



# Delegated Report

## Householder Planning Application

**Planning Application No:** 20211316

**Location:** 2 Arcadia Road Istead Rise Gravesend Kent

**Description:** Erection of a first floor extension on top of existing single storey rear extension and side dormer.

**Applicant:** Mr N Gallagher

**Site Visit Date:** 14 January 2021

### Submitted Documents/Plans

- Application form;
- Drawing no. L/3107/102 – Block Plan Existing;
- Drawing no. L/3107/104 – Block Plan Proposed;
- Drawing no. PC/3107/105 – Existing & Proposed Elevations;
- Drawing no. PC/3107/106 – Roof Plan;
- Drawing no. PC/3107/106 – Existing & Proposed Elevations;
- Drawing no. PC/3107/107 Rev. A – Proposed & Existing Floor Plans & Elevations;
- Drawing no. RC/0606/101 – Site Location Plan Existing;
- Drawing no. RC/0606/102 – Site Location Plan Proposed; and
- Design and Access Statement.

### Procedural Issues

On drawing nos. PC/3107/106 the two flank elevation have been incorrectly labelled so the elevation marked up as the western elevation is actually the eastern elevation and vice versa.

In the event that of this application being supported, amended plans would have been requested and re-consultation to 3<sup>rd</sup> parties would have been undertaken. However, as this proposal is contrary to local and national planning policy revised plans and re-consultation would not have altered the outcome of this application.

### Relevant Planning History

#### Planning History

| Application No. | Description                                                                                                                                                                                                                                      | Status  | Decision   |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------|
| 20120775        | Erection of single storey extension on the western side/front elevation to form porch; single storey extension on the eastern side/front elevation to form utility room; construction of a dormer window in the western side roof slope at first | Refused | 06.11.2012 |

floor level; construction of a new pitched roof over the existing flat roofed dormer on the eastern side roof slope and erection of a 1.8m high wall mounted fence on the eastern side boundary.

|          |                                                                                                                                                                                    |           |            |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|
| 20121089 | Erection of single storey side/front extensions to form utility room and porch; construction of dormer window in side roof slope and new pitched roof over existing dormer window. | Permitted | 08.02.2013 |
| 20210237 | Erection of a first floor extension on top of existing single storey rear extension and side dormer.                                                                               | Refused   | 27.08.2021 |

## Development Plan

### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS19 - Development & Design Principles

### Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

### National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

### Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Landscape Character Assessment (2009)

## Consultations, Publicity and Representations

### Consultees

### KCC Heritage

No comment to make.

### Environment Agency

No comment to make.

### Neighbouring properties

8 surrounding properties were consulted with an overall expiry date of 22 December – one response received, the comments of which can be summarised as follows:

- Proposed dormer will overlook them due to its close proximity and clear glass giving them no privacy; previously it was to be opaque.

### **Officer's Analysis**

This is a re-submission of application ref. 20210237 which was for erection of a first floor extension on top of existing single storey rear extension and side dormer and was refused on 27 August 2021 on the following grounds:

1. *This application stands to be evaluated in accordance with Policy CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and Section 12 of The National Planning Policy Framework (2021) which seeks to ensure developments provide a good standard of amenity for all existing and future occupants of land and buildings. The proposed development would result in inadequate and unsatisfactory outlook and lack of natural light for future occupants. The proposal is therefore contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and Section 12 of the National Planning Policy Framework (2021).*

It therefore needs to be assessed whether this ground of refusal has been resolved in this re-submission.

The application site consists of a two storey detached dwelling situated on the northern side of Arcadia Road. The existing dwelling has already been extended with the erection of single storey side/front extensions to form utility room and porch; construction of dormer window in side roof slope and new pitched roof over existing dormer window under application reference number 20121089 in 2013. There is also a single storey rear extension.

The property has been extended with a single storey rear extension and a dormer in the west side elevation. The site is situated within Istead Rise a rural settlement inset from the Green Belt and in the Istead Arable Farmlands Landscape Character Area.

The principle considerations are as follows:

### Principle

Policy CS02 of the Local Plan Core Strategy states that in the rural area, development will be supported within those rural settlements inset from the Green Belt and defined in the Policies Map. This is a proposal for extensions to an existing dwelling in the Rural Settlement Inset from the Green Belt of Istead Rise and as such the proposed development is acceptable in terms of principle. The proposal must now be looked at in terms all of principle considerations to see whether it is acceptable with regards to them.

### Design, Character and Appearance

There were no objections raised to the design of the proposal in previous application ref. 20210237. The

design of the proposal has not changed. To recap, the proposed first floor rear extension would be of modest depth, would be set in from both flank walls and its ridge would be set down just below the main ridgeline of the house with a gable end which is in character. It would have two windows in the rear which would respect the other fenestration in the rear elevation and clad in Marley eternit tiling. The proposed first floor extension would be a modest addition that would be in keeping with the scale and character of the host dwelling and not impact on the streetscene.

