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| REFERENCE NO - 15/508927/FULL | | | |
| APPLICATION PROPOSAL Retrospective erection of single storey side and rear extension with increase in flat roof pitch and roof lights | | | |
| ADDRESS 8 Rooks View Bobbing Kent ME9 8GB | | | |
| RECOMMENDATION Approve | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The principle of development is accepted and the proposal does not cause unacceptable harm to residential or visual amenities. | | | |
| REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to Parish Council view | | | |
| WARD Bobbing, Iwade & Lower Halstow | PARISH/TOWN COUNCIL Bobbing | APPLICANT Mr Stuart Usher AGENT | |
| DECISION DUE DATE 29/12/15 | PUBLICITY EXPIRY DATE 02/12/15 | | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| SW/10/1463 | Lawful Development Certificate for the conversion of loft from storage to bedroom with 3 rear and 1 side rooflight (existing). | Approved | 21.04.2011 |
| SW/12/0230 | Lawful Development Certificate for construction of a new brick built extension to the side and rear of the property including windows and to the front and patio doors to the rear. (Proposed) | Approved | 7.3.2012 |
| 14/505725/LAWPR O | An application for a Certificate of Lawful Development for a proposed development being rear and side extension. | Approved | 12.01.2015 |
| 15/502978/FULL | Single-storey side and rear extension | Approved | 07.07.2015 |
| 15/507284/NMAMD | Non Material Amendment to introduce an element of flat roof to increase the pitch to ensure tiles match the existing, the introduction of 2 new bi fold doors to replace the previous doors and windows and roof lights to the flat roof and the omission of the Velux windows as the roof pitch no longer allows for this. Construct part of the side facing wall from breeze blocks - planning application 15/502978/FULL | Refused | 07.10.2015 |

1.0 DESCRIPTION OF SITE

- 1.01 No.8 Rooks View is a relatively modern two storey detached property sited within an estate of houses of a similar scale and design. The property has a detached double garage located in front of the dwelling. The frontage also includes a driveway and a landscaped garden.
- 1.02 To the rear of the property is private amenity space measuring approximately 15m deep by 15m wide, and enclosed by a 1.8m close-boarded fence.
- 1.03 The estate is generally well-spaced and the neighbouring properties feature similar-sized gardens.

2.0 PROPOSAL

- 2.01 This application seeks retrospective permission for the erection of a single storey side and rear extension.
- 2.02 The extension projects sideways from the existing flank elevation of the property by 2.68m at a depth of 8.6m (to approximate level with the rear elevation). The flank wall will then be stepped in by 0.2m and project from the main rear wall of the dwelling by 4m. On the opposite side of the property the extension will be set in from 2.8m to avoid the existing kitchen window.
- 2.03 The extension will have a partly hipped and partly flat roof, measuring 2.345m to the eaves. The overall height will be 3.3m for the side element and 3.7m for the rear element. The side element will also include a parapet wall.

3.0 PLANNING CONSTRAINTS

- 3.01 None relevant.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant in terms of encouraging good design standards and minimising the potential impacts of any development upon the amenity of neighbouring residents.
- 4.02 The adopted Swale Borough Local Plan 2008 echoes a similar sentiment, and policies E1, E19, E24 in particular encourage the provision of high-quality development and minimising potential amenity impacts for local residents. Policy RC4 aims to restrict development within the countryside and recommends that extensions to rural properties do not increase the floor space of the original property by more than 60% in total.
- 4.03 The publication draft of the emerging Local Plan, entitled Bearing Fruits 2031, was agreed by Members at Full Council late last year and, as such, carries some weight in the determination of planning applications. Policies DM14, DM16, DM19 are relevant in this instance.
- 4.04 The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and provides general design guidance. The SPG remains a material consideration, having been through a formal review and adoption process.

5.0 LOCAL REPRESENTATIONS

5.01 One response has been received from the occupier of No.9 Rooks View, objecting to the application on the following grounds:

- The side element of the extension (facing towards No.9) is now a blank wall which is unsightly compared to the patio door which was previously approved;
- The side wall (facing towards No.9) is very high and causes overshadowing;
- Workmen consistently park in the middle of the shared drive;
- The drain cover in the driveway has been damaged;
- Building materials are falling down the drain which may cause a blockage.

6.0 CONSULTATIONS

6.01 Bobbing Parish Council state the following:

“The Parish Council would ask the Planning Committee to take note of the residents who have objected to this application.

The Parish Council objects to this application as it has not been built to previously agreed specifications.”

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and drawings referring to application reference 15/502978/FULL, 15/507284/NMAMD and 15/502978/FULL.

8.0 APPLICANTS SUPPORTING COMMENTS

8.01 *“We are seeking a new revised planning application as it has become apparent that the initially proposed roof angle resulted in a roof tile which would not match the same style as the existing house roof.*

As such we have amended the design to increase the pitch of the roof to a higher pitch almost matching that of the existing roof line, which will ensure that the roof tiles selected match the existing.

In amending the roof pitch to a suitable level, this has created the need for an element of flat roof which will hook around the building to ensure that both pitches match.

Whilst increasing the pitch of the roof and introducing flat roof elements, this has reduced the available area for the original Velux type windows to be installed, as these would now be too small and be located too close to the end wall, as such we have considered the installation of two number roof lights.

It is important to note that the height of the highest element is still within that originally granted.

