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**Report of 28 August 2014**

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**Wouldham**  
Burham Eccles  
Wouldham

**572092 163908 29 July 2014**

**TM/14/02015/FL**

Proposal: First floor rear addition  
Location: 324 Pilgrims Way Wouldham Rochester Kent ME1 3RB  
Applicant: Mrs Fran Holgate

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**1. Description:**

- 1.1 Planning permission is sought to construct a first floor addition measuring approximately 2.1m wide by 2.8m deep, to be sited over the existing flat roofed ground floor section to the rear of 324 Pilgrims Way. The extension would accommodate a new larger bathroom with window to the rear elevation and flat roof. In addition to this proposal the applicants are likely to exercise the permitted development rights to erect a ground floor extension to the north of the existing ground floor extension (adjoining No. 326). This ground floor element does not require the Council's approval but forms part of an overall scheme. The net result is that the rear extension would give a stepped appearance if both were carried out. The first floor extension is proposed to adjoin the first floor extension of neighbouring property to the south (No. 322).

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

- 2.1 At the request of Cllrs Dalton and Davies due to public concern.

**3. The Site:**

- 3.1 The application relates to a mid terrace house situated on the eastern side of Pilgrims Way. The house occupies an elevated position above road level and is situated outside of the village confines and within the Area of Outstanding Natural Beauty and the Strategic Gap.
- 3.2 The property currently has a single storey flat roofed extension to the rear which accommodates a small bathroom.
- 3.3 No. 322, to the south, has recently received planning permission for a two storey rear extension situated adjacent to the boundary with No. 324 (TM/13/01539/FL). This has now been completed.
- 3.4 No. 326, to the north, has a single storey element projecting to the rear adjacent to its own northern boundary and approximately 1.7m from the boundary with No. 324. This part of No. 326 accommodates a bathroom with window in the southern side. The windows on the rear elevation of No. 326 serve a dining room and bedroom.

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**4. Planning History:**

TM/13/03046/FL      Refuse      13 December 2013

Rear two storey extension to form bedroom at first floor and dining room at ground floor. Replace existing shed with new shed

TM/14/02016/LDP      Certifies      25 July 2014

Application for Lawful Development Certificate: Ground floor rear addition

**5. Consultees:**

5.1 PC: Object as there is concern that a first floor addition would shut out the neighbours light to their kitchen/living area.

5.2 Private Reps: 2 + Site Notice/0X/1R/0S. Letter received makes the following objections:

- Overshadowing and loss of sunlight, especially in winter when the sun is lower. This would result in the loss of both warmth and light leading to an increase in the use of fossil fuels.
- The proposed extension would be opposite the bathroom which would make it cold and dark and lead to an increase in the use of electricity.

**6. Determining Issues:**

6.1 A number of Core Strategy policies are relevant including CP24 (standard of design), CP7 (Development in the AONB), CP5 (development in the Strategic Gap), CP14 (development in the countryside). Saved policy P4/12 and Annex PA4/12 of the Local Plan are also relevant. The main issues are the relationship of the proposed addition to the original house and any impact upon the neighbours' amenities, the AONB or the Strategic Gap.

6.2 This property forms part of a terrace of 7 relatively small houses occupying an elevated countryside location. Although the terrace is in the Strategic Gap the extension would not threaten the principles of the relevant policy, which seeks to ensure that separation between settlements is maintained. Neither will it involve encroachment into the open countryside as the development would be contained within the existing residential curtilage. There are no objections in terms of policy CP5 concerning development in the Strategic Gap.

6.3 The application is considered in relation to Core Strategy policy CP24 which seeks to ensure a high standard of design, saved policy P4/12 and policy annexe PA4/12 of the Local Plan which concerns residential extensions. This states that residential extensions will not be permitted if they would result in an adverse impact upon the residential amenity of neighbouring property in terms of light and

privacy. It also states that single and two storey extensions should be designed so as to fall within the relevant 45 degree angle taken from the nearest habitable room window of the adjacent property. Large two storey extensions can be unacceptable where dwellings are closely spaced and the extension inappropriately designed.

- 6.4 The proposed first floor extension would be sited over an existing bathroom which is to be converted into living space. The extension would measure approximately 2.8m from the rear wall of the house and 2.1m in width and would be sited 1.7m away from the northern boundary, common with No. 326, and around 3.4m from the ground floor side window of No. 326. The extension would be designed with a flat roof and would adjoin a party wall with the neighbouring house to the south (No. 322). The rear wall will be on the same plane as the recently completed first floor extension at No. 322.
- 6.5 It should be noted from the planning history that a single storey ground floor extension to the rear of No. 324 was certified as being Permitted Development by a recently issued Lawful Development Certificate (our reference TM/14/02016/LDP). This structure could be constructed under permitted development rights, not requiring the Council's approval and if implemented would be situated in the area between the existing ground floor element and the northern boundary.
- 6.6 Several houses in this terrace have been extended over the years in different ways at ground and first floor level. No. 322, to the south, benefits from a two storey rear addition projecting up to the site boundary. The extension at No. 324, having a flat roof and covering only half the width of the host dwelling, would be different from the hipped roof of the addition to the south at No. 322, but would not be visually harmful so as to withhold approval. The proposed extension is unlikely to have an impact upon the residential amenities of the occupants of No. 322.
- 6.7 It is necessary to have regard to the residential amenities of the occupants of the property to the north. Saved policy annex PA4/12 states that residential extensions should be designed so as to fall outside the relevant 45 degree angle taken from the nearest habitable room window of the adjacent property. In the current case it appears that the first floor extension at No. 324 would *not* breach the 45 degree line taken from the mid point of the nearest habitable window of No. 326 to the north.
- 6.8 Notwithstanding that the 45 degree line is not breached, the possible impact of the proposed extension has been assessed in terms of the availability of light to the ground floor habitable room of No. 326, in relation to the Building Regulation Establishment (BRE) document "Site Layout Planning for Daylight and Sunlight-A Good Practice Guide". This Guide recommends that windows serving habitable rooms should receive a minimum of 27% of daylight. If the level of daylight falls below this threshold the occupants would notice a loss of light if the resulting level

