

REFERENCE NO - 18/506178/FULL		
APPLICATION PROPOSAL Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL and 18/503229/FULL)		
ADDRESS 6 The Covert Boxley Chatham Kent ME5 9JJ		
RECOMMENDATION Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal has been amended to sufficiently mitigate against the previous reason for refusal and now complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance.		
REASON FOR REFERRAL TO COMMITTEE The Parish Council consider that the new application does not address the main point raised by MBC (17/506384) and the Planning Inspectors previous refusal on 18/503229, which is the adverse impact on numbers 2 and 4 The Covert. They consider that properties in Brownlow Copse will also be affected by the bulk and massing of the proposed property along with loss of privacy to neighbouring properties will still occur making the application contrary to policies DM1 and DM9 of the Local Plan		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr Dean Simmons AGENT D.O. Facilities
TARGET DECISION DATE 22/01/19		PUBLICITY EXPIRY DATE 09/01/19

Relevant Planning History

14/500734/FULL

Erection of single storey rear extension to replace existing conservatory

Approved Decision Date: 22.09.2014

17/506384/FULL

Two storey front/side extension combined with first floor side extension above existing ground floor extension and external alterations

Refused Decision Date: 12.02.2018

18/503229/FULL

Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL)

Refused Decision Date: 10.08.2018

This was refused on the following ground:

'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.'

Appeal History:

18/500102/REF

Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL)

Dismiss Decision Date: 15.11.2018

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is 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.

2. PROPOSAL

2.01 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 which would sit in the current gap adjacent to the dining room and would meet the flank wall of the existing garage.

2.02 The proposal is a resubmission of the previous application 18/503229/FULL. Amendments have been made to the refused scheme to address the reasons for refusal by setting the first floor element back by 1m on the boundary with No.2 and 4 The Covert.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: DM1 and DM9
Supplementary Planning Documents: Maidstone Local Development Framework,
Residential Extensions Supplementary Planning Document (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 5 representations received from local residents raising the following (summarised) issues:

Overlooking and loss of privacy to 11 Brownelow Copse and 2, 8 and 10 The Covert back garden and dwelling.

Overshadowing and loss of light to No. 4 The Covert.

The extension is not in the best interest of people living around this property.

Detrimental impact on natural light of 2 The Covert.

Impact on trees in garden of 2 The Covert.

Proximity and height of the proposal is largely unchanged from refused scheme.

The proposal would have an impact on No10 The Covert in terms of space and light

The proposal is an overdevelopment of the site, which cannot accommodate a house of this size, and will reduce the distance between No. 6 and No.10.

Loss of view from No. 8 The Covert

4.02 Councillor Bob Hinder has raised an objection to the proposal on the basis that it is an overdevelopment of the site and would seriously erode the light, view and privacy of No 2 and 4 The Covert.

4.03 1 notification of support for the proposal raising the following (summarised) issues:

The proposal will have no detrimental impact on the neighbourhood and will, in fact, enhance it.

The extension will not be highly visible from the road and will be hidden by a double garage.

The amendments have been made following advice. There are no trees, drains or parking issues which would arise from the development.

5. CONSULTATIONS

Parish Council

5.01 The Parish Council have objected to the proposal, and stated that if the Planning Officer is minded to recommend approval then it should be reported to the Planning Committee. Members consider that the new application does not address the main point raised by MBC (17/506384) and the Planning Inspectors previous refusal on 18/503229, which is the adverse impact on numbers 2 and 4 The Covert. They consider that properties in Brownlow Copse will also be affected by the bulk and massing of the proposed property.

5.02 Loss of privacy to neighbouring properties will still occur making the application contrary to policies DM1 and DM9 of the Local Plan.

5.03 The Parish Council consider that Paragraphs 5 and 10 of the Planning Inspectors Appeal decision (15 November 2018) clearly identifies that the previous application 18/503229 would result in harm to the living conditions of the occupiers of number 4 The Covert and members consider that the minor amendments contained in the planning application do not change the situation.

Landscape Officer

5.04 On the previous application, the Landscape officer raised no objection subject to a condition requiring compliance with the Arboriculture Method Statement produced by GRS. This report has been resubmitted with the current application and remains of equal relevance.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Previous appeal decision
- Visual impact
- Amenity impact
- Other matters

Appeal decision

6.02 As outlined above, the proposal is a resubmission of previous application 18/503229/FULL. An appeal against the refusal of this was dismissed. The Inspector found:

'In my view, a combination of the site configuration and difference in levels, would mean that the development would significantly harm the outlook from both the rear garden of No 4, its ground floor rear facing room which has only one light source, and to a lesser extent, the rear first floor room of that property. Having a broadly west facing aspect at the rear, I also consider it likely that there would be some loss of sunlight to that property at different times of the year. For a combination of these reasons, there would be harm to the living conditions of the occupiers of No 4.'

