

4.3 18/00716/HOUSE

Revised expiry date 17 September 2018

Proposal: Erection of a two storey rear extension, alterations to roof, two new velux windows, circular roof light and front porch. Removal of chimneys to side elevations and alterations to chimney at the rear. Addition of two front dormers and two square bay windows to ground floor front elevation.

Location: 10 Bullfinch Lane, Riverhead, Kent TN13 2DY

Ward(s): Dunton Green & Riverhead

Item for decision

Councillors Brown and Bayley referred the application to the Development Control Committee on the following grounds: impact of the development on neighbouring amenity

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

1) The materials to be used in the construction of the development shall be those indicated on the approved plan.

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.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2884-16-PL301; 2884-16-PL302

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

The application site comprises of a two-storey detached dwelling within the urban confines of Riverhead. Bullfinch Lane is a primarily residential area of mixed character and design. 10 Bullfinch Lane is part of a distinctive group of detached bungalows situated to the south of the road. There are neighbours situated to either side of the property.

Description of proposal

- 1 This application is for changes to a previously approved planning application reference 17/02305/HOUSE granted on 7 September 2017. The proposals retain much of the original scheme with the following alterations:
 - the eaves of the single-storey rear extension extended by 0.35m in width
 - raised eaves to the roof alterations by 0.45m
 - extended eaves to the two-storey rear extension by 0.15m in width
 - front dormer extended 0.3m in height
 - extended and lowered patio
 - alterations to fenestration on the front elevation, rear elevation and roof

Constraints

- 2 The site does not fall within any areas of constraint relevant to this application.

Policies

- 3 Sevenoaks Core Strategy:
 - SP1 Design of New Development and Conservation
- 4 Allocations & Development Management Plan:
 - SC1 Presumption In Favour Of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - T2 Highways and Parking
- 5 Other:
 - The National Planning Policy Framework (NPPF)
 - Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
 - Sevenoaks Residential Character Area Assessment (SPD)

Relevant Planning History

- 6 17/00521/HOUSE - Erection of a two storey rear extension, alterations to roof, two new Velux windows, circular rooflight and front porch. Removal of chimneys to side elevations and alteration to chimney at the rear - GRANTED - 13 April 2017
- 7 17/02305/HOUSE - Erection of a two storey rear extension, alterations to roof, two new velux windows, circular roof light and front porch. Removal of chimneys to side elevations and alterations to chimney at the rear.

Addition of two front dormers and two square bay windows to ground floor front elevation - 7 September 2017

Consultations

Riverhead Parish Council object

- 8 “As stated with the previous application, the boundary wall should be respected and acknowledged. Again this roof line encroaches over the boundary and the neighbour’s garden. No gutter shown on the plans and will cause further encroaching over the boundary.”

Representations

- 9 Two letters of objection have been received on the following grounds:
- The description of the works omitted the comment “to show an alteration to the roof construction with enlarged eaves which has resulted in a high level encroachment over the boundary”
 - The eaves of the two-storey and single-storey rear extensions overhang the garden of neighbouring 8 Bullfinch Lane.
 - The encroachment will set a precedent for developers to design and build on land not owned by the applicant and build without compliance with the approved plans.
 - The development will result in overshadowing, loss of light, overlooking and loss of privacy.
 - The design is out of keeping with the immediate neighbouring properties and overall character of Bullfinch Lane.
 - The alterations to the front dormer result in an incongruous feature on the street scene out of keeping with other properties.

Chief Planning Officer’s Appraisal

Principal Issues

- 10 The main planning considerations are:
- Design and impact on the character of the area
 - Impact on neighbouring amenities
 - Highways and parking
- 11 Of particular relevant to this application is the following guidance:
- 12 Para 11 of the NPPF confirms there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 13 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Appraisal

Design and impact on the character of the area

- 14 The external width, depth and height of the proposed extensions have not changed; neither has the ridge height of the roof been altered. No other changes are proposed. These elements of the proposal were assessed under application 17/02305/HOUSE and approved accordingly. As planning policy has not significantly changed since this application was approved, these elements are therefore considered acceptable in this case.

