

MC/19/0666

Date Received: 13 March 2019

Location: 260 Wilson Avenue Rochester Kent ME1 2SP

Proposal: Construction of extension to rear, dormer window to side (demolition of part existing rear extension, conservatory and garage)

Applicant Mr Ken Kennedy

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ME18 6JS

Ward: Rochester South & Horsted Ward

Case Officer: Amanda Grout

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29th May 2019.**

**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:

Drawing numbers: Proposed block Plan, KJK/185/202 Rev PW, KJK/185/204 and KJK/PW/210 received on 13 March 2019.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), the extension herein approved shall remain in use with the rest of the house as a single family dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

## **Proposal**

This application seeks planning permission for the construction of extension to rear, dormer window to side (demolition of part existing rear extension, conservatory and garage).

The proposal would result in the demolition of an existing rear extension and conservatory, existing dimensions approximately 4.3 metres deep (on the north side) and 2.4 metres deep (on the south side). The proposed rear extension would have dimensions approximately 5.6 metres deep (an increase of 1.3 metres on the north and 3.2 metres on the south side). The ridge height would match that of the existing dwelling. The roof of the extension would incorporate dormers to the north and south roof slopes.

Dimension of dormers:

North facing (front) dormer: 1.5 metres high, 1.9 metres deep and 3.5 metres wide

Middle link dormer: 0.8 metres high, 1 metre deep and 4.5 metres wide

North facing (back extension) dormer: 1.5 metres high, 1.9 metres deep and 3.8 metres wide

South facing (front) dormer: 1.5 metres high, 1.9 metres deep and 3.5 metres wide

South facing (back extension) dormer: 1.5 metres high, 1.9 metres deep and 4.9 metres wide.

A rooflight is proposed between the dormers on the south roof slope.

## Relevant Planning History

MC/18/2739            Construction of extension to rear, dormer window to side (demolition of part existing rear extension, conservatory and garage)  
Decision: Approval subject to conditions  
Date: 7 December 2018

## Representations

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

**Four** letters have been received raising objection on the following grounds:

- Loss of sunlight & daylight
- Loss of privacy
- Noise
- Inadequate off road parking
- Out of character in size and design

Objections were also received on the grounds of party wall matters and interference with solar panels. These are not considered to be material planning considerations. See discussion further below.

In addition, an email has been received, signed by the ward councillors for Rochester South and Horsted, Cllrs Clarke, Griffins and Turpin reiterating previous objections to the progressive loss of bungalows in Rochester, in particular to Wilson Avenue. The councillors object to this application on the following grounds:

- Detrimental addition to the street scene, the north and south dormer additions are out of keeping and character with the established pattern of development in neighbouring properties;
- Dominance of extension when viewed from both street and neighbouring properties; and
- Material increase in harm through loss of amenity outlook (privacy) and sunlight for occupants of neighbouring property.

## Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this application must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this

application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

## **Planning Appraisal**

### *Background*

A planning application under ref: MC/18/2739, was granted planning permission on December 2018.

The current application is largely similar to that approved with minor differences.

### **Comparison of MC/18/2739 and MC/19/0666**

- Additional Plan – New Existing and Proposed Sections Plan

#### **Amendments**

- Site Location Plan – Orientation has been correctly labelled
- All orientations on existing and proposed elevations and floor plans have been correctly labelled.

#### **Differences**

- Current application removes a ground floor door and window along the north facing side elevation
- Current application shows obscure glazing to the first floor bathroom window on the north facing side dormer
- Current application shows the footprint of the dwelling at No. 262 and shed
- Current application shows the footprint and elevation of the existing outbuilding/shed to be demolished
- Current application includes the details of new boundary fence

### **Judicial review challenge**

The Council's decision to grant planning permission in respect of the previous application, MC/18/2739, is currently the subject of a judicial review challenge. That challenge is ongoing. The Claimant in that challenge obtained an injunction to prevent the Council determining this application, MC/19/0666, but that injunction was subsequently discharged by the High Court on the Council's application. Accordingly, the Council may determine this application in advance of the judicial review challenge being resolved.

Members are reminded that each application must be assessed on its own merits. The determination of this application is a discrete statutory process. Officers have also adopted this approach in the preparing this report.

## *Design*

Policy BNE1 of the Medway Plan states that design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment. Part 12 of the NPPF, in particular paragraphs 124 and 127, reiterates the need for good quality design.

The application property is a detached bungalow with a small area of attic space within the roof that is served by small window within the front gable end.

The proposal is for dormer windows to both sides and a roof light, together with a rear extension.