of daylight is less than 0.8 times its former value. The BRE recommends that habitable rooms should receive at least 25% of annual probable sunlight hours including at least 5% during winter months.

6.9 As existing, the affected window receives 30.25% of daylight with over 25% of annual probable sunlight hours being available to the affected window, including more than 5% during the winter months. As proposed 26.5% of daylight would be available to the affected window. This equates to 0.87 its existing level of light. Whilst the overall amount of daylight would be reduced to below 27% the occupiers are unlikely to notice a change in light levels as the difference would be minimal. Over 25% of sunlight would be available to the affected window with at least 5% available during winter months. The proposal is therefore in compliance with the BRE guidelines.

6.10 The proposed first floor extension represents a modest addition to the property that would be set away from the boundary with No. 326. The extension would be viewed against the existing neighbouring two storey rear extension when viewed from the rear facing windows of No. 326. Given the existing rear projection and the amount the proposed first floor extension is set away from the boundary it is not considered that the proposal would have an overbearing impact upon the residential amenities of the occupants of the neighbouring property. The proposal is, therefore, considered to accord with saved policy P4/12 and its associated annex.

6.11 The comments and concerns of the PC and the neighbour have been given very careful consideration. In this instance, there would be no undue harm to the residential amenities of the occupants of the adjacent property, such as to justify withholding consent.

6.12 This amended proposal is in accordance with the BRE requirements and policies CP1 and CP24 and would not cause harm to the AONB or the Strategic Gap. It is, therefore, recommended that planning permission can now be granted.

## **7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Certificate B dated 29.07.2014, Site Plan JCA - 03 dated 10.06.2014, Existing Plans and Elevations JCA - 01 dated 10.06.2014, Proposed Plans and Elevations JCA - 02 dated 10.06.2014, 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. All materials used externally shall accord with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or 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 side elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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.

### **Informative**

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.

Contact: Hilary Johnson

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SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 28 August 2014

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**Wouldham**                      **TM/14/02015/FL**  
**Burham Eccles**  
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**First floor rear addition at 324 Pilgrims Way Wouldham Rochester Kent ME1 3RB  
for Mrs Fran Holgate**

DPHEH:

It is considered prudent to make more expansive comparisons between the current proposals and those recently refused under planning reference TM/13/03046/FL to enable Members to fully appreciate how Officers are able to support this scheme when the previous iteration was refused under delegated powers. The previous planning application was refused for the following reasons:

*“The proposed development by reason of the height and location of the extension in close proximity to the boundary, would result in an unacceptable loss of daylight for the occupants of the adjacent property to the north, contrary to the aims of policy CP24 of the Tonbridge and Malling Borough Core Strategy and Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan.*

*The proposed development by reason of the location adjacent to the northern boundary, would result in a sense of enclosure and overbearing impact upon the occupants of the adjacent property to the north, contrary to the aims of policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy.”*

The refused scheme proposed an extension which measured 2.7m in depth by 3.3m in width. The side elevation was shown as being positioned approximately 0.5m from the northern boundary line. This caused the extension to breach the 45-degree angle zone explained at paragraph 6.7 of my main report. Furthermore, the extension by virtue of its proximity to the boundary shared with 326 Pilgrims Way was found to reduce the level of daylight reaching this window from 31.24% of available daylight to 22.75%, well below the recommended minimum of 27% set out in the BRE guidance described at paragraph 6.8 of my main report. As a result it was considered that the occupants would notice a significant reduction in the levels of daylight which would be unduly harmful to their residential amenities.

Additionally, there was also concern that the extension would result in loss of outlook and have an adverse overbearing impact, given the close proximity of the two storey extension to the boundary.

The revised scheme now before Members for determination has been amended to significantly reduce the first floor element, moving it some 1.7m away from the boundary shared with 326 Pilgrims Way. This shift in the built form away from the shared boundary has notably increased the amount of daylight and sunlight received to the nearest neighbouring window at first floor level and has also considerably reduced the dominance of the extension on this neighbouring property.

The previous reasons for refusal have therefore been sufficiently overcome and it is for these reasons that I am now able to recommend that planning permission be granted.

Having further reviewed this position, I also consider it appropriate to recommend an additional condition controlling access onto the flat roof in the interests of residential amenity. This is set out below.

**AMENDED RECOMMENDATION:**

**Additional Condition:**

**4. No means of access from the dwellinghouse shall be provided onto the flat roof of the extension hereby approved at any time and the flat roof shall not be used for external seating or any other recreational use at any time.**

**Reason: In the interests of the privacy and residential amenities of the occupants of the adjacent property.**

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