Front dormer window and ground floor bay windows

- 15 The alterations to the front dormer and the alterations to the ground floor bay windows on the principal elevation are visible from the street scene. Objections were raised that the proposals, particularly the enlarged front dormer, would be out of keeping with the immediate neighbours and wider area.
- 16 The Sevenoaks Residential Character Area Assessment SPD identifies 10 Bullfinch Lane as part of a distinctive group of uniformly designed bungalows. There are some differences in detailing including roof shape, chimneys, side dormers and porch shape. The SPD identifies the wider area of Bullfinch Lane being characterised of a variety of interwar designs with a wide range of materials and detailing characteristic of this period. As the changes to the ground floor windows retain the semi-hexagonal bay windows it is considered that these alterations are in keeping with the existing property and area.
- 17 Whilst the front dormer is taller, by being extended closer to the eaves by 0.3 metres and therefore larger than those of its neighbours, the width remains unchanged and the dormer is still appropriately located within the roof face and subservient to it. As such the proposal preserves the proportionate appearance of the dwelling in accordance with the Residential Extensions Supplementary Planning Document. Considering that the key architectural features which define these sets of dwellings are retained, and that the works are not substantially different to those already approved, the alterations to the front dormer and ground floor fenestration are not considered to adversely impact the visual appearance on the street scene.

Enlarged and raised eaves of the rear extensions

- 18 The extended eaves on the rear extensions result in an increase in the width of the single storey extension by 0.35 metres and the two storey extension by 0.15 metres. As the extensions are situated to the rear of the property, and considering that the proposals are not substantially different to those already approved, it is regarded that the alterations have a very limited visual impact.
- 19 As the property is situated on an irregular plot the enlarged eaves do not retain a gap between the building and the boundary. There is no planning policy or guidance, including the Residential Extensions SPD, which requires single storey extensions to retain a 1 metre gap between the property boundaries. In this instance number 8 Bullfinch Lane is situated approximately 2.4 metres from the side elevation of number 10 Bullfinch Lane with boundary treatments and trees on site which provide screening limiting the impact of the works.
- 20 The raised eaves of the roof alterations are increased by 0.5 metres. As the roof shape has not significantly altered the alterations in this instance are regarded to be acceptable.

Alterations to windows and patio

- 21 A rectangular roof light has been installed to the flat roof element of the two storey extension in place of the proposed circular roof light. Two proposed windows have not been installed on the ground floor rear elevation and the number of glazed panels has been altered to the bi-fold rear doors from five to three. As these alterations are minor and not visible on the street scene it is not considered that there will be an adverse impact as a result of these alterations.
- 22 The proposed stepped patio now projects 4.6 metres from the rear elevation, and is set at 0.2 metres above ground level from 1.1 metres of the rear wall. As this is to the rear of the property there will be no adverse visual impact.
- 23 As the alterations preserve the distinct architectural features of the immediate area, and are not substantially different from the scheme already approved, it is considered that the works remain in accordance with policy EN1 of the ADMP, Core Strategy and NPPF.

Impact on residential amenities

- 24 Objections were raised that the alterations result in a loss of light, overshadowing, overlooking and loss of privacy.

Overlooking and loss of privacy

- 25 It is established in case law that the material consideration to ascertain loss of privacy are unreasonable views which proposals would provide into the private space of neighbouring properties.
- 26 One first floor obscure glazed roof light is installed to a side elevation and was approved under application 17/02305/HOUSE. No windows are to be

installed to the side elevations as a result of the alterations. Therefore there will be no overlooking or loss of privacy to 8 and 12 Bullfinch Lane.