The extension would increase the footprint of the dwelling to the rear by approx. 1.3m on the north side and 3.2m on the south side. The extension would be full width and match the height of the existing dwelling. This minor increase in the footprint and scale is not considered to be significant and is considered to be an appropriate form of development to the host dwelling.

Wilson Road is residential in character with a mix of single storey and two storey dwellings.

There are a number of properties in the streetscene that have been altered by adding dormers within the roof, including the adjacent nos. 262, 264, and 266.

Given the presence of similar, albeit not identical, developments (including dormers) within the streetscene, it is considered that the proposed development would be acceptable and would not introduce a new feature to the area. The predominant appearance of the bungalow would be maintained due to the scale, size and design of the dormer windows and their position within the roof slope.

The proposed dormers would not dominate the roof of the property and are considered acceptable. The proposed rear extension would not be readily visible from the streetscene and as such would not impact on the visual appearance of the streetscene.

The proposed development is therefore considered to be appropriate in relation to the character, appearance and functioning of the built and natural environment in accordance with Policy BNE1 of the Medway Plan and paragraphs 124 and 127 of the NPPF.

## *Amenity*

Policy BNE2 of the Medway Plan, states that all development should secure the amenities of its future occupants, and protect those enjoyed by nearby and adjacent properties. The design should have regard to daylight, sunlight and privacy, including noise and activity levels generated by traffic.

In terms of daylight and sunlight, the proposed rear extension would increase the built form along the north side by 1.3m and 3.2m on the south. The height of the extension would match that of the existing ridge height. In addition, dormer windows are proposed to the north and south roof slopes.

A sun on ground test has been carried out on the existing built form and the proposed development. The result confirms that whilst there would be some additional overshadowing to the north from the proposed extension, this would be negligible and given the overall context and amount of daylight or sunlight received by the neighbouring occupiers to the north, it would not be at unacceptable levels. In respect of the occupiers to the south, the existing situation would not change.

As such, the proposed development would be acceptable in terms of daylight and sunlight, and overshadowing for the purposes of neighbouring amenities.

In terms of overlooking and loss of privacy, the proposed dormers would have windows that serve habitable rooms, however the position of the windows have been carefully designed to avoid direct overlooking to habitable rooms. There would be some overlooking to neighbouring rear gardens, however this would be at oblique angles and would not result in increased levels of overlooking that would be harmful to the living conditions of the neighbouring occupiers.

Therefore, it is considered that the proposal would be acceptable in terms of overlooking and loss of privacy.

In terms of loss of outlook, the proposed rear extension would not result in a breach of the 45-degree outlook test due to the minimal projection and the gap between the application site and neighbouring properties.

It is therefore, considered that the proposed development would be acceptable in respect of the amenities of neighbouring occupiers and therefore the proposed development is in accordance with Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

The property benefits from a large front drive which extends to the side. Therefore, there would be adequate off road parking spaces available and there is unrestrictive on street parking available. The development would therefore accord with Policies T1 and T13 of the Medway Local Plan 2003.

### *Other matters raised by representations*

Representations received to the application have raised party wall concerns and the effect of the development on solar panels on the neighbouring property to the north, no. 262 Wilson Avenue.

In regards to the party wall concern, this is not a material planning consideration.

Officers do not consider that potential interference with the solar panels on the neighbouring property, no. 262 Wilson Avenue, caused by the proposed development is a material planning consideration in this instance because it involves a purely private interest which does not require protection in the public interest on the facts of this case.

Notwithstanding the fact that officers do not consider that potential interference with solar panels is a material planning consideration, officers have considered this matter for completeness.

The representations received from the occupiers of no. 262 Wilson Avenue assert that there will be a severe impact arising from overshadowing of their solar panels. Officers have considered the extent to which there will be additional overshadowing (if any) of the solar panels by way of sun on ground tests and have concluded that there any additional overshadowing of the solar panels will be negligible. Accordingly, because any additional overshadowing would be negligible, officers do not consider this would be unacceptable or a factor which would be sufficient to indicate that the determination should not be in accordance with the development plan (with which the proposed development fully accords, for the reasons above and below).

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

The application has been assessed in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Applying this approach, the proposed development would not detract from the host property or the character of the area. It would not result in a detrimental impact in terms of neighbour amenity or highways and would accord with Policies BNE1, BNE2, T1 and T13 of the Medway Local Plan and paragraphs 124 and 127 of the NPPF 2019. As such, the proposed development is in accordance with the development plan and there are no material considerations which indicate that the determination should not be in accordance with the development plan.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation and at the request of the local ward Councillors.

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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://publicaccess1.medway.gov.uk/online-applications/>