

MC/17/2951

Date Received: 23 August, 2017

Location: 3 Nore Close, Darland, Gillingham, ME7 3DG

Proposal: Construction of part two storey front/side/part single storey front/side and single storey rear extensions together with formation of a gable end with dormer to rear and roof light to rear to facilitate additional habitable living accommodation within the roof space and construction of driveway to front - Resubmission of MC/17/0853

Applicant: Miss Lucy Hancock

Agent: Mr Sam Edwards Be At Home Developments And Management Ltd 30 Church Street Tovil Maidstone, Kent ME15 6RB

Ward Watling

Case Officer Robert Neave

Contact Number 01634 331700

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### **Background to the resubmission of this planning application**

Members will be aware that this planning application was refused by the Planning Committee at its meeting on 20 December 2017.

At the meeting after the vote had taken place a member of the public had raised a concern that the adjacent neighbour to the application site was a Councillor who had been sitting in the public gallery during the consideration and determination of the application.

Whilst there was no indication that the Committee had acted improperly in the determination of the application, Members recognised that it was not unreasonable for the public to perceive that the presence of the Councillor may have influenced some Members when determining the planning application.

A number of Members gave an assurance that they had determined the planning application on planning grounds and were not aware that a Councillor's residence adjoined the application site. It was also noted that the vote to refuse the planning application had been cross party. However, the Committee accepted that there was a need for there to be transparency and therefore requested that the decision notice for this planning application not be issued and the matter be referred to the Council's Monitoring Officer as to the way forward.

As a result the Monitoring Officer, Chairman of Planning and Head of Planning have reviewed the matter and agreed that it is appropriate to report the application back to Committee for re-consideration. No action has been taken to implement the original decision of the Committee in the meantime. In law a resolution passed at one meeting may be rescinded at a subsequent meeting provided there are no practical obstacles. For example, where action taken under the original resolution would make its rescission a nullity or the rights of third parties who have acted on the earlier decision need to be taken into account and safeguarded.

The Committee must first rescind the decision it took on 20 December and then reconsider the application afresh. Members should take appropriate action if they have a disclosable pecuniary interest or other significant interest in the matter. Any member with a pecuniary or other significant interest should disclose this and leave the room taking no part in the discussion or vote on the matter. Any Member who considers they are biased or have pre-determined the matter should also not take part in consideration of this application

**Recommendation: That the decision of the Planning Committee on 20 December 2017 on planning application MC/17/2951 3 Nore Close, Darland be rescinded to enable the Committee to consider the application afresh for the reasons stated above.**

**For the purposes of considering the application afresh, the report on the planning application is set out below along with the Officer's original recommendations:**

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 17 January 2018.**

#### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

205-02 Rev 06 and 205-03 Rev 06 as received on 6th December 2017.

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

- 3 All materials used externally shall match those of the existing building.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 Prior to the commencement of development details for the surfacing and drainage of the proposed front car parking area, including any landscaping and boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The approved front car parking area, including the provision of a drop kerb (which should have the consent of the Local Highway Authority) should be provided prior to the bringing into use of the proposed extension and shall thereafter be maintained.

Reason: To provide sufficient off street car parking to meet the needs of the development.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

This application is for the construction of part two storey front/side and part single storey front/side and single storey rear extensions together with formation of a gable end with dormer to front and roof light to rear to facilitate additional habitable living accommodation within the roof space and construction of driveway to front. The application is a resubmission of MC/17/0853 which was refused.

The part two storey front/side and part single storey front/side would have a projection from the existing front elevation of approx. 1.5m and a maximum projection at ground floor level from the existing side elevation of approx. 3.4m and at first floor level approx. 2.6m. The height of the pitched roof at ground floor level to eaves will be approx. 2.2m and ridge height approx. 3.8m. At first floor level the eaves would be approx. 5m to the eaves and 7.3m to the ridge.

The rear extension would be projected approx. 2.9m from the rear elevation with a width approx. 5.9m and height of 3m.

### **Relevant Planning History**

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| MC/17/0853 | Construction of a single storey front extension; two storey side extension; single storey rear extension together with the formation of a gable end with dormer to front and roof lights to rear to facilitate a loft conversion to create an additional habitable space and construction of driveway to front<br>Decision Refusal<br>Decided 8 June, 2017 |
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### **Representations**

The application has been advertised by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Three letters** of representation (including a letter from **Cllr Mrs Purdy** as a neighbour) have been received objecting to the proposal on the following grounds;

- Out of character
- Over development
- Lost of light

**1 further letter** has been received objecting to the development for the reasons already set out on the report

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

## **Planning Appraisal**

### *Background*

The applicant has revised the proposal following the previous refusal by reducing width of the front extension and by moving the proposed dormer from the front of the property to the rear elevation.

