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| NOTES FOR TECH   |  |   |
| <b>APPLICATION PROPOSAL</b>  |  | <b>Ref No 18/503229/FULL</b>  |
| Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL) |  |   |
| <b>ADDRESS</b> 6 The Covert Boxley Chatham Kent ME5 9JJ  |  |   |
| <b>RECOMMENDATION</b> - Application Refused  |  |   |
| <b>WARD</b><br>Boxley  | <b>PARISH/TOWN COUNCIL</b><br>Boxley     | <b>APPLICANT</b> Mr Dean<br>Simmons<br><b>AGENT</b> D.O. Facilities |
| <b>DECISION DUE DATE</b><br>27/08/18   | <b>PUBLICITY EXPIRY DATE</b><br>08/08/18 |   |

**OFFICER SITE VISIT** 18/07/2018

### **RELEVANT PLANNING HISTORY**

17/506384/FULL – two-storey front/side extension combined with first floor side extension above existing ground floor extension and external alterations – REFUSED

14/500734/FULL – Single-storey extension to replace conservatory – APPROVED

Planning application 17/506384/FULL was refused for three reasons, which can be summarised as:

- the design of the extension, particularly in terms of its bulk and massing and failure to appear subordinate to the host building;
- loss of privacy to the rear gardens of 2 and 4 The Covert, from the proposed bedroom window in the rear elevation;
- overbearing impact, due to the dominating, massing effect of the extension on the boundary with 4 The Covert.

Subsequent to the determination of that application, the applicant sought pre-application advice to discuss how to overcome the above reasons for refusal.

Some of the advice given is reflected in the current application, but that in relation to the third reason for refusal is not.

## **RELEVANT PLANNING CONSTRAINTS**

Within Chatham urban boundary

Area TPO No 1 of 1969

## **POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017: DM1, DM9

Supplementary Planning Documents: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

## **LOCAL REPRESENTATIONS**

|   | COMMENTS RECEIVED  |
|---|--|
| Boxley<br>Parish Council                            | Can see no material planning reason to object.   |
| Residential<br>Objections<br><br>Number received: 5 | Representations received from 2, 4, 10 & 12 The Covert and 11 Brownlow Copse raising objection on the following summarised grounds:<br><br>1.loss of privacy;<br>2.loss of light/overshadowing;<br>3.overbearing;<br>4.overdevelopment;<br>5.loss of view;<br>6.water drainage and run off;<br>7.impact on trees;<br>8.impact on wildlife; |

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|  | <p>9.topography accentuates impact;<br/> 10.lack of parking.</p>  |
| <p>Residential Support</p> <p>Number received: 1</p> | <p>A representation of support was received from 14 The Covert making the following summarised points:</p> <p>11.extension will enhance the area;<br/> 12.no harm to neighbours as hidden behind existing garage and vegetation, so no issues over light or privacy;<br/> 13.ample parking exists;<br/> 14.lots of houses already overlook each other;<br/> 15.the houses have their own individual look and none of the extensions in the area have had negative effect;<br/> 16.a recently-built house overlooks this property and the occupant was told this was not something she could object to at the time;<br/> 17.no harm to trees or wildlife;<br/> 18.no issues with flooding and drains are sufficient.</p> |

Loss of view is not a material planning consideration.

I am also in receipt of further comments and photographs from the applicant, submitted in response to the objections received from neighbours.

## **CONSULTATION RESPONSES**

COUNCILLOR WENDY HINDER: Has serious concerns about this application. Considers the proposal would cause over-development of the site and would be detrimental to neighbours and the street scene.

LANDSCAPE OFFICER: No objection subject to a condition requiring compliance with the Arboriculture Method Statement produced by GRS.

## **DESCRIPTION OF SITE**

This application relates to a detached dwelling located in a cul-de-sac within the Chatham urban boundary. It has an existing single-storey extension on its north-western side, and the garage, the right-hand one of a pair, is set at right angles to the front of this. There are significant differences in levels between the site and neighbouring properties. The estate is a relatively modern planned estate, with quite a mixed street-scene, and this dwelling does not form any part of a particular pattern. The whole area is covered by TPO No 1 of 1969.

## **PROPOSAL AND RELEVANT PLANNING HISTORY**

Planning permission is sought to erect an extension on the north-west side of the dwelling. Part of this would be a first floor extension above the existing single-storey extension, and part would be a two-storey extension in front of that, projecting out to meet the flank wall of the existing garage.