6.03 In terms of other impact upon other nearby properties, the inspector stated:

'had I been minded to allow the appeal, I am satisfied that suitable conditions could have been imposed to safeguard privacy from proposed windows in the rear elevation. I also agree that spacing distances and presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, are adequate to ensure acceptable relationships in those respects.'

6.04 In response to this and advice given post appeal, the current revised scheme has been submitted. It shows a similar proposal to that previously considered, but with the first floor element set back by 1m on the boundary with No.2 and 4 The Covert.

6.05 Given the relevance of the appeal decision to the current proposal, it is afforded significant weight in consideration of this proposal.

Visual Impact

6.06 Policy DM9 requires the scale, height, form, appearance and siting of proposed extensions to fit unobtrusively with the existing building. This aim is reflected in the Council's adopted residential extensions SPD.

6.07 This scheme shows the proposed extension to have a dropped ridge line and lower eaves than the existing dwelling, which is a technique advocated in the Council's adopted residential extensions SPD. It would break down the mass of the resultant building and ensure that the extension would appear subordinate. As previously considered, the proposal would successfully achieve this and although the resultant building would still be quite large, on balance, it would not represent an over-development of the site.

6.08 Given the siting of the extension, above an existing ground floor element, and tucked between this and the garage, the proposal would not cause harm to the street-scene in terms of spacing, rhythm or pattern of development, due to the mixed nature and layout of development in the cul-de-sac.

6.09 This accords with the conclusion reached by the Inspector previously who found that the proposal had an acceptable visual impact.

'The Council raises no objections from a design point of view. In that regard I consider the proposed extensions would be in keeping with the character of the property in terms of its overall size, lower ridge heights, complimentary roof forms and matching materials and I therefore concur with that assessment.'

6.10 . In light of the significant weight attached to the Inspectors conclusions and given the Councils previous assessment , both which considered the visual impact to be acceptable, it would be unreasonable to raise a new objection on this ground. Regardless, the visual impact of the proposal accords with Local plan policy.

Amenity Impact

- 6.11 Objections have been received from neighbouring occupiers regarding the impact of the proposal on 2, 4, 8 and 10 The Covert and 11 Brownelow Close. The current proposal would not have any greater impact than that considered previously, and by the appeal Inspector. It has been amended to reduce the impact on the shared boundary with No.2 and 4 The Covert.
- 6.12 As detailed above, the Inspector previously found that the proposal would not have a detrimental impact on the amenity of neighboring occupiers other than No.4 The Covert. He agreed with the Council's assessment that spacing distances and the presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, were adequate to ensure acceptable relationships in those respects.
- 6.13 The impact of the proposal has been reduced compared with the previously considered scheme. Along with the weight afforded to the Inspectors decision in this regard and in light of the Councils previous assessment of amenity impact, this element of the proposal continues to be considered to be acceptable
- 6.14 Turning to the impact on No 4 The Covert, in the previous appeal decision, the Inspector concluded that
- 'there would be harm to the living conditions of the occupiers of No 4 The Covert. It would therefore be in conflict with Policies DM1 and DM9 of the Council's Local Plan 2017, in that it would not respect the amenities of the occupiers of No 4 nor safeguard their outlook'*
- 6.15 Number 4 stands on significantly lower ground than the application site. The first floor extension element of the proposal would be visible from this neighboring dwelling as it would extend across a portion of its rear boundary. No additional windows are proposed in the facing elevation and therefore there would be no reduction in the privacy or overlooking impact of No.4.
- 6.16 In response to the previous refusal and the dismissed appeal, the proposal now shows this element as set in from the flank wall of the ground floor extension by 1m. This would reduce the sense of enclosure, and pull back the massing and domination of that element of the proposal to the extent that the outlook from No.4 would be reduced to a minimal degree. Although the extension would still be visible from the rear of No.4, . even taking account of the differences in ground levels, the amendment would mitigate the previously identified harm to an acceptable degree such that refusal could not be justified on this basis.
- 6.17 As required by policies DM4 and DM9, the proposal would not result in any loss of daylight or sunlight to neighboring occupiers, and would not have any overshadowing impact. The proposal passes the sunlight/daylight test.

Other Matters

- 6.18 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.
- 6.19 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.

- 6.20 Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.
- 6.21 Drainage would be dealt with under Building Regulations.
- 6.22 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

Taking all of the above into account, the proposal has been amended to sufficiently mitigate against the previous reason for refusal and now complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance. It is therefore recommended that planning permission be granted for the proposal.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in any new facing first floor walls hereby permitted.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

(3) All tree protection and supervision arrangements shall be carried out in accordance with the approved Aricultural Method Statement unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

(4) The development shall be carried out only in accordance with the following approved plans: 19490a, 19490B and 19490C

Reason: In the interests of clarity

Case Officer: Joanna Russell