

4.2 - SE/16/00234/HOUSE Date expired 28 April 2016

PROPOSAL: Erection of a single storey rear extension, pergola structure and covered decking area.

LOCATION: 38 Ridge Way, Edenbridge TN8 6AR

WARD(S): Edenbridge North & East

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillors John Scholey and Stuart McGregor because the proposal would be contrary to point 5.9 of the Residential Extensions SPD in that it would not maintain an acceptable outlook for neighbouring residents.

RECOMMENDATION: That planning permission be GRANTED 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the development shall be those indicated on the submitted application form.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: SD2324-GA-B

For the avoidance of doubt and in the interests of proper planning.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line

(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 The proposal seeks permission to create a single storey rear extension, a pergola structure to the rear of the property and a decked area below the proposed pergola.
- 2 The single storey rear extension would square off the rear elevation of the property, infilling an area measuring 1.5 metres deep by 4.4 metres wide. It would have a false pitched roof to the side to match the existing single storey rear extension on the dwelling. The roof would tie into the proposed pergola structure at the rear. The proposed extension would be finished in materials to match those existing with matching brickwork to the external elevations and matching concrete tiles to the roof.
- 3 The proposed pergola structure would extend from the rear elevation of the existing dwelling and the proposed rear extension for a depth of 3.5 metres and would measure 8.7 metres wide. It would be an open structure with a false pitched roof supported by 7 timber posts. The false pitches to the roof would be tiled with concrete tiles to match those existing on the property. The pergola would stand 3.25 metres high to the top of the roof with an eaves height of 2.5 metres.
- 4 The proposed decked area would be located beneath the proposed pergola structure and would not involve any alterations to land levels.

Description of Site

- 5 The application site consists of a detached two storey dwelling on the southern side of Ridge Way in Edenbridge. The site benefits from an extensive rear garden which backs onto a railway some 48 metres to the rear of the property. The property has been extended in the past and does not lie within any relevant areas of constraint.

Constraints

- 6 None relevant.

Policies

Sevenoaks District Core Strategy

7 Policy - SP1

Sevenoaks District Allocations and Development Management Plan (ADMP)

8 Policies - SC1, EN1 and EN2

Others

9 The National Planning Policy Framework (NPPF)

10 Residential Extensions Supplementary Planning Document (SPD)

Planning History

11 01/01963/FUL - Single and two storey extensions. As amended by plans received 07.11.01. Amended plans received 21.11.01 - Granted, 20.12.2001

Consultations

Edenbridge Town Council

12 *Members object to this application as they consider the accumulative effect of the previous extensions and the proposed roof height of the proposed pergola to be overbearing.*

Network Rail -

13 *No response received*

Representations

14 One letter of representation was made regarding the proposal which supported the majority of the proposal but objected to the creation of the tiled roof to the pergola, due to its height and proximity to the boundary which may overshadow parts of the garden and patio of number 40 Ridge Way.

Chief Planning Officer's Appraisal

Principal issues

Impact on character and appearance of the area

15 The *NPPF* and *Policy SC1* of the *Core strategy* both express that a 'presumption in favour of sustainable development' should be used when deciding applications. *Policy SP1* of the *Core Strategy*, *Policy EN1* of the *ADMP* and the *NPPF* highlight that new developments should be of a high standard of design that responds to the character of the locality.

- 16 The *Residential Extensions SPD* provides detailed guidance on all elements that should be considered when deciding an application for an extension including amongst other things the; siting, scale, form, height, materials and amenity considerations.
- 17 In terms of their overall scale, the proposed additions when considered as a whole would extend between 3.5 and 5 metres to the rear of the property. Given the extensive rear garden which extends for 48 metres towards the rear of the property I am satisfied that the additions can be accommodated at the site without having an adverse impact upon the amount of amenity space at the dwelling or the space between buildings. The proposed additions are also modest in height at 3.25 metres to the top of the roof; as such I consider the overall scale of the proposed extensions to acceptable.
- 18 The proposed additions would be located entirely to the rear of the site and so would not be visible from the street scene. Nevertheless the design of the proposals and their relation to the existing building must still be considered. The proposed additions have been sympathetically designed with matching materials to those existing on the property including matching brickwork and tiles. The proposed pergola has also been designed to have a dummy pitched roof, this helps to create the appearance of a pitched roof similar to those existing on the property whilst reducing the overall height and bulk of the proposal.
- 19 I am therefore satisfied that the proposed additions would have little impact upon the character and appearance of the area and would be in keeping with the design and character of the existing property. As such the proposal is in accordance with the *NPPF*, policy *SP1* of the *Core Strategy*, policy *EN1* of the *ADMP* and the *Residential Extensions SPD*.

