

MC/19/2697

Date Received: 10 October 2019

Location: 100 Jarrett Avenue Wainscott Rochester Medway

Proposal: A part retrospective application for the amended construction of a dormer window to rear to facilitate additional living accommodation in the roof space

Applicant Mr H Nirwan

Agent DHA Planning
Mr John Collins Eclipse House
Eclipse Park
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Ward: Strood Rural Ward

Case Officer: Amanda Grout

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 15th January 2020.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be maintained in accordance with the following approved plans:

Drawing numbers: 04 Rev E received on 10 October 2019 and 05 Rev D received on 29 October 2019.

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

- 2 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

Retrospective application for construction of a dormer window to rear to provide additional living accommodation within roof space.

Relevant Planning History

MC/19/1036	Application for non-material amendment to planning permission MC/18/2010 - to clarify the positioning of the dormer 15 August 2019 Refused
MC/18/2010	A part retrospective application for the amended construction of a dormer window to the rear roof slope to provide additional living accommodation in the roof space 31 August 2018 Approval with Conditions
MC/18/0463	Building works have been carried out to the existing roof to allow for Loft conversion space in accordance with the lawful development guidelines, as a result obtaining additional habitable space within 50 cu.m for semi-detached. 8 February 2018 Withdrawn
MC/18/0416	Application for a Lawful Development Certificate (proposed) for construction a part two storey part single storey front, side and rear extension; formation of a gable end; construction of a dormer window to rear and installation of roof lights to front to provide additional living accommodation within roof space 12 April 2018 Refused
MC/17/3738	Retrospective application for construction of a dormer window to rear to provide additional living accommodation within roof space 22 December 2017 Refused
MC/17/2515	Retrospective application for the formation of hip to gable end, two storey side extension, single storey rear extension, dormer to the rear and installation of roof lights to front and rear Refusal

16 October, 2017

- MC/17/1140 Part retrospective application for the formation of hip to gable end, two storey side extension, single storey rear extension, dormer to the rear and installation of roof lights to front and rear (removal of existing first floor rear projection and alterations to existing extensions and dormer)
Approval With Conditions
25 May, 2017
- MC/16/1798 Construction of a 2 storey side and part rear extension with garage to be converted into habitable space with front Porch
Approval With Conditions
29 July, 2016
- MC/16/1963 Application for a Lawful Development Certificate (Proposed) for formation of a gable end, construction of a dormer window to rear and installation of roof lights to front to provide additional living accommodation within roof space
Approval
27 June, 2016
- MC/16/1828 Neighbourhood consultation application for the construction of a single storey rear extension.
The details submitted are as follows:
The extension will extend beyond the rear wall by 6m
The maximum height of the proposed extension from the natural ground level is 2.925m
The height at eaves level of the proposed extension measured from the natural ground level is 2.8m
PD - Approval with Conditions
26 May, 2016

Representations

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

One Letter of representation has been received from Frindsbury Extra Parish Council with no objections.

Development Plan

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

As listed under Planning History above, several applications have come forward relating to this property.

An enforcement case was opened (ENF/16/0431) following an enquiry received from a local resident on 5 October 2016 with the following description:

Without the benefit of planning permission, the erection of various single storey and two storey extensions including dormer to rear, alterations to roof and increase of ridge height.

The enquiry made particular reference to the dormer to the rear and encroachment onto the neighbouring property's roof (No. 98).

An initial site visit was undertaken on 27 October 2016 where it was clear that different elements from planning applications MC/16/1828, MC/16/1963 and MC/16/1798, had been incorporated into the build that was, at the time of the site visit, being undertaken. The development overall was at odds with the host property in terms of design and scale which resulted in an unacceptable built form that was both detrimental to the host property and the character of the area.

A letter was sent to the owner on 3 November 2016 to cease works on the property and to make contact with the Planning Department.

A pre-application was submitted 7 December 2016 (PRE/17/4842) to discuss regulating the breach and a part-retrospective planning application (MC/17/1140) was received on 27 March 2017 with the following description:

Part retrospective application for the formation of hip to gable end, two storey side extension, single storey rear extension, dormer to the rear and installation of rooflights to front and rear (removal of existing first floor rear projection and alterations to existing extensions and dormer).

This application sought to address the issues raised under the enforcement case which included a smaller dormer to the rear. This application was approved subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 05, 06 and 07 received 28 March 2017.

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

2. 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.

3. The development and alterations to the existing dormer window hereby permitted and as shown in approved drawing numbers 06 and 07 received 28 March 2017 shall be completed within three months from the date of this permission.

