



Layout of Phase IV 136 Houses, 197 Garages and access roads, as amended.

TM/04/01964/FL      Grant With Conditions      5 July 2004

Single storey side extension

#### **4. Consultees:**

4.1 KCC Highways: no objection.

4.2 Parish Council: no objection.

4.3 Private Reps: 11/0X/3R/0S Comments have been made about:

- Oppressive, dominating and terracing effect of the proposals resulting in overshadowing, visual disharmony and loss of separation.
- Change of character of the house due to front bathroom window, external pipework, recessed first floor side elevation.
- Effect on outlook and daylight.
- Loss of amenity value as existing trees are obscured from view.
- Local impact on the street scene
- Loss of privacy due to overlooking from new first floor bedroom doors. Doors should be replaced with a standard window.
- Original construction materials are no longer available resulting in visual disharmony.
- Side door in northern extension is unacceptable and would result in loss of privacy.

#### **5. Determining Issues:**

5.1 The site falls within the defined urban area with the houses on the eastern side of the road being slightly larger than those on the western side of the road. The house types in this stretch of the road are of similar design with flat roofed garages to one side, frequently extending up to the boundary.

5.2 The size, scale and proportions of the additions will relate satisfactorily to the design of the existing house and whilst altering its appearance will not be out of keeping with its character. The first floor element will clearly result in some loss of separation between number 188 and 186 to the south. The first floor will be stepped in so that a separation gap of approximately 1.1m will be retained and visual terracing avoided.

- 5.3 The impact of the proposals on the neighbours has been given very careful consideration. With regard to the garage and bedroom extension on the south side, it is noted that this has been pulled away from the boundary so that the eaves do not overhang. Sufficient separation would be maintained and as no windows are shown in this elevation there will be no overlooking. The matter of windows possibly being inserted in the side elevation in the future can be controlled by condition.
- 5.4 To the rear the outlook from the proposed French doors will be no different to that from a traditional window in this location. A guard rail rather than a full balcony is shown. Whilst there will be a first floor element in closer proximity to number 186 than currently exists, it is considered that there would not be an unacceptably greater level of overlooking towards the private amenity space than with the present arrangement.
- 5.5 The extension would not extend beyond the rear elevation of the existing dwelling within this site and would not extend beyond the rear elevation of the house to the south either. This part of the development would not breach the 45 degree rule when applied to the windows located within the rear elevation of the neighbouring property. The proposed extension would not cause any detriment to the amenity of this neighbouring property in terms of day or sun light when judged against the BRE standard that would be applied only if the 45 degree rule is breached.
- 5.6 The addition to the north is unlikely to present any serious problems for the occupants of the property to the north, despite being slightly larger than the previously agreed addition in this location. No windows are shown in the side elevation, so overlooking will not occur.
- 5.7 The single storey addition does not breach the 45 degree rule when applied to the nearest habitable room window in the rear elevation of the house to the north. In terms of impact upon daylight and sunlight availability to neighbouring dwellings, the proposed development complies with the guidance contained within the BRE light tests.
- 5.8 A door is shown in the proposed side elevation of the northern extension. As number 188 is set further back than number 190, the door will face the boundary treatment between the two properties, rather than the side of the garage at number 190. It is recognised that the extension and side door will be in closer proximity to the patio area of number 190 and that the outlook for the occupants will alter. Sufficient separation would remain and despite the offset relationship the extension will not cause detriment to existing residential amenities such as to withhold consent. The nearest part of number 190 comprises the garage and so the extension will not cut across a 45 degree line from a habitable room of this property. Whilst the extension would be sited to the south of number 190 the location of the garage associated with this house will reduce direct overshadowing of the neighbours amenity area to the rear of the house.

- 5.9 With regard to the other points made by neighbours about loss of outlook towards trees, it should be remembered that there is no entitlement to a view. It is recognised that the reduction in separation will have some impact on the appearance of the street scene, but from a planning point of view it could not be argued that this would result in undue harm, such as to justify withholding consent. It is concluded that neither the recessed first floor side extension, external pipe work or bathroom window could be considered to be unacceptably damaging to the appearance of number 188. The proposal is not found to comprise over development of the site such as to cause unacceptable harm to the character of the area.
- 5.10 The submitted plan shows the two storey extension located approximately 200mm from the boundary with a note stating that eaves and gutters would not encroach over the boundary line. In addition the applicants will need to ensure that the development including the foundations takes place fully on land within their ownership and does not encroach the boundary.
- 5.11 The possibility of the original building materials no longer being available is noted. Whilst this is regrettable it would not represent a justifiable reason for refusal in this case. It would be the responsibility of the applicants to ensure a "close as possible" match is found for the building materials and this matter can be covered by condition. Any problems associated with the construction process would be a private matter and not one that falls within planning legislation.
- 5.12 The application has been carefully considered having regard to the characteristics of the site and the street in general, as well as the amenities of neighbours. Although there will be a change in the appearance of the property and the relationship with neighbours, the extensions are not found to be contrary to policies P4/11 & 12 or annexe PA4/12.

## **6. Recommendation:**

### **6.1 Grant consent**

This was approved in accordance with the following submitted details: Design and Access Statement dated 21.12.2006, Location Plan dated 21.12.2006, Floor Plans And Elevations 1049/1 dated 21.12.2006, Floor Plans And Elevations 1049/2A dated 12.01.2007, Floor Plan 1049/3 dated 21.12.2006,

### **Conditions / Reasons**

- 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 all 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. (D001)

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 provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the north and south elevations of the building other than as hereby approved, without the prior written consent of the Local Planning Authority. (D013)

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

#### Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners. (Q040).

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