter and are not a planning 'material consideration'*
 - *The extension does not, in my view, encroach over the boundary line, shown on the block plan*
 - *The offer of rendering and works to the wall on the neighbouring property were made during the build*
 - *The enforcement complaint regarding the extension is linked to the party wall disagreement and therefore should not weigh in the planning balance.*

6.0 CONSULTATIONS

6.01 Faversham Town Council have objected to the proposal for the following reasons:

- *The proposal would adversely affect the streetscape of Chapel Street, as the rear extension is clearly visible there.*
- *The proposal would harm the Conservation Area.*
- *The Town Council is disappointed that the proposal is part retrospective.*

6.02 Kent County Council Archaeology have confirmed that as this proposal is retrospective no archaeological measures are required.

6.03 The Council's Conservation Officer acknowledged an element of the pitched roof of the extension was visible along the adjacent road, Chapel Street. He considered he is unable to object to the rear infill extension as similar extensions have been approved within the Faversham conservation area.

7.0 BACKGROUND PAPERS AND PLANS

7.01 All plans and documents to application 22/501594/FULL

8.0 APPRAISAL

The site is situated within the built-up area boundary of Faversham and as such the principle of the development is acceptable subject to the other relevant policy considerations outlined below.

The main considerations in the determination of this planning application are (A) the appearance of the proposal in relation to the house itself and surroundings, (B) the impact on residential amenity (no 9) and (C) whether the character and appearance of the conservation area would be preserved and enhanced.

Design/Appearance

- 8.01 The Article 4(2) Direction that covers the Faversham Conservation Area only affects the front elevations of buildings so has no relevance to the consideration of proposals at the rear.
- 8.02 The design of the proposal is considered acceptable. It has a pitched roof, which satisfies extract 3.4 of the SPG, and the materials, in particular the slate roof tiles used, match those used on the existing dwelling, in line with extract 4.0 of the SPG. I, therefore, consider the general design here acceptable and in accordance with Local Plan policy DM16.
- 8.03 The rear elevation of the extension sought has a rendered finish, which differs from the rear of the existing dwelling, which is brick faced. However, this finish is not considered to be unacceptable, given that the proposal is contained within the rear garden environment and can only be glimpsed from Chapel Street, which is the nearest public place from which the extension is visible but not prominently so. It could not be said to be part of the Chapel Street street-scene either, given that the application property is the second property in from Chapel-Street. It should also be pointed out that the flank wall of no 9 Park Road is the endmost unit flanking onto Chapel Street and the entire flank wall of this property, which is dominant in this part of Chapel Street, has a rendered finish. It would, therefore, be difficult to argue that a rendered finish would be harmful to the Chapel Street street-scene.
- 8.04 The flank wall of the extension on the boundary with the yard at the rear of no 9 is, however, unfinished and is currently an unsightly blockwork finish. This needs to be rendered and a planning condition that requires this would be appropriate.
- 8.05 Subject to the flank wall being rendered, the design and appearance of the extension is considered acceptable.
- 8.06 A site visit to no.9 was undertaken to properly assess the impact on the level of amenity enjoyed at the rear of no 9. The view reached was the impact on amenity enjoyed at the rear of no 9 is not so serious as to warrant rejection of the proposal on those grounds. A previously proposal for a rear extension (18/505539/FULL) was at 3.9m depth refused as being too deep. The current proposal reduces the depth in line with SPG guidance.
- 8.07 Most of the comments from the resident' at no 9 to the encroachment of the extension onto her property. However, this is a private matter between her and the applicant and is not a matter for the Council. The neighbour has been advised accordingly and it is for her to decide whether to act over the encroachment.

Residential Amenity

- 8.08 The only neighbour affected is no 9 Park Road, which adjoins the application property and is the other half of the pair. The main impact is the effect of the extension on aspect and light enjoyed by the dining room window in the main rear wall.
- 8.09 The room has undoubtedly suffered loss of aspect and, in addition, a certain amount of daylight too. However, before the extension at no 8 was added, it enjoyed only tunnelled aspect and somewhat limited light because of its deeply recessed position in the rear main wall of the house between the two-storey outshoots at the rear of both properties. It is not considered that the further impact on aspect and light enjoyed

because of the extension built is so serious as to warrant rejection of the proposal. The Council frequently grants permission for extensions of this sort, infilling the space at the side of two outshoots at the rear of Victorian houses of this design in Faversham, and this accepts that such impact as arises is within acceptable tolerances in this sort of situation. That is the case here too, notwithstanding the fact that the extension encroaches onto land within the curtilage of no 9 by up to 0.24m, so the extension is slightly closer to the neighbour's window than is normal.

- 8.10 The projecting outshoot at the rear of no 9 also contains a kitchen at ground floor which is affected by the extension sought. However, impact is judged to be within acceptable tolerances too as the room has extensive windows in its side and rear elevations that ensure it remains well lit.
- 8.11 The extension sought projects from the rear of the host dwelling by 3.05m. This depth is slightly more than the 3m limit set under para 5.7 of the SPG. However, the amount by which the 3m limit would be exceeded would be just 5 cms, which is considered minimal in terms of the impact arising and so small as to have no bearing on the decision to be taken on the application. The encroachment of the extension over the boundary by up to 0.24m does have the effect of slightly increasing the impact of the proposal on the adjoining neighbour, compared with what is envisaged under the SPG, but on its merits this impact would be insignificant for the reasons already stated above.