The application is a resubmission of a previous application for a part two-storey/part first floor extension in the same location (17/506384/FULL). That application was refused for the following three reasons:

(1)The proposed extension would not appear subordinate to or fit unobtrusively with the existing building, due to its bulk and massing and the length of the main ridge. The resultant dwelling would appear excessively bulky and horizontal and as such the proposal represents poor design, contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 4.37 to 4.42, and the central government policy contained in The National Planning Policy Framework.

(2)The proposed window to bedroom 2 would result in a harmful loss of privacy due to the unacceptable degree of overlooking that it would afford of the rear gardens of 2 and 4 The Covert. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.

(3)The proposed extension, due to its height, bulk, and degree of projection and proximity to the common boundary, would have an unacceptably dominating, massing effect on the boundary with 4 The Covert, harmful to the residential

amenities of its occupiers and their enjoyment of their property. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.

The applicant has since received pre-application advice on how to overcome the above reasons for refusal. Some of the advice given is reflected in the current application, but that in relation to the third reason for refusal is not.

## **APPRAISAL**

The most relevant Local Plan Policy is DM9, which deals with extensions and additions to residential properties within the built-up area. The proposal is assessed against its criteria as follows: -

### *Impact on the Existing Dwelling and Street-scene*

Criterion i. of Policy DM9 requires the scale, height, form, appearance and siting of proposed extensions to fit unobtrusively with the existing building, and this aim is reflected in paragraphs 4.37 to 4.42 of the Council's adopted residential extensions SPD. Paragraph 4.39 states that "*An extension should not dominate the original building... and should be subservient to the original dwelling*" and paragraph 4.42 that "*The form of an extension should be well proportioned and present a satisfactory composition with the existing property. The respective forms of the existing property and extension should be in harmony; their combination not discordant.*"

This amended scheme shows the proposed extension to have a dropped ridge line and lower eaves than the existing dwelling, which is a technique advocated by the Council's adopted residential extensions SPD to break down the mass of the resultant building and ensure that the extension would appear subordinate. I consider that the current proposal would successfully achieve that. As such, I consider that the first reason for refusal, relating to the design of the extension in terms of its bulk and massing, has been overcome.

Although the resultant building would still be quite large, on balance, I do not consider the proposal represents over-development.

I do not consider that harm would be caused to the street-scene in terms of spacing, rhythm or pattern of development, due to the mixed nature and layout of development in this cul-de-sac.

#### Impact on Boundary Treatment

There would not be any impact on traditional boundary treatments.

#### Impact on the Neighbours – 2 & 4 The Covert

These dwellings stand on significantly lower ground to the north-east (no 2) and east (No 4) of the proposed extension. Currently, the only opening on the wall of the application building facing these properties is a window serving the staircase, a transient area, not a habitable room.

The proposal would see a new window to a study inserted into the existing facing wall of the dwelling. However, the plans show that this would be fitted with frosted glass to obscure views out of it, and would be incapable of being opened other than a high-level fanlight. This arrangement would allow light to enter the study without affording views over the neighbouring gardens, and can be secured by a planning condition. The plans also show a proposed, openable roof light on the roof slope facing these properties, which would provide further light and ventilation to the study. This is not indicated as being obscure-glazed, however given its height above inside floor level, the angle of the roof slope and the difference in levels between the application site and the neighbouring gardens, it would not result in them being overlooked, but would only afford views of the sky. On considering these points, it is my view that the second reason for refusal, relating to the loss of privacy to the rear gardens of 2 and 4 The Covert has been overcome, subject to the imposition of an appropriate condition securing the obscure-glazed and fixed-shut nature of the window to the study.

Although the window and roof light would be visible to users of the gardens of 2 and 4 The Covert, which could create an impression of being overlooked, now that the actual overlooking from the window has been eliminated, I do not consider this in itself to justify refusal of planning permission.

