

- a) **DOV/19/00177 – Full application for the erection of a first floor and single storey side/rear extension and insertion of rooflight to side roof slope (existing conservatory to be demolished)**

Land at 37 Stonehall Lydden CT15 7JU

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 - Development will be permitted within the settlement boundaries

National Planning Policy Framework (NPPF)

- NPPF – Section 12 is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 122,127 and 130 seek to promote good design and resist poor design.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

- d) **Relevant Planning History**

18/000339 – Refused and dismissed on appeal, by reason of the impact of the extension on the living conditions of the adjoining property (No.36).

- e) **Consultee and Third Party Responses**

Parish Council: “Continues to have concerns with regard to this new application and the detrimental effect that the adjoining neighbours will suffer if the side extension is allowed to be erected. Despite the fact that the applicant has reduced the proximity to the next door property by 1 metre, it will nevertheless continue to block light because of the high wall.”

Public Representations: There have been 11 responses received from the public consultation exercise. There are 5 opposing and 6 supporting the application.

The objections are summarised as follows:

- The proposal is not significantly different to the proposal dismissed on appeal.
- The proposal would lead to loss of light, be intrusive and would, by reason of its height and proximity to the boundary, harm the living conditions of the occupiers of No.36 Stonewall.

The letters of support refer to the extension being permitted development, being similar to others built to the rear of nearby properties and there being no right to a view or rights to lights.

f)

1. The Site and the Proposal

- 1.1 The application property comprises one of a pair of substantial inter-war, semi-detached houses, being located on a sloping site with open views of the Kent Downs to the rear (northeast). The adjacent properties are of similar design and a number have been extended to the rear.
- 1.2 No.36 has a patio door in its rear elevation that leads to a well-maintained, sitting out area. The building also has a two storey rear extension further from the side boundary. There are views of the countryside from the rear patio doors and sitting out area.
- 1.3 The proposal can be considered in two parts. The first part is a two storey rear extension to the eastern side of the property. This would accommodate an extended kitchen area on the ground floor with bi-folding doors leading into the garden, with a new bedroom in the first floor extension. The existing bathroom would be served by a roof light.
- 1.4 The second part is a single storey rear extension, which will provide extended lounge accommodation.

2. Main Issues

- 2.1 The main issues are:
 - The principle of the development
 - the impact upon residential amenity

Principle of Development

- 2.2 The application site falls within the village confines of Lydden. As

such, under Policy DM1, the extension to the application property is acceptable in principle.

Residential Amenity

- 2.3 The decision of the Inspector is an important material consideration in the determination of this application. In effect, the Inspector considered that it was the single storey rear extension, proposed adjacent to the boundary with No.36, which caused harm to the living conditions of the occupiers of No.36. The Inspector did not raise any other concerns with regard to the remaining components of the appeal proposal; and as these remaining components in the current application do not differ materially from the previous appeal proposal, they are not matters that give rise to any undue concern.
- 2.4 In view of the acceptability of the remaining components of the proposal (the two storey element), the Planning Committee is asked to focus its attention on the impact of the single storey rear extension on the living conditions of the occupiers of No.36.
- 2.5 Under the previous application, the single storey rear extension projected some 3.9m with a height of 2.7m. The extension had a flat roof and was located adjacent to the boundary wall with No.36. The boundary wall is some 1.6m high.
- 2.6 Under the current application, the single storey rear extension is some 3m deep, with a height of 2.7m. The extension has a flat roof, with a roof lantern located centrally within the roof. The extension is proposed along the boundary of the site, adjoining No.36.
- 2.7 The Appeal Inspector considered that the creation of an unrelieved section of wall that would be visible above the height of the boundary fence for much of the private patio area to no. 36 would appear as an over-dominant and overbearing feature when viewed from that property. He considered that it would also result in an unacceptable sense of enclosure to the patio and potentially bring about a loss of early morning sunlight.
- 2.8 This current proposal differs only in its reduction in depth from 3.9m to 3m. The determination of the application is very much in the balance. It is considered that the proposal's new projection of 3m has probably tipped the balance in favour of granting planning permission. Although there would remain an impact upon the living conditions of the occupiers of No.36, it is not considered that this would be unduly harmful and sufficient residential amenity would be retained by those occupiers.
- 2.9 With regard to permitted development rights, which is a matter raised by some of the responses received, the proposal as a whole is not permitted development. However, if only the single storey rear extension were to be proposed, not exceeding 3m in depth or 3m in height, the extension would be permitted development.
- 2.10 This additional consideration further weighs in favour of granting planning permission.

Overall Conclusions

- 2.11 The proposal needs to be weighed in the balance. Given the Appeal Inspector's decision and the changes to the single storey element of the proposal, it is considered that the proposal would meet the requirements of the relevant Paragraphs of the NPPF.

g)

Recommendation

- I PERMISSION BE GRANTED with the imposition of the following conditions:
- i) 3 year time limit to commence development
 - ii) Development to be built in accordance with the submitted drawings
 - iii) the use of materials to match
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer:

Vic Hester