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

On 17 July 2017 a further application MC/17/2515) for; Retrospective application for the formation of hip to gable end, two storey side extension, single storey rear extension, dormer to the rear and installation of roof lights to front and rear was received. This application included the existing larger dormer and was refused for the following reason:

Due to the siting, size and proportion of the dormer in relation to the roof slope, the development results in bulky and unattractive addition that is dominant, overbearing and detrimental to the visual amenity of the locality and the appearance of the existing property when viewed from the surrounding neighbouring rear gardens and the recreation ground to the rear. The development is contrary to paragraphs 17 and 56 of the NPPF and Policies BNE1 and BNE2 of the Medway Local Plan 2003.

In relation to Condition 3, of MC/17/1140, no alterations were made within three months of the decision date and a Breach of Condition Notice was issued on 19 October 2017 under reference ENF/17/0293.

A further application was submitted in 2017 (MC/17/3738) for the rear dormer as originally constructed and was refused for the following reason:

Due to the siting, size and proportion of the dormer in relation to the roof slope, the development results in bulky and unattractive addition that is dominant, overbearing and detrimental to the visual amenity of the locality and the appearance of the existing property when viewed from the surrounding neighbouring rear gardens and the recreation ground to the rear. The development is contrary to Policies BNE1 and BNE2 of the Medway Local Plan 2003 and Paragraphs 17 and 56 of the NPPF.

A Lawful Development Certificate application was submitted in 2018 (MC/18/0416) which was refused the following reason:

The proposal as submitted fails to satisfy the criteria set under Schedule 2, Part 1, Class A.1(e), A.1(f), A.1(i), A.1(j) and A.3(a); and Class B.1(d) and B.2(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

A further application was submitted in 2018 (MC/18/2010) for a smaller dormer that was set in from the common boundary and chimney and was approved. This was followed by a non-material amendment application to this approval submitted in 2019 to alter the approved scheme by increasing and altering the location of the dormer, which was refused for the following reason:

The changes which show the dormer being in line with the ridge and the side with the gable end, mean that the dormer would not appear to sit subserviently within the roof space. The proposed changes materially alter the appearance of the property and therefore do not constitute a non-material amendment.

The current application seeks permission for the smaller dormer that has been set in from the common boundary and chimney to address these previous refusals.

Design and Impact on Street scene

Policy BNE1 of the Medway Local Plan 2003 (Local Plan) requires extensions to respect the scale and appearance of buildings and to be satisfactory in relation to scale, mass and proportions. This is consistent with the National Planning Policy Framework (NPPF) which states that new development should respond to the local character, reflect the identity of local surroundings, be visually attractive as a result of good architecture and add to the overall quality of the area.

The application property is a two storey semi-detached dwelling located within a residential area with recreation ground to the rear. The property benefits from a modest garden to the rear and off road parking to the front for approx. two vehicles.

The alteration to the dormer by setting in from the boundary with No. 98, is considered to result in a more subservient appearance to the host property, less dominant within the roof slope and as such its impact visually is considered to be a positive improvement.

Consequently, the development meets the objectives of Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the NPPF 2019.

Amenity

The alteration to the dormer by setting it away from the boundary with the attached semi, is considered to address the previous objection and mitigates the imposing, dominant and overbearing impact the original dormer presented on the amenity of the occupiers of No. 98 and is considered to be acceptable.

Whilst any dormer in the rear roof would present overlooking, such as would be experienced from this development, it is not considered that it would be severe as to be harmful to the amenity of neighbouring occupants. In addition, no objection was raised previously on overlooking or loss of privacy.

Consequently, the development causes no additional amenity issues and the development meets the objectives of Policy BNE2 of the Medway Local Plan 2003 and paragraph 127 of the NPPF 2019.

Notwithstanding, given the increase in the size of the property there is potential for the property to be converted to a small HMO in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

Highways

The hardstanding to the front of the property provides parking for two cars which meets with the Medway Interim Parking Standards and the development therefore raises no concerns in respect of Policies T1 and T13 of the Medway Local Plan 2003.

Conclusions and Reasons for this Recommendation

The development is considered to be acceptable as built and addresses the previous reason for refusal (MC/17/3738). The development meets the objectives of Policies BNE1, BNE2, T1 & T13 of the Medway Local Plan and paragraphs 124 and 127f of the NPPF 2019.

The application would normally be determined under delegated powers but is being referred to Members for determination due to the previous application being determined by Members.

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/>