The significant difference in levels means that the ground protection is roughly on a level with the first floor of 4 The Covert, and consequently due to its proximity to the rear boundary, the applicant's house already towers above the garden of that property and dominates the view from the lounge and to a lesser extent the bedroom above it. However, some relief is given by the single-storey nature of the extension at the north-western end, which enable some sky to be seen above it and lessens the enclosed feel of that garden. The proposal would infill that space above the existing extension, taking the built development up to two-storey height in the same close proximity to the boundary and extending it a further 4 m along the boundary with 4 The Covert. To my mind, this would have an unacceptably dominating, massing effect on the boundary of 4 The Covert, to the detriment of the occupiers' enjoyment of their property. I note that the lowered eaves and ridge and the proposed boarding would break up the extended rear elevation and so represent some improvement on the previously refused scheme in that respect, but in view of the degree of projection of the extension from the side elevation of the original building, and the difference in levels between the application site and the neighbouring garden, I do not consider that it would be sufficient to mitigate the harm to a satisfactory degree. In my view, the amended proposal would still have an unacceptably dominating, massing effect on the boundary of 4 The Covert, to the detriment of the residential amenities of its occupiers and their enjoyment of their property, and as such, the third reason for refusal has not been overcome.

The degree of separation would be sufficient to prevent a significant loss of light to these properties.

#### *Impact on the Neighbours – 8, 10 & 12 The Covert*

These dwellings face the application building across the cul-de-sac and stand on higher ground (approx. 1 - 1.5 m). In view of the separation distance being in excess of 10 m and the difference in levels, I do not consider that the proposal would cause a significant loss of light or degree of overshadowing to these properties. For the same reasons, I do not consider that it would be overbearing for their occupants.

Concern has been raised in representations regarding loss of privacy. Although the degree of separation from 8 The Covert would be less than 21 m, in view of the difference in levels and the fact that the application building already has a bedroom window facing this property in a broadly similar position to the proposed window to bedroom 1, (which would be replaced with a bathroom window - which can be conditioned to be obscure-glazed - as a result of this

proposal, so there would not be an increase in the number of windows facing), on balance I do not consider that the impact on privacy would be sufficiently more detrimental to justify a refusal of planning permission that could be sustained at appeal.

Similarly, since the degree of separation and the angle involved would be greater in relation to 10 and 12 The Covert, I do not consider that a refusal on the grounds of privacy for occupiers of these properties could be sustained at appeal either.

#### *Impact on the Neighbours – 9 Brownelow Copse*

This property lies to the north-west of the site, and the wall to wall distance between its rear elevation and the flank of the proposed extension would be approximately 23 m. As such, I do not consider that the development would have any significant impact on light for the occupiers of that property, and in view of the distance of the extension from the common boundary, neither do I consider that it would have a significantly detrimental impact on outlook.

In terms of privacy, the application building already has a bedroom window facing this property, and although the development proposes a window set closer to it, at approximately 23 m, the distance between the facing windows would be sufficient to prevent a significantly detrimental impact. Although the rear garden of 9 Brownelow Copse is set closer to the boundary than the dwelling, I saw from my site visit that this can already be overlooked from the existing bedroom window, so I do not consider that the proposal would have a significantly more detrimental impact to such a degree as to justify a refusal of planning permission on this basis.

#### *Impact on the Neighbours – 11 Brownelow Copse*

This dwelling is positioned slightly closer to the application building than 9 Brownelow Copse, albeit at a slight angle. The position of the existing bedroom window and the resulting angle of view are sufficient to prevent a significant degree of overlooking. The angle of view from the proposed window to bedroom 2 would be similar to that, so I do not consider that the impact would be significantly different.



The separation distance between the proposed extension and 11 Brownlow Copse would be sufficient to prevent a harmful loss of light or outlook for its occupants.

### Impact on Parking

The nature of the proposal is such that it does not affect the parking provision, and it is considered that sufficient parking provision exists to serve the extended dwelling, had the proposal been acceptable in all other respects.

### Other Matters

Even though the area is covered by TPO No 1 of 1969, no important trees would be lost, and the Landscape Officer does not raise objection provided that the submitted Arboriculture Method Statement is complied with.

Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.

Drainage would be dealt with under Building Regulations.

## **CONCLUSION**

Taking all of the above into account, I conclude that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above. I therefore recommend refusal for the reason set out below.

RECOMMENDATION – Application Refused subject to the following conditions/reasons:

(1) The proposed extension, due to its height, bulk, and degree of projection and proximity to the common boundary, would have an unacceptably dominating, massing effect on the boundary with 4 The Covert, harmful to the residential amenities of its occupiers and their enjoyment of their property. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.


The Council's approach to this application

Note to Applicant

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.

In this instance:

The application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.

| Delegated Authority to Sign:   | Date:  |
|--|--------|
| <br>PRINT NAME: J Russell | 9.8.18 |