



- 1.4 The applicant seemingly originally intended to construct both the consented scheme and that proposed under the current application, although he has subsequently stated in writing that he intends, if permission is granted, to only undertake the development proposed under this application.

**2. Reason for reporting to Committee:**

- 2.1 The application is locally controversial and at the request of Councillor Balfour.

**3. The Site:**

- 3.1 The site is located in the settlement confines of Offham, on the southern side of Comp Lane. It lies in the CA and sits between Maple Court and Alexander House (originally named Limberlost). Alexander House is a two-storey dwelling. Maple Court slopes downhill both to the south-east and south-west: accordingly the section of the house adjacent to the parking area at the front of the dwelling is of single storey whilst the rear and south-westerly elevations are two storeys in height.
- 3.2 The site of the existing bungalow at Fremlin's Dell sits at a lower level than Comp Lane, with the land level of the site also dropping significantly from north to south (front to back).
- 3.3 Access to the site is via a shared private drive that also serves the two adjacent properties. It appears that the access drive has recently been slightly increased in width and the hedge which previously existed along Comp Lane has been removed.

**4. Planning History:**

MK/4/64/183                      Grant with Conditions                      27 April 1964  
Alt Ref:  
TM/64/10881/OLD  
Additions to dwelling and alteration of vehicular access.

TM/83/9                              Refusal    20 April 1983  
Alt Ref:  
TM/83/10761/FUL  
Detached house and garage.

TM/87/1124/FUL                      Grant with Conditions                      20 November 1987  
Alt Ref:  
TM/87/10224/FUL  
Bungalow and garage (accommodation for elderly persons).

|   |                                 |                                      |
|---|---------------------------------|--------------------------------------|
| TM/92/1079/FL<br>Alt Ref:<br>TM/92/00520/FL<br>Removal of occupancy condition (vi) of permission TM/87/1124 (shall not be used as separate hereditament but shall be occupied by a close relative of the family of the occupiers of Alexander House over 55 years old). | Grant with Conditions           | 25 November 1992                     |
| TM/07/00349/FL<br>First floor extension over bungalow to create 4 bedroomed house.  | Refusal<br><br>Appeal allowed   | 24 May 2007<br><br>04 December 2007  |
| TM/08/03692/FL<br>Convert bungalow into two storey building with en-suite bedroom in attic, rebuild garage with double storey roof extension. Rear single storey extension.   | Refusal<br><br>Appeal dismissed | 8 May 2009<br><br>29 October 2009    |
| TM/10/00341/FL<br>Convert bungalow into two storey building with en-suite bedroom in attic. Rebuild garage with two storey side extension. Erect single storey extension.   | Refusal                         | 9 April 2010                         |
| TM/10/01229/FL<br>Convert bungalow into two storey dwelling with bedroom, en-suite and dressing room within the attic. Two storey side extension and single storey rear extension.  | Refusal<br><br>Appeal allowed   | 7 July 2010<br><br>15 September 2010 |

## 5. Consultees:

- 5.1 PC: Offham Parish Council has reviewed the amended application as submitted and are pleased to note the dormer windows are being replaced with velux skylights as recommended by TMBC. We are still somewhat concerned about the increasing the size of this property which has an impact on the increased traffic use and parking facilities available at this property and the impact it has on its neighbouring properties. We would like to remind the Council the original planning approval for this property was for additional living accommodation for an elderly resident not as a separate dwelling, therefore this application goes against the original approval. Therefore, Offham Parish Council has thus not changed its opinion on this application since its original format as rejected in 2009.
- 5.2 Private Reps (17/0X/1R/0S) and Site and Press Notices (Conservation Area and General Public Interest). The occupiers of the adjacent property (Alexander House) detailed their concern that both the extant permission and the proposal would be constructed and that this would be harmful to residential and visual amenities and the character and appearance of the Offham CA.

