

PLANNING COMMITTEE – 18 AUGUST 2022**PART 3**

Report of the Head of Planning

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

3.1 REFERENCE NO - 22/502498/FULL		
APPLICATION PROPOSAL Demolition of existing utility and annexe and erection of a two storey pitched roof rear extension including annexe, a single storey flat roof rear orangery, a single storey side entrance extension with covered refuse and seating area, and a single storey bay window to front. Refurbishment including installation of thermally efficient roof coverings, replacement of external wall cladding and structure with thermally efficient detailed face brick facade, and replacement of windows, doors and ground floor fabric.		
ADDRESS 5 The Wineycock Newnham Kent ME9 0NB		
RECOMMENDATION Refuse		
REASON FOR REFERRAL TO COMMITTEE Parish Council supports the application.		
WARD East Downs	PARISH/TOWN COUNCIL Newnham	APPLICANT Mr Colin Hulott AGENT Abstrkt-Dsign
DECISION DUE DATE 15/07/22	PUBLICITY EXPIRY DATE 20/06/22	

Planning History

SW/89/1807

Erection of single storey rear extension alterations to convert roof space into two bedrooms and new brick outer skin

Refused Decision Date: 08.02.1990

1. DESCRIPTION OF SITE

- 1.1 5 The Wineycock is a two-storey three-bedroom semi-detached dwelling located within the built-up area boundary of Newnham and within the Kent Downs Area of Outstanding Natural Beauty (AONB) but outside the village conservation area. The property occupies a prominent corner plot and is one of a number of generously spaced former Aiery Houses that are set well back from the road. The external walls of the house are clad in concrete panels, but the adjoining semi, as well as most of the other houses within The Wineycock now has a red brick façade. There is a landscaped garden to the front of the property and private amenity space to the rear as well as a driveway to the side.
- 1.2 The adjoining property at No.6 The Wineycock has a single storey rear extension that is of a same depth as the current annexe extension at No.5 The Wineycock.

- 1.3 Planning permission (SW/89/1807) was refused in 1990 for a flat roofed dormer on the rear facing roofslope. That application was refused on the grounds that the large box dormer would have resulted in an unsightly feature out of scale and character with the house and detrimental to the amenities of the AONB.

2. PROPOSAL

- 2.1 This application is seeking planning permission to demolish the existing single storey flat roofed rear wing and to construct a two-storey pitched roof extension, and an orangery at the rear of the house, to construct a porch to the side, and a bay window at the front. The existing concrete panels to the external walls of the house will be replaced with a red brick façade and the roof re-tiled.
- 2.2 The two-storey rear extension will project 6.7m beyond the rear wall and have a pitched roof (with three rooflights). It will be slightly wider than the existing ground floor extension and will provide an annexe/bedroom area with shower room/ensuite at ground floor, and a master bedroom with ensuite at first floor. The master bedroom will have a Juliette balcony overlooking the rear garden.
- 2.3 The orangery will project 3.5m beyond the rear wall and infill at ground floor the gap created by the two-storey extension. It will have a flat roof (with two rooflights) set behind a parapet wall.
- 2.4 The single storey extension to the side will be used as a porch with a covered seating/storage area. It will project 1.9m beyond the side wall and extend across the full depth of the house with a pitched roof.
- 2.5 The bay window to the front of the house will have a depth of 1.1m and have a pitched roof. It will provide additional space in the lounge.
- 2.6 The applicant sought pre-application advice prior to submitting the application and was advised that the proposals would likely to be considered acceptable in principle providing that appropriate materials are used, and that careful consideration is given to the depth of the rear extension at first floor (suggesting a projection of no more than 3.0-3.5m).
- 2.7 The application is supported by a Design and Access Statement which explains the proposal is to remove the 'Aiery' element and thereby revert this to a property of conventional construction. It refers to the advice given at pre-application stage, stating on page 7 the following in respect of the two-storey rear addition:
- *The Pre-App guidance mis-states that the adjoining property at No.6 Wineycock has a single storey rear extension that is of a **smaller depth** than the current annexe extension at No.5 Wineycock. The single storey rear extensions to both properties are the same effective depth (save for the rear bay added to No.5 Wineycock which is to be entirely removed. This has been accurately indicated on the submission drawings;*
 - *The Pre-App guidance suggests no issue with the proposed ground floor rear extension;*