Impact on Conservation Area

- 8.12 The Council has a legal duty to consider if a proposal would preserve and enhance the character and appearance of a Conservation Area. The site is in the Faversham Conservation Area.
- 8.13 In this case, the proposal would be at the rear of the application property and would only be glimpsed from the side road, Chapel Street, so would not be prominent in the public domain and street. Whilst the proposal would not enhance the conservation area, it would not harm it either and would be neutral in its impact. The Council's Conservation Officer raises no objections to the proposal on heritage grounds.
- 8.14 No concerns, therefore, arise in terms of the impact of the proposal on the character and appearance of the Conservation Area.

9.0 CONCLUSION

- 9.01 Although the extension is slightly deeper than the 3m maximum set under the SPG, this is guidance only and needs to be applied to individual circumstances. In this case, the excess depth is so small as to be minimal in terms of its impact. There is impact on aspect and light enjoyed at the rear of no 9 but this would be within acceptable tolerances for a Victorian property where there are two storey outshoots that, in combination with a single storey extension in the intervening space, always results in impact on the adjoining property. The judgement that needs to be made is whether the impact would be beyond acceptable tolerances. That is not considered to be the case here. Design and appearance are acceptable and, whilst the proposal could not be said to enhance the conservation area, there would be no harm either. It is accordingly recommended that planning permission be granted.

10.01 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The flank wall of the extension hereby permitted on the boundary with and facing into the rear yard of no.9 Park Road shall be rendered within three months beginning with the date on which the permission is granted.

Reason: In the interests of residential amenity and to protect the character and appearance of the area, which is part of the Faversham Conservati0n Area.

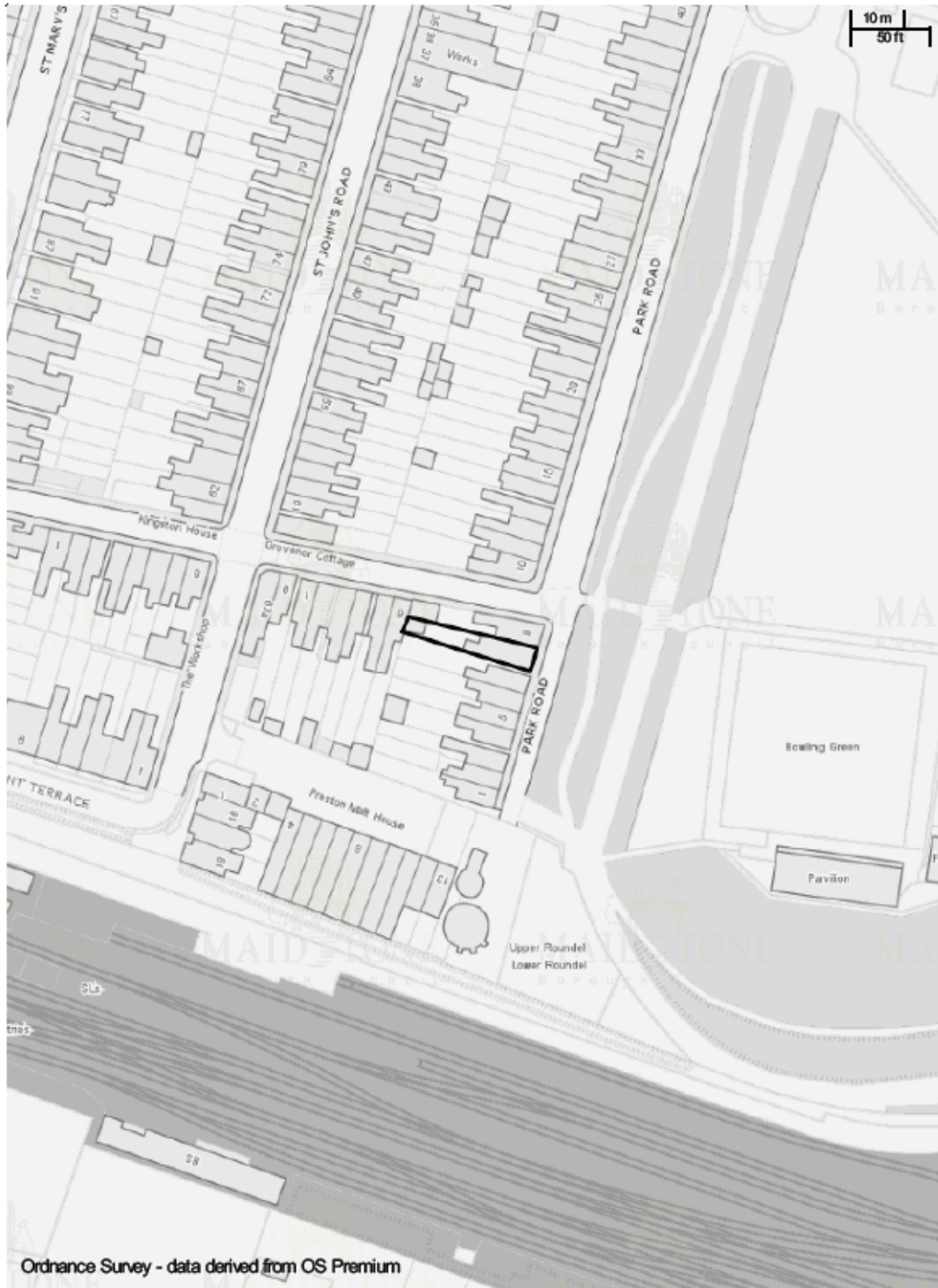
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.



Ordnance Survey - data derived from OS Premium

22/501594/FULL - 8 Park Road Faversham ME13 8ES
Scale: 1:1000
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