**6. Determining Issues:**

- 6.1 The site is located in the confines of Offham, where minor development (such as the extension of dwellings) appropriate to the scale and character of the settlement is acceptable in principle, subject to appropriate design.
- 6.2 Given the planning position established by the grant of planning permission for extension of the property under reference TM/10/01229/FL by the Planning Inspectorate, the key determining issues are:
- whether the current proposal would have a greater effect on the character and appearance of the Offham CA and visual amenities than the consented scheme and whether this effect would be materially harmful;
  - whether the proposal in its own right, or in combination with the consented scheme, would represent high quality good design;
  - whether the current proposal would have a greater effect on the living conditions which occupiers of adjacent properties can expect to enjoy than the consented scheme and whether this effect will be materially harmful;
  - whether there is sufficient space for car parking and vehicle turning available at the property.
- 6.3 The planning policy which needs to be taken into account in the determination of this application is:
- National planning guidance: PPS1, PPG3, PPS5 and PPG13;
  - TMB CS: CP1, CP13 and CP24;
  - TMB MDE DPD: Policies SQ1 and SQ8;
  - TMB LP: Saved Policy P4/12.
- 6.4 In respect of the South East Plan, the Government has announced its intention to revoke Regional Spatial Strategies and the Courts have held that this intention is a material consideration to which regard must be had in the determination of planning applications. Notwithstanding this, due to the strategic nature of the SEP, it is not considered that there are any policies which are of direct relevance to the proposal.

Design and effect on the character and appearance of the Offham Conservation Area and visual amenities.

- 6.5 The Inspector who determined the appeal in respect of TM/10/01229/FL concluded that the extension of the dwelling as then proposed would preserve the character and appearance of the CA. The Council, in determining that application,

had reached a similar conclusion, albeit that planning permission was refused by the Borough Council due to concerns regarding residential amenities. The rear elevation of the extended dwelling will be obscured from view from publicly accessible land and accordingly I am of the opinion that the proposed provision of the basement area will not harm the character or appearance of the CA or the street scene. The amendments to the porch design and additional window to the front elevation and the different materials to be used in the side elevations will not have a material effect on the CA in my opinion.

- 6.6 However, notwithstanding the conclusions regarding the proposal in terms of the impact on the character and appearance of the Offham CA and visual amenities, I have concerns in respect of the design of the extended house, should both the proposed exposed basement area be constructed in addition to the development permitted under the extant permission TM/10/01229/FL: i.e. if the extended dwelling were to include both the basement and the rear dormers.
- 6.7 TMBCS Policies CP1 and CP24 and MDE DPD Policy SQ1 require well designed development which protects, conserves and where possible enhances the character and local distinctiveness of the area. PPS1 and PPS3 make similar requirements and also set out matters which should be considered when assessing design quality. These include whether development is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and whether it creates or enhances a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.
- 6.8 I am of the opinion that the potential provision of a dwelling which would, in part, appear to be of four storeys in height would not complement the neighbouring buildings in terms of scale and appearance, even taking into account the fact that views of this part of the house are restricted to those from the gardens of neighbouring properties. Accordingly, I am of the opinion that it is necessary for a Condition to be attached to any grant of planning permission to ensure that only one of the two developments (i.e. a two storey dwelling with rooms in the roof or a part two/part three storey dwelling) are undertaken, but not both in combination. I have recommended that such a Condition be attached, as set out below.

Impact on living conditions of neighbouring properties.

- 6.9 The overall form and bulk of the extensions to the dwelling as proposed have already been established (through the appeal decision) as not having a materially harmful impact on the living conditions of neighbouring properties.
- 6.10 The proposed exposed basement, with balcony above, will be on the far side of the application site from Alexander House: the position of the intervening single storey side/rear extension (as already permitted) will prevent any material harm through overlooking or overshadowing occurring to the living conditions which the occupiers of this neighbouring property can expect to enjoy.