The previous application (MC/17/0853) was refused on the following ground:

*As a result of the height and roof type of the side extension, the roof design of the single storey front extension and the design and introduction of the front dormer, the proposal would have a detrimental impact on the character and appearance of the existing dwelling and the street scene in general contrary to Policy BNE1 of the Medway Local Plan 2003.*

### *Streetscene & Design*

3 Nore Close is a two storey, semi detached dwelling located within a residential area. The property benefits from a garage to the side. The properties in Nore Close are two storey, semi- detached properties with garages, front gardens and generous gaps separating them from the neighbouring properties. The character of the area is of large, spacious and open plots with driveways. The gaps between the properties are generous, adding to the character of the area. It is noted that there has been previous planning permission allowed (reference MC/03/0315) for a part two storey part single storey side extension for No.8 Nore Close.

The National Planning Policy Framework recognises that design quality matters and that good design responds in a practical and creative way to both the function and identity of a place. Development should generally reinforce positive design features of an area, respect the scale, landscape, local materials, colours, style and detailing of surrounding areas.

With regards to the side extension, whilst the extension is large, given the example of No.8 Nore close, it is not considered that the development would have a detrimental

impact on the host property or wider streetscene and therefore is considered acceptable. The single storey ground floor extension pitched roof with the alterations to the front bay windows would be a new feature within the streetscene, however with regards to the ground floor pitched roof there are other in the surrounding areas and changes to the bay window are not considered to result in detrimental harm to this streetscene.

The single storey extension to the rear would have a flat roof and would be acceptable in that location.

In relation to the amended dormer, as it is to the rear, no objection would be raised in terms of design.

The proposed development whilst large, would not be considered to have such a significant and detrimental impact to the streetscene that would warrant refusal of the application. Therefore no objections are raised in relation to design and the development is considered to conform with Policy BNE1 of the Medway Local Plan 2003 and NPPF paras 17 and 56.

#### *Residential Amenities*

The impact on neighbouring properties is considered with regard to privacy protection, visual dominance and potential loss of outlook, loss of daylight and shadow cast/loss of sunlight.

The development would not introduce any direct loss of privacy or overlooking that is not already current present within the streetscene.

In terms of any loss of sunlight or daylight, the two-storey side extension, whilst large would be positioned a minimum of approx. 1m from the side boundary to the south. Due to the orientation of the host property and position of the rear extension, the shadowing would fall towards to the north in the direction of No.2 Nore Close. As the rear extension would fall within permitted development rights, it is not considered that impact resulting from this extension would justify a reason of refusal, therefore no objection is raised. Due to the orientation of the host property, it is considered that the proposal would not introduce any level of overshadowing that is considered detrimental to the amenity of the occupiers of neighbouring properties .

With regards to outlook, an assessment has been made from the neighbouring property rear elevation windows at ground floor and first floor level. The assessment demonstrates that there would be no significant impact on No.4.

With regards to overdevelopment and any overbearing impact on No.4, there is a distance of approx. 4.6m between the two storey extension and the neighbouring property, therefore it would not be considered that the proposal would have a significant and detrimental affect on the neighbouring property.

Overall, the proposed development conforms to the objectives of Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

The proposed development would double the level of bedrooms from 3 beds to 6 beds. Medway Councils interim parking standards require that a six bedroom property provide two off street parking spaces. The applicant's front driveway is able to accommodate more than two cars. As such it is considered that the proposed development conforms to the objectives of Policy T13 of the Medway Local Plan 2003.

### *Local Finance considerations*

None

### **Conclusions and Reasons for Approval**

The proposed extension is an acceptable addition to the host dwelling and would not dominate the character and appearance of the street scene in general. The proposed development would not unacceptably impinge on residential amenity or the highway and is considered to conform to the objectives of Policies BNE1, BNE2 and T13 of the Medway Local Plan 2003. The application is accordingly recommended for approval.

This application would normally be determined under delegated powers but is being referred for determination by Planning Committee due to the number of representations which have been received expressing views contrary to the Officer recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>