Impact on neighbouring amenity

- 20 The *NPPF* and *Policy EN2* of the *ADMP* both require new developments to safeguard neighbouring amenity as well as to provide an adequate standard of residential amenity for the current and future occupiers.
- 21 Specifically it states that '*In the case of semi-detached or terraced houses or detached houses built close to each other, extensions should not be either too high or too deep such that they would cause significant loss of daylight or the cutting out of sunlight for a significant part of the day to adjoining properties or amenity space*' (para 5.9).
- 22 In order to assess the impact of a proposal on the daylight received to neighbouring properties the *Residential Extensions SPD* advises the use of a 45 degree test. The test is applied on plan and elevation views by drawing a line at a 45 degree angle from the rear elevation of the extension on plan view and from the roof on elevation view back towards neighbouring properties. If the line is found to obscure more than 50% of all of the windows serving a habitable room on both plan and elevation view then it is usually deemed that there would be a loss of light, although the *SPD* emphasises that the test is for guidance alone.
- 23 The 45 degree test was applied on both plan and elevation view in relation to each of the neighbouring properties.

- 24 When applied to number 40 Ridge Way the proposed rear extension, which is a solid structure with external walls finished in brick was not found to cause a loss of light on plan or elevation view.
- 25 The proposed pergola passed on elevation view with the 45 degree line touching the ground 1 metre short of the neighbouring property but failed on elevation but failed on plan view, intercepting the rear facing doors of number 40, serving the lounge. As the pergola is an open structure which will allow light to pass through it coupled with the fact that it passed the 45 degree test on elevation view it is not deemed to cause a significant loss of daylight to number 40 Ridge Way.
- 26 When applied to number 36 Ridge Way the pergola also passed on elevation view but failed on plan view, as with number 40, because it is an open structure and it passed the test on elevation view the proposal is not deemed to cause a significant loss of light to number 36 Ridge Way wither.
- 27 The fact that the proposed pergola would be an open structure is a key consideration when determining whether there would be any loss of light, as unlike a solid wall the pergola would be completely open sided up to the eave of the roof which are located 2.4 metres above ground level, this will allow light to pass through the structure further reducing its impact upon neighbouring properties.
- 28 In terms of sunlight, the pergola would be limited in height and open to the sides, allowing sunlight to pass through the structure. Despite this it would have a solid roof which would cut out some degree of sunlight; the gardens of the properties along the south side of Ridge Way are south facing and as such as the subject property would impact on direct sunlight to number 36 Ridge Way to the west for the early part of the morning and number 40 Ridge Way to the east in the late evening. Given the depth of the extension I am satisfied that this would only be for a very small proportion of the day and as such the impact upon sunlight is not considered significant. The open sides and limited height of the pergola help to further reduce the impact on the amount of sunlight received to neighbouring properties.
- 29 In relation to the outlook of neighbouring properties I am also satisfied that the proposed pergola and rear extension would not have a significant adverse impact. The *Residential Extensions SPD* states that '*The District Council is primarily concerned with the immediate outlook from neighbours' windows, and whether a proposal significantly changes the nature of the normal outlook*' (pp.25).
- 30 Due to the orientation of the properties, which are all aligned in the same direction, the proposed pergola and extension would not be directly visible in any views out of the rear facing habitable windows of either neighbouring property and as such the normal immediate outlook would remain the same. Only oblique views of the pergola would be visible from the neighbouring properties however this would not significantly impact upon the primary outlook of either neighbouring property which views down their existing gardens, especially when the limited height of the pergola at 3.25 metres is considered, coupled with the substantial boundary vegetation and open structure of the pergola.

- 31 As the proposed extension and pergola would both be single storey there would be no loss of privacy to neighbouring properties resulting from the proposal.
- 32 In summary I do not consider that there would be any adverse impacts upon neighbouring amenity arising from the proposal. Consequently it would be in accordance with the *NPPF*, policy *EN2* of the *ADMP* and the *Residential Extensions SPD*.

Access issues

- 33 There are no changes to access proposed.

Other issues

Permitted development fall back position

- 34 The property has been previously extended towards the rear by 1.5 metres on the western half of the rear elevation but does not appear to have been extended towards the rear at all on the eastern half of the rear elevation. I have checked the planning history for the site and permitted development rights for the property have not been removed. Consequently a solid rear extension projecting for 4 metres from the rear elevation on the eastern half of the property and for an additional 2.5 metres on the western half could be constructed without planning permission, this is just 0.8 metres short of the extent of the proposed additions including the pergola. Additionally a rear extension in the location of the proposed additions built under permitted development rights would be able to be up to 4 metres high. This would have a greater impact upon neighbouring amenity than the proposed additions.
- 35 Finally, under the prior approval process a rear extension much larger than the proposed additions, up to 8 metres in depth may be able to be built without planning consent.
- 36 The permitted development fall back position highlighted above is entirely relevant to this proposal and must be considered when making a decision.