- 6.11 The proposed basement excavation would, however, result in a reduction in the height of the garden area of the application site in close proximity to the boundary of Maple Court (to the north-east of the application site). The patio area to Maple Court is immediately adjacent to this section of the boundary and there is a secondary window to a kitchen in the south-west elevation of this property. At present, there is an existing close boarded fence topped with trellis running along this boundary, with mature and verdant climbing plants (which are planted entirely on land seemingly under the ownership of Fremlins Dell) growing up it. This fence and soft landscaping presently provides a screen which serves to prevent the overlooking of the patio area to Maple Court from a small existing verandah positioned at the rear of Fremlins Dell.
- 6.12 The proposed alterations to the ground level will undoubtedly result in the removal of these plants and is likely to require the provision of some retaining walls/structures in order to contain the difference in levels.
- 6.13 A careful assessment has been made of the relationship of the proposed basement area with the patio to the rear of Maple Court. As the flank windows in the exposed basement wall will be at a lower level than this patio area, views of the patio area will be precluded by the intervening fence and any retaining walls. The submitted plans indicate the positioning of an obscure glazed panel at the north-eastern end of the proposed balcony to the rear of the extended dwelling: although the balcony will be at a similar height to the patio of Maple Court, the obscure glazed panel (which could be secured by Condition) will preclude views of the patio area and flank window and I am of the opinion that it will not result in a materially harmful loss of privacy. I have also recommended that a Condition be attached to require details of a soft landscaping scheme and boundary treatment to be installed, together with details of the retaining walls, in order to provide an appropriate and adequate boundary between the application site and Maple Court following the undertaking of excavation works associated with the construction of the exposed basement section.

#### Parking and turning

- 6.14 In terms of the amount of parking available at the site, the appeal decision has established that the amount available at present satisfies the adopted vehicle parking standards. The proposal will not increase the number of bedrooms to be provided above that in the already consented scheme: I am of the opinion that the parking requirement for the property is not materially different from that associated with the scheme as consented on appeal. In terms of the use of a Condition to require the retention of vehicular parking at the site, I have had regard to the fact that the Inspector who determined the appeal did not consider such a Condition to be necessary.

Conclusion

6.15 Overall, having regard to the planning position established by the grant of planning permission by appeal under reference TM/10/01229/FL, I am of the opinion that the proposal will not have a materially harmful impact on the character and appearance of the Offham CA or the living conditions of adjacent properties, subject to the imposition of the Conditions detailed below, and that sufficient car parking and turning space is available for the size of the extended dwelling. It is therefore recommended that planning permission be granted. However, due to the fact that the provision of a building of three storeys in height with rooms in the roof would not complement the neighbouring buildings in terms of scale and appearance, even taking into account the fact that views of this part of the house are restricted to those from the gardens of neighbouring properties, I consider that it is necessary and reasonable to impose a Condition requiring that only one of the planning permissions (TM/10/01229/FL or TM/11/00868/FL) can be undertaken (but not both) in order to ensure the high quality design of the proposal.

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 14.06.2011, Proposed Plans 1043 B dated 14.06.2011, Proposed Plans 1043 1 dated 14.06.2011, Elevations 1053 A dated 14.06.2011, Elevations 1063 A dated 14.06.2011, Letter dated 04.04.2011, Design and Access Statement dated 01.04.2011, Other dated 01.04.2011, Existing Plans 101 dated 01.04.2011, Elevations 102 dated 01.04.2011, Proposed Plans 1033 A dated 01.04.2011, Landscape Statement LP01 A dated 11.04.2011, 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.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows other than those

expressly authorised by this permission shall be constructed on the side or rear roof planes or elevations of the extended building hereby approved.

Reason: In the interests of privacy and visual amenity.

4. The extension hereby approved shall not be occupied until the rooflight windows on the north-east roof plane have been fitted with obscured glazing and they shall be non-opening. This provision is to be retained thereafter.

Reason: In the interests of privacy.

5. This permission shall be an alternative to the following permission and shall not be exercised in addition thereto, or in combination therewith: Permission reference TM/10/01229/FL dated 15 September 2010.

Reason: the exercise of more than one permission would result in an overintensive use of the land.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority details of the method by which alterations to the levels of land located along the north-eastern boundary of the site are to be undertaken, including the construction of any retaining walls and the location of deposition of any excavated material. The works shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity.

8. An obscure glazed panel at the north-eastern end of the balcony as indicated on approved plan Dwg. No. 1053 Rev A shall be installed prior to the first occupation of the extensions hereby permitted and shall be maintained as such thereafter.

Reason: In the interests of privacy.

Contact: Steve Baughen