The proposed dormer in the west side roof slope would be to the left of the existing dormer in that roof slope. It would have a pitched roof and would be of a smaller size than the existing dormer. It would be set in from the rear roof slope, sufficiently down from the ridge and although not set up from the eaves, this is the case with the existing dormer and so no objections raised to this aspect. The dormer is considered a subservient addition in the roof slope and would not impact on the character of the dwelling or streetscene of which there are many examples of side dormers.

Overall in respect of character and appearance the proposal would be compliant with Policy CS19 (LPCS).

### Landscape Character

The site is located in the Istead Arable Farmlands Landscape Character Area. The proposal is for an extension to an existing dwelling in a rural settlement which is considered to be in keeping with the scale and character of the host dwelling. The proposed extension would therefore not result in any increase in the prominence of the site to cause any undue harm to the wider landscape and in this regard, the proposal is compliant with Policy CS12 (LPCS) and section 15 of the NPPF (2021).

### Amenity of Occupiers

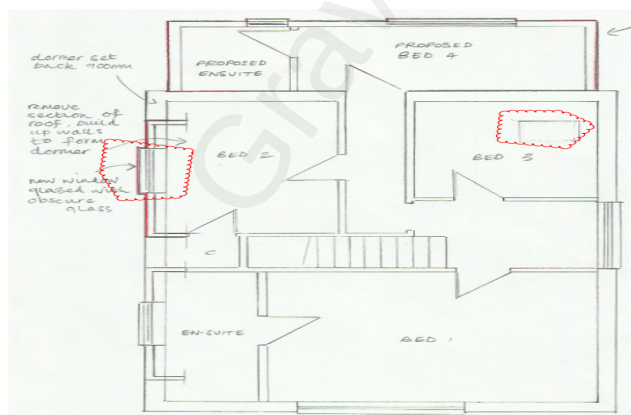
This matter formulated the ground of refusal of application ref. 20210237.

It was found that bedrooms 2 and 3 would have had insufficient light levels and outlook. The discussion on this matter is given verbatim below (in italics):

*The proposed development would create on the first floor one additional bedroom 7m<sup>2</sup> with an Ensuite bathroom 3m<sup>2</sup> and includes alteration to the existing two bedrooms No 2 and 3.*

*With this scheme, the proposal will result in unacceptable living conditions for future occupiers.*

*As Bedroom 2 would have a side facing windows finished in obscure glazed window (being clear only above 1.7m above internal floor level) to prevent a loss of privacy to the facing neighbouring property and bedroom 3 would have no windows but only natural light be from a roof light. It would result to an unacceptable level of outlook and lack of natural light to both bedroom 2 and 3. See proposed first plan below;*

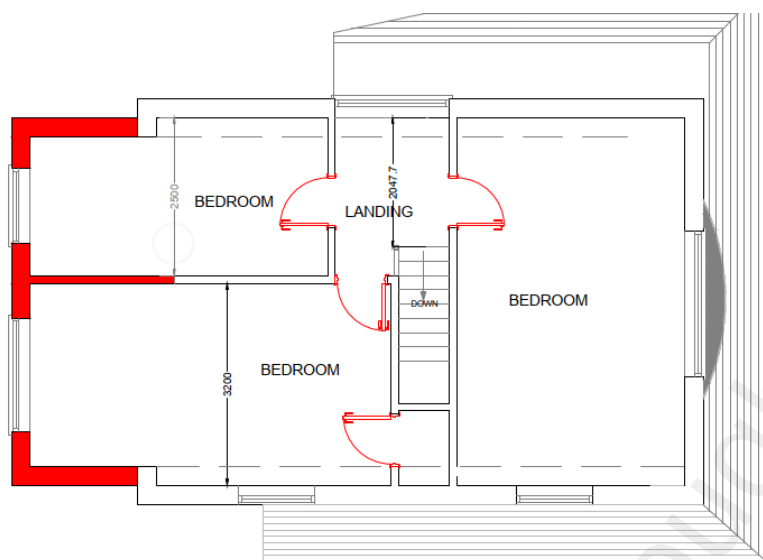


*As such this would provide unacceptable living conditions for future occupiers.*

*Policy CS19 (LPCS) requires development to safeguard the amenity, including privacy, daylight and sunlight for future occupiers. As demonstrated above this scheme fails this on the following grounds:*

- *Limited natural light into habitable rooms (Bedroom 2& 3)*
- *Unacceptable outlook from bedroom 2 and 3.*

In this revised application the proposed first floor level has been revised as follows:



PROPOSED FIRST FLOOR LAYOUT

In this revised proposal the proposed bedroom 4 has been removed. It is now proposed to just extend the existing two back bedrooms (as marked 2 & 3 in the previous application). This means that both bedrooms, given they are just being extended further back would both have sufficient light levels and outlook. They would each be served by a window a rear elevation (as is the case now). In the case of the western most rear bedroom this room would also be served by the proposed dormer window in the side elevation which would now be clear glazed as opposed to obscure glazed. The matter of poor light and outlook for occupiers of the dwelling has therefore been resolved.