Community Infrastructure Levy (CIL)

- 37 The proposal would not result in an increase in floorspace of over 100 square metres and therefore it is not CIL liable.

Conclusion

- 38 I consider for the reasons detailed above that the proposed development would be in keeping with the character and appearance of the area and would preserve neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore my recommendation is to grant planning permission.

Contact Officer(s):

Paul Dadswell Extension: 7463

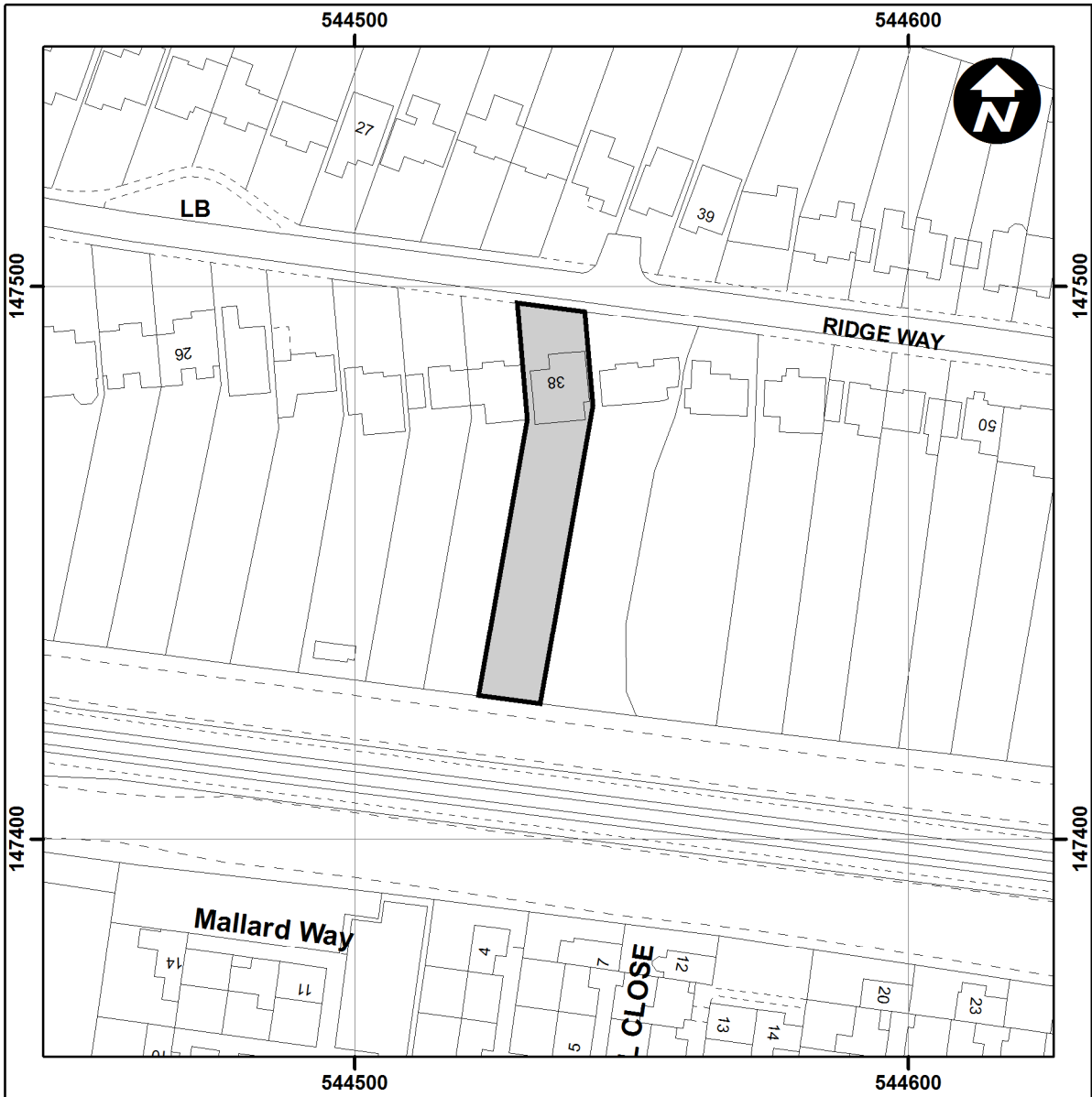
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O1OA2OBKLP800>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O1OA2OBKLP800>



Site Plan

Scale 1:1,250

Date 04/05/2016



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