Loss of light and overshadowing

- 27 The Residential Extensions SPD states that a '45 degree test' should be used to assess whether the proposal would cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or private amenity space. For a significant loss of light to occur, the proposal would need to fail the test on both plan and elevation form.
- 28 The 45 degree test was carried out to see how the alterations affect the neighbouring properties. With regard to 12 Bullfinch Lane, the enlarged eaves and roof alterations failed the 45 degree test on plan view, however they passed on elevation. Therefore the works pass the overall test and do not cause an unreasonable loss of light to Number 12 Bullfinch Lane.
- 29 The 45 degree test was also carried out on neighbouring property 8 Bullfinch Lane and the alterations passed on both plan and elevation. 8 Bullfinch Lane is also orientated to the south of number 10 with the extensions partially screened by existing boundary treatments. As such the works do not result in an unreasonable loss of light or overshadowing.
- 30 Overall the alterations do not result in overlooking, loss of light, overshadowing or loss of privacy to the neighbouring properties. As such it is considered that the works are in accordance with Policy EN2 of the ADMP and are therefore acceptable.

Loss of outlook

- 31 Objections were raised that the alterations would result in a loss of outlook to number 8 Bullfinch Lane. The Sevenoaks Residential Extensions SPD states that extensions which significantly alter the immediate outlook from a main window would be considered to be unacceptable. For the impact on outlook to constitute a material consideration the impact would need to be to the detriment of neighbouring amenity. Loss of views generally is not a material planning consideration.
- 32 10 and 8 Bullfinch Lane are situated on a regular building line with a 2.4 metres distance between the side elevations. The extensions, and alterations, are not situated directly within the immediate outlook of the main windows of 8 Bullfinch Lane. Considering the distance between the properties, the fact that the material considerations of loss of light and overshadowing have not changed, and that the boundary treatments provide some screening to the extensions, the impact on outlook is not considered to be detrimental to neighbouring amenity.
- 33 Overall the alterations do not result in overlooking, loss of light or privacy to the neighbouring properties. As such it is considered that the works are in accordance with Policy EN2 of the ADMP and are therefore acceptable.

Highways and parking

- 34 No changes have been made in this application which alter the original consideration in regard to Policy T2 of the ADMP, therefore the works are compliant.

Other issues

Boundary issues

- 35 Objections were raised to the application on the grounds that the eaves of the two storey and single storey rear extensions encroach over the neighbouring boundary shared with number 8 Bullfinch Lane.
- 36 Boundary and property ownership issues are a civil matter between neighbours and the encroachment does not constitute a material planning consideration. In this case the applicant has also served the correct planning notice on the neighbour.

Description of the proposal

- 37 Objections were raised on the grounds that the encroachment was omitted from the description of the proposal. As boundary encroachments are not a material planning consideration this would not be relevant to the application. As such there is no obligation to include this on the description.

Land ownership

- 38 Objections were raised on the grounds that, should the application be approved, a precedent would be set for applicants to design and build on land they do not own. Property and land ownership is a civil matter and not a material planning consideration.
- 39 The Development Management Procedure Order legislation sets out the procedure for planning applications which are made on land owned by other parties other than the applicant. Providing that the correct notice is served to the owner the process would be lawful. In this instance the notice was served to 8 Bullfinch Lane therefore the correct process was followed.

Breaches of planning control

- 40 Objections were raised on the grounds that, should the application be approved, a precedent would be set for contractors to undertake work which is not in accordance with approved plans. Whilst this is a breach of planning control the Development Management Procedure Order legislation sets out the procedure for remedying these breaches. In the first instance the obligation is to remedy the situation through negotiation which can include retrospective or amendment applications. Therefore in this instance the correct procedure has been followed and is in line with our adopted Enforcement Plan.

Conclusion

- 41 The works are in accordance with both National and Local planning policy and therefore planning permission should be granted.

Background Papers

Site and block plan

Contact Officer(s): Hannah Donnellan Extension:

Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4Z3DCBKK1100>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4Z3DCBKK1100>