The revised plans also show a revision to the window on the right hand side of the scheme, this has been brought about as the building control officer would not permit the re use of the existing window due to their construction not meeting the current minimum Building regulation U Value levels, as such we have amended the layouts

to include for 2 No. bi fold doors to the rear, 1 of which (left side facing out) is only marginally larger the original consented door set.”

9.0 APPRAISAL

- 9.01 Members may recall that a similar application on this site was reported to Planning Committee on 2nd July 2015 and approved. During the course of construction it became apparent that the scheme was not being built in accordance with the approved drawings and a non material amendment was submitted (as set out above). The amendments were not considered to be non material for the following reasons:

“In this case I consider that the amendments that are shown can not be considered as non material amendments to the approved planning application. The reason that I have come to this conclusion is due to the scope and impact of the amendments sought under this current application. In terms of the introduction of an element of flat roof, in my view this represents a lowering of design standards from the previously approved application and as such is not considered to be non material. In relation to the block work that was been constructed, the use of these materials would not have been considered to be acceptable if submitted as a formal application and as such I also take the view that this alteration can not be considered as constituting a non material amendment.”

- 9.02 Although the amendments were not considered to be non material this does not mean that they are unacceptable regardless. It simply means that a planning application is required to make a full assessment of the scheme.
- 9.03 It is firstly worth noting that the blockwork that is referred to above has now been replaced with facing brickwork which matches the existing property, as such I do not consider that further elaboration of this point needs to be made and believe that this issue has been acceptably overcome.

Principle of Development

- 9.04 As was considered in the previously approved scheme, whilst the site lies within the countryside, its immediate context is that of a medium-sized modern housing estate, which is primarily characterised by large detached dwellings situated on generous plots. Therefore, whilst the site is covered by the Council’s established policies of rural restraint it is, in real terms, far removed from the type of property those policies were designed to protect. The purpose of policy RC4 is to protect the character and appearance of the countryside and to retain a stock of smaller dwellings in the countryside. Neither of these are particularly pertinent here, and in any case this proposal is quite modest in terms of the impact on the host property.
- 9.05 I therefore believe that the general thrust of policies E6 and RC4 is complied with in this case, and I consider that the proposal is acceptable in principle, subject to compliance with relevant Development Management policies.

Residential Amenity

- 9.06 The proposal in broad terms is similar in scale to the application previously approved under 15/502978/FULL. The height of the eaves and the overall height of the roof is within 100mm of the height approved under this previous application and much of the roof will in fact be slightly lower than the extension approved under 15/502978/FULL. The closest properties to the side extension are nos. 6 and 7 Rooks View, which are

located to the north, with the rear of these dwellings facing towards the application site. The distance between the flank wall of the side extension and the rear of these properties would be approximately 14m to the closest point of no.6 and 16m to the closest point of no.7. I remain of the view that due to the extension being single storey with the roof pitching away from the common boundary, combined with the distance to the closest properties, nos. 6 and 7, the proposal will have little impact upon the neighbouring amenities of these properties.

- 9.07 I note that an objection has been received from the neighbouring property on the opposite side in regards to, amongst other matters, an overbearing impact. There is a gap of 2m between the flank wall of the host property and No.9 and the extension is set 2.8m in from the side wall of the property. As such, the flank wall of the extension will be 4.8m away from the flank wall of No.9. Due to the distance between the extension and the adjacent property I am of the opinion that the proposal would have a minimal impact upon the neighbouring amenities of this adjacent dwelling. In relation to the objection raised regarding the flank wall now being blank, I consider that this would have little impact upon the amenities of the neighbouring dwelling. There is a close boarded fence located along the common boundary installed to an approximate height of 1.8m. Therefore I do not consider that the alteration from a section of glazing to a black elevation would have a significant impact. Conversely, in my view it would allow for additional privacy by stopping any side facing views.
- 9.08 In terms of other amendments to the scheme, the removal of previously approved rooflights and the installation of roof windows / lanterns would in my view create no further opportunities for overlooking and are in this regard satisfactory.

Visual Amenity

- 9.09 The main amendments from the scheme as approved under 15/502978/FULL relate to the design of the proposal. The alteration from a fully hipped to a part hipped / part flat roof constituted one of the main reasons for the submission of this application. I note the comments from the applicant in regards to the reason for the change in design and make the following assessment.
- 9.10 When viewed from the highway and surrounding public vantage points the side extension is extremely heavily screened by the existing garage which sits to the front of the existing property. As such, when passing along the highway, the extension is only visible from an extremely limited number of vantage points. Therefore, although the design standards have been lowered from the previous extension I do not believe that they would have a significantly detrimental impact on either visual amenities or upon the streetscene as to substantiate a reason for refusal. The remainder of the extension is on the rear of the property and as such I consider the design as proposed to be acceptable in this non designated location.

Other Matters

- 9.11 I note the additional objections made by the occupiers of No.9 and respond as follows. Boundary matters such as shared driveways and the broken drain cover are private legal matters between neighbours and not material planning considerations.

10.0 CONCLUSION

10.01 In overall terms, after making the above assessment, I do not consider that the application has altered so dramatically from the scheme approved under 15/502978/FULL that a different recommendation should be reached. I believe that the proposal does not impact unacceptably upon neighbouring amenities and due to the position of the detached garage, the impact upon visual amenities or the streetscene will not be significantly harmful. I recommend that planning permission be granted.

11.0 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.

Reasons: 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.

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.