The fact the dormer window would be clear glazed however, creates an issue of overlooking. This is due to the fact that the neighbouring property no. 4 Arcadia Road has a dormer window in its eastern roof slope which serves a hallway/landing. Although it would not be positioned directly in front of the dormer window of no. 4 and would be slightly off-set from it, the dormer would be located close enough such that occupiers of the application dwelling would be overlooked from the field of view from that window (approx.. 2.3m distance). Although the window of no. 4 serves a non-habitable room (hallway/landing) given the close proximity of both windows and that the proposed dormer of the application dwelling would serve a bedroom, the overlooking is considered unacceptable. SPG2 allows for 11m minimum privacy distance for facing non-habitable to habitable windows and this would not be achieved. As such although the amenity of occupiers has been resolved in respect of poor light and outlook, an issue of overlooking has been created as the proposed dormer window would now be clear glazed. In respect of the amenity of occupiers this matter has still not been resolved as although the poor light and outlook has been addressed this has now caused an issue of overlooking. As such a ground of refusal on the amenity of occupiers is still relevant. The proposed dormer bedroom window by virtue of its siting, clear glazed nature and proximity to the dormer window in the eastern roof slope of no. 4 Arcadia Road would mean occupiers of the host dwelling would experience overlooking which would be detrimental to their amenity. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The rear garden area would not be impacted on by the proposal so there would still be sufficient garden area and depth retained.

### Amenity of Neighbouring Properties

There were no objections raised to the proposal in previous application ref. 20210237 in respect of the amenity of neighbouring properties. The discussion on this matter is repeated verbatim below (in italics):

*The impact on neighbouring properties is considered with regard to the criteria specified within section 12 of the National Planning Policy Framework (2021) and Gravesham Local Plan Core Strategy Policy CS19, which states new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.*

*The neighbour property No 82a Lewis Road. The development would be at the end of the garden and at a significantly lower level than the neighbouring property. The proposed first floor would have no material impact on this property in terms of loss of outlook sunlight, daylight or privacy.*

*The neighbouring property No 4 Arcadia Road, Due to the distance the proposed first floor would have no material loss of light, overbearing or sense of enclosure to this property.*

*The proposed dormer windows will be facing the dormer window of No.4, which serve a hallway make it, ease for window to window overlooking. As the proposed windows is noted to be glazed with obscure glass that would help prevent the material impact of overlooking.*

*The proposed first floor windows would have no greater impact than the existing and one windows serving the Ensuite bathroom would be conditioned if permitted to be obscure glazed and fixed shut below 1.7m from floor level.*

*The concerns raised by neighbour representations are noted and have been taken into account whilst assessing the proposals.*

*The proposal safeguards neighbour amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

As can be seen there were no objections to the proposed first floor rear extension, it was and still due to its siting, size and design deemed to not cause any impact on the amenity or privacy of any neighbouring properties.

The dormer extension in the previous application was to serve a bedroom (extension to bedroom 2 as marked up in the previous application plans). The window was marked up to be obscure glazed which it was noted in the report would help prevent overlooking into the dormer window of the neighbouring dwelling no. 4 which serves a hallway/landing. In this current application the window is now shown to be clear glazed in order to address the ground of refusal of application ref. 20210237 that occupiers of the host dwelling would experience poor light levels and outlook to this bedroom, as well (as the other rear bedroom also). The issue is however, that by having this dormer window clear glazed it would cause direct overlooking from the bedroom into the hall/landing dormer window in the east roof slope of no. 4 Arcadia Road; this would be at a distance of only approx. 2.3m. The dormer would not be directly in front of the dormer window of no. 4 but would be sited close enough that overlooking would still take place within the field of view from the window. SPG2 allows for 11m minimum privacy distance for facing non-habitable to habitable windows and this would not be achieved. Therefore although having the dormer window clear glazed has resolved the poor light and outlook for occupiers this has now caused overlooking to no. 4.

As such the proposed dormer window by virtue of its siting and clear glazed nature would cause overlooking to the dormer window in the east roof slope of no. 4 Arcadia Road. As such the proposal would be contrary to Policy CS19 (LPCS).

The proposed dormer bedroom window by virtue of its siting, clear glazed nature and proximity to the

dormer window in the eastern roof slope of no. 4 Arcadia Road would mean occupiers of no. 4 Arcadia Road would experience overlooking which would be detrimental to their amenity. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

#### Parking and Highways

The proposal would not add any bedrooms or alter existing parking, therefore no issues concerning parking or highway safety. In this respect the proposal is compliant with saved Policy P3 (LPFR).

#### Any Other Material Planning Considerations

#### **Conclusion & Recommendation**

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

|                      |                         |                     |                                     |
|----------------------|-------------------------|---------------------|-------------------------------------|
| <b>Case Officer:</b> | Ms Rebecca Harrison     | <b>Team Leader:</b> | <b>Richard Hart</b>                 |
| <b>Signed:</b>       | <i>Rebecca Harrison</i> | <b>Signed:</b>      | <i>R Hart</i>                       |
| <b>Dated:</b>        | 17th January 2022       | <b>Dated:</b>       | <b>17<sup>th</sup> January 2022</b> |