- *In close proximity to the boundary between properties, a greater first floor extension than the 1.8m (outward from the rear main building elevation) permitted under the SPG could be accommodated and the Pre-App Guidance suggests 3.0m – 3.5m would not be considered unreasonable. The understanding at site inspection was that where the first floor extension is inset from the boundary then the first floor extension could benefit from a proportionately wider outward projection. In this instance within the adjacent property the effective distance from the actual boundary (by virtue of their existing single storey rear addition) is in excess of 2.8m from the actual boundary. Therefore applying the foregoing Pre-App Guidance together with the effective inset principally results in the proposed first floor extension as table in this submission. The proposals as tabled on this basis are therefore not suggested to be overbearing on the adjoining properties rear garden and should be considered acceptable;*
- *The pitched roof to the two storey rear addition is proposed to be in compliance with the SPG and appears uncontentious;*
- *The inclusion of 3No rooflights within the proposed south facing pitched roof elevation were suggested to offer the potential for overlooking, particularly to the rear patio area close to the adjacent main building. The rooflights do not offer the potential for overlooking or loss of privacy, being located significantly above floor level & a 1.7m eyeline within the proposed dwelling as is clearly indicated in the proposed section detail. The only purpose of same (which will likely be electronically operated given their actual height) is to benefit the first floor accommodation with direct sunlight ingress from the south;*

3. PLANNING CONSTRAINTS

3.1 Area of Outstanding Natural Beauty KENT DOWNS

Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) refers to the importance of supplementary planning documents in achieving good design using visual tools. The NPPF sets out the following advice:

Paragraph 128 states that:

“To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.”

Paragraph 176 requires that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Area of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”

4.2 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:

Policy CP4 (Requiring good design); Policy DM7 (Vehicle Parking); Policy DM14 (General development criteria); Policy DM16 (Alterations and extensions) and Policy DM24 (Conserving and enhancing valued landscapes).

Policy CP4 requires development to be of a high quality of design that is appropriate to its surroundings.

Policy DM16 states that planning permission will be granted for alterations and extensions provided they:

- 1. Are of an appropriate design and quality which responds positively to the style and character of the building being extended;*
- 2. Are appropriately scaled in relation to the building and its surroundings;*
- 3. Maintain or enhance (where applicable) the character of the street scene;*
- 4. Reinforce or enforce as appropriate local distinctiveness;*
- 5. Preserve architectural, historic, landscape, or nature conservation features of interest; and*
- 6. Protect residential amenity.*

Policy DM24 seeks to protect the AONB from harmful development, stating that:

“The value, character, amenity and tranquillity of the Borough’s landscapes will be protected, enhanced and, where appropriate, managed.

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

- 1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:*
 - a. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*
 - b. furthering the delivery of the AONB’s Management Plan, having regard to its supporting guidance documents;*
 - c. minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*
 - d. being appropriate to the economic, social and environmental wellbeing of the area*

or being desirable for the understanding and enjoyment of the area.”

- 4.3 Supplementary Planning Guidance (SPG) entitled “Designing an Extension – A Guide for Householders” provides guidance on the design and scale of extensions. With regards to design, the guidance states that:

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 front and other prominent single storey extensions are normally better for having pitched roofs.

- 4.4 With regards to front extensions and porches the SPG states:

5.3 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 With regards to the scale of rear extensions the SPG states:

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. LOCAL REPRESENTATIONS

- 5.1 A site notice was displayed and has since expired but no local representations have been received.

6. CONSULTATIONS

- 6.1 Newnham Parish Council supports the application, but initially did not provide any explanation. I sought further clarification and they provided the following reasons:

Councillors believe the additions will enhance the appearance of the current house, which is in a fairly prominent position. It will provide a useable family home, as the property has been left as a bequest and had not been maintained for some time. There are limited properties of that size and value within the village.

