

a) **DOV/22/0/01439 - Erection of rear dormer extension to facilitate loft conversion - 9 Orchard View, Ash**

Reason for report – Number of contrary views (7)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1

Draft Dover District Local Plan: The Regulation 19 Submission Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however, the policies of the draft plan have limited weight. Notwithstanding, draft Policy PM1 requires high quality design with new development; and this matches the requirement set out in Paragraph 130 of Section 12 of the NPPF.

Ash Neighbourhood Plan: ANP4, ANP5, ANP6

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130.

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

There is no relevant planning history.

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

Representations can be found in full in the online planning file. A summary has been provided below:

Town/Parish Council – No comments have been received

Third party Representations:

Seven representations of objection have been received and are summarised below:

- Out of scale and out of character
- Overbearing and overshadowing impacts
- Poor design and appearance
- Wrong choice of materials and colour
- Overlooking and loss of privacy

Some representations also refer to a covenant on the land, but this is not a material planning consideration.

f) 1. **The Site and the Proposal**

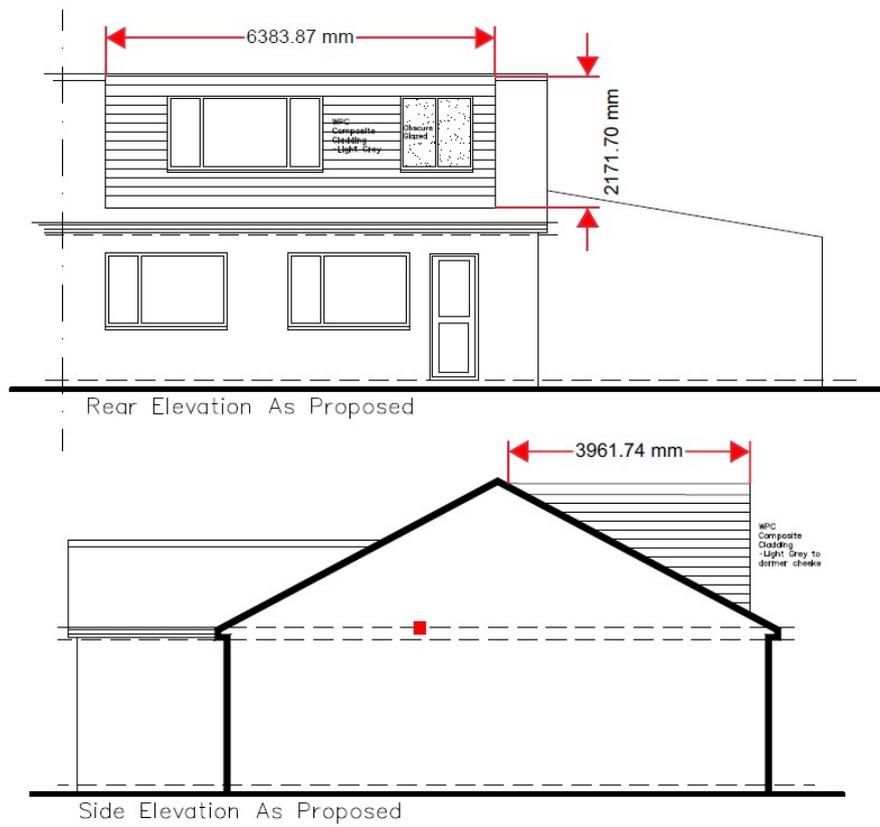
- 1.1 The application site comprises a semi-detached, single storey dwelling, which has been extended to the side. The building has a square form with a single storey forward projecting element. It has a gable ended pitched roof. The building is finished in red bricks under a profiled, concrete tiled roof. There is a conservatory extension on the east side of the building. The application property is located on a small residential estate of single storey development. The buildings on the estate are similar in their form, design and appearance.
- 1.2 The proposed extension has been erected and is visible in part from the front of the property, close to the turning head of the cul de sac, and from a section of Orchard View which allows views across the side and rear garden of No.7.
- 1.3 The proposed extension is a box-like structure, having a rectangular form with a flat roof. It covers most of the width of the rear roof slope of the application building and sits just above the eaves and just below the ridge of the roof. It measures approximately 27.44 cubic metres. It has a clear glazed window serving a bedroom and an obscure glazed window serving an ensuite, on the rear elevation. The extension is finished in a light grey, composite (wood effect) cladding.



**Figure 1 – View from the road**



**Figure 2 – View from the neighbouring garden**



**Figure 3 – Dimensions**

## **2. Main Issues**

2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance
- The impact on residential amenity

### **Assessment**

#### Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The application site falls within the rural settlement of Ash. As such, the principle of extending residential properties is acceptable and would be in accordance with policies CP1 and DM1.

#### Impact on the Character and Appearance

- 2.4 The proposed extension is not visible in full, from the highway, but there are views of its cheeks and flat roof, from some sections of Orchard View.
- 2.5 The extension is bulky in appearance as a box like structure on the pitched roof and takes up most of the roof slope of the building. However, as the extension is to the rear of the property, which does not front onto a highway, and is not fully visible from public vantage points, it does not appear prominent or otherwise visually intrusive within the street scene.
- 2.6 The finish of the dormer extension uses a wood effect grey/blue coloured, horizontal cladding. This is not otherwise seen on properties close by and does not match the concrete roof tiles on the building. However, the impact from this choice of finish is not prominent within the street scene and neither is it visually intrusive.
- 2.7 In conclusion, whilst the dormer extension and the use of wood effect, grey cladding is different from the other buildings in the estate, it is not considered that this constitutes poor design that causes undue harm to the visual quality of the street scene, or the prevailing character and appearance of the area. As such, the proposal is considered to meet the requirements of Policy ANP6 of the Ash Neighbourhood Plan and paragraph 130 of the NPPF.

#### Impact on Residential Amenity

- 2.8 The dormer extension accommodates a bedroom and ensuite, with windows facing the rear garden of the property and the rear garden of No.5 Orchard View. This will lead to a degree of overlooking and loss of privacy for the occupiers of No.5, in particular, but also, for No.3, and the rear gardens of a pair of semi-detached properties in Saunders Lane. These Saunders Lane properties also have dormer window extensions in the rear roof slope which provide the

opportunity for a degree of overlooking towards and impact on privacy for the occupiers of Nos. 3, 5 and 7 Orchard View.

- 2.9 The properties in this section of the estate and those that front onto Saunders Lane are constructed fairly cheek-by-jowl, with short rear and/or side gardens. There is already a degree of intervisibility and overlooking between these properties, including in some cases at first floor level. The proposed extension would provide an additional window into this context, which would allow for some additional overlooking and intervisibility between properties. However, as an element of overlooking and mutual intervisibility already exists between properties the level of potential harm to residential amenity arising is tempered in the circumstances.
- 2.10 On balance, it is considered that the dormer extension leads to additional overlooking and loss of privacy. However, the level of harm would need to be balanced with the other material considerations set out below.

#### Other Material Considerations

- 2.11 The applicant has provided calculations with the submission that demonstrate that the additional volume added to the roof space falls within permitted development rights. For clarity, there is a volume allowance provided in legislation that, under certain criteria, allows extensions to dwellinghouses without planning permission being required. The reason why the proposed extension is not considered to be permitted development is because the use of the materials does not match the existing building.
- 2.12 The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, allow for an increase of the cubic content of the original roof space of the dwellinghouse by no more than 50 cm. However, the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- 2.13 In essence, a material consideration in the determination of this application is that the location and size of the proposed dormer extension, along with the windows in the extension, would be permitted development if the extension used materials that were of similar appearance to the existing roof tiles on the building. It follows therefore that as a genuine fall-back position, a rear dormer extension could be erected on this building without requiring planning permission and the level of overlooking, overshadowing and loss of privacy, as set out as genuine concerns through the responses and objections raised would not come into consideration. In addition, it is equally within the gift of the occupiers of those other surrounding properties to exercise permitted development rights for roof extensions, under certain criteria, without requiring planning permission. This would also bring about change to the existing intervisibility between properties.

### **3. Conclusion**

- 3.1 It is considered that due to the location of the proposed dormer extension at the rear of the property and without a frontage onto a public highway or vantage point, the impact upon the visual quality of the street scene and prevailing character and appearance of the area is limited and would not be unduly harmful.

- 3.2 Given the fall back position, which allows for a roof extension of the design, form, location and size as proposed under this application, the level of harm to the living conditions of the occupiers of adjacent properties is tempered, under the circumstances.
- 3.3 In conclusion, the material considerations indicate that whilst there may be some harm to the living conditions of the occupiers of the adjacent properties, planning permission should be granted.

**g) Recommendation**

- I PERMISSION BE GRANTED subject to conditions:
- 1) Approval of the submitted drawings
  - 2) Approval of materials
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Vic Hester