- 6.2 The County Archaeology Officer confirmed that no archaeological measures are required.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and drawings referring to application reference 22/502498/FULL.

8. APPRAISAL

- 8.1 I consider the key issues in this case are the impact of the proposals on the design of the property itself, the street scene, and the surrounding rural area, and whether there would be a significant impact on residential amenity.

- 8.2 The proposed rear extension would project 6.7 metres at both ground and first floor and be situated close to the boundary with the adjoining property at No. 6 Wineycock. The Council's SPG – "Designing and Extension" sets out local guidance that for single storey rear extensions close to a neighbour's common boundary a maximum projection of 3 metres will normally be allowed, although more might be permitted if the neighbouring property already projects rearwards of the subject property. It goes on to say that a first-floor extension should project no more than 1.8m. The two-storey rear extension proposed is significantly longer than the Council advises as an acceptable relationship between attached houses in the current circumstances.
- 8.3 Bearing in mind this local guidance, I see no issue in relation to the ground floor element of the proposal as this will project the same distance as the existing single storey rear addition at No. 6 Wineycock and is effectively a replacement for the existing annexe extension at No. 5. However, I consider a first-floor extension that projects 6.7 metres to the rear is excessive in depth, scale and bulk, and I believe that at the length proposed the extension will have a significant adverse impact on the residential amenity of the occupiers of No. 6 The Wineycock; contrary to the Council's SPG advice, which is intended to strike a fair balance between the rights of neighbours to extend and to have their amenities safeguarded respectively. It will therefore also be contrary to the provisions of policies DM14 and DM16 of the 2017 adopted Local Plan Bearing Fruits 2031: The Swale Borough Local Plan 2017.
- 8.4 The NPPF gives considerable weight to illustrated planning guidance and in the context of para 134 it states that
- "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."*
- The Council's advice is illustrated and up to date, by being cross-referenced in the 2017 adopted Local Plan, and I afford it substantial weight.
- 8.5 I note the support from Newnham Parish Council but extensions on the common boundary should not have a significant adverse effect on the amenities of neighbours. I acknowledge that a condition could be imposed requiring the rooflights to be at eye level to prevent any overlooking to the neighbour's garden, but I still believe that this proposal will be significantly harmful. I consider the two-storey rear extension will be overbearing on this neighbour's garden, particularly to its patio area. The advice given at pre-application stage was to reduce the depth of the extension and I do not consider the reasons given in the Design and Access Statement justify allowing an extension of such length.
- 8.6 With regards to the proposed orangery at the rear, I am satisfied there will be no impact upon the amenities of No.6. Neither do I consider it will harm visual amenity. I also believe the side porch will have a limited impact on the character of the dwelling and its rural surroundings. Although the porch will project more than the 1.2m policy guidance of the SPG, it will be situated to the side of the house, and the driveway will still be sufficiently long enough to park a car meaning there will be no impact to the availability of off-road parking spaces. Neither do I consider the front bay window to be harmful to the visual amenity of the

surrounding rural area. Furthermore, I consider the replacement windows and doors; red brick façade and tiled roof will be an improvement to the external appearance of the house.

9. CONCLUSION

- 9.1 I consider the overall depth of the rear extension would over-dominate the back of the property and thus adversely affect the amenity of the neighbouring property at No.6. The proposed two storey rear extension is not considered acceptable and would be contrary to Local Plan policies and I therefore recommend that permission be refused.

10. RECOMMENDATION

REFUSE for the following reasons:

REASONS

- (1) The proposed two storey rear extension would have a depth of 6.7 metres from the existing rear wall and would be very close to the common boundary with the neighbouring property at No.6 Wineycock. The Council's Supplementary Planning Guidance entitled 'Designing an Extension – A Guide for Householders' (which is referred to in paragraph 7.4.4 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and is therefore a current and material planning consideration) states that such an extension close to the common boundary should have a depth of no more than 1.8 metres at first floor. The proposed extension would be excessive in depth and scale, resulting in a bulky addition that would be overbearing and would significantly adversely affect the residential amenity of the neighbouring property at No. 6 Wineycock by virtue of its length in a manner contrary to policies DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

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.

