



Delegated Report

Householder Planning Application

Application No:	20211102
Location:	41A Forge Lane, Higham, Rochester, Kent, ME3 7AJ
Description:	Retrospective application for retention of first floor patio terrace and other associated works
Applicant:	Mr J Singh
Site Visit:	18 th February 2021

Submitted Documents/Plans

Application Form - dated 06/09/2021;
Planning Statement - dated 08/09/2021;
Un-numbered Location Plan - Ordnance Survey Site Location Plan (scale 1:1250);
Un-numbered Location Plan - Block Plan (scale 1:500);
Drawing no. 0795.P.0702 - Rev. A - Rear and Side Elevations, and Site Photographs;
Drawing no. 0795.P.0703 - Location Plans, Floor Plans and Roof Plans.

Relevant Planning History

Application No.	Description	Status	Decision
20201373	Application for variation of condition 2 attached to planning permission reference no. 20191183 to replace plans 19FL-070819-P-003 Rev C and 19FL-070819-P-004 Rev C, approved as part of 20200634 with 19FL-070819-P-003 - Proposed Plans - Rev E and 19FL-070819-P-004 - Proposed Plans - Rev E respectively.	WITHDRAWN	12.08.2021
20201372	Retrospective application for a garage.	PERMITTED	26.03.2021
20200634	Application for non-material amendment to planning permission reference number 20191183 to allow changes to front elevation at roof level.	PERMITTED NON MATERIAL AMENDMENT	07.08.2020
20191183	Erection of a single storey rear extension, alterations to the roof for an infill extension at first floor on the front elevation with alterations to the front	PERMITTED	06.01.2020

	porch.		
20100705	Erection of single storey side and rear extensions to form bedroom, utility/store room, walk-in wardrobe, ensuite bathroom, enlarged kitchen and enlarged day room.	PERMITTED	20.09.2010
20020693	Erection of two storey extension on east elevation to form a games room/gym and w.c at lower ground floor level with enlarged living room above and erection of a conservatory.	PERMITTED	10.10.2002

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS12 - Green Infrastructure
- CS18 - Climate Change
- 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)

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

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020;
- SPG 4 - KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Kent County Council Heritage Consultation - The site lies within an area of multi-period archaeological potential, however, I consider it unlikely that the proposed works will have a significant archaeological

impact and have no further comments to make in this case.

Neighbouring properties

A site notice was displayed on site 12th October 2021.

In addition, seven surrounding properties were consulted and two representations were received. A neighbour emailed the Local Planning Authority and requested that their previous objection from the withdrawn application be carried over. The neighbour objection raised the following issues:

- Poor Design;
- Out of Character;
- Overlooking/Loss of Privacy.

The consultation period expired 5th November 2021.

Officer's Analysis

Site Description

41A Forge Lane is a two/three storey detached property in use as single dwelling. The dwelling was constructed in the front garden of 41 Forge Lane, resulting in a tandem form of development. The topography of the site increases to the rear with 41 Forge Lane sitting considerably higher than the application site. The topography of the site results in the property having a lower ground floor level to the front, with internal stairs to the ground floor which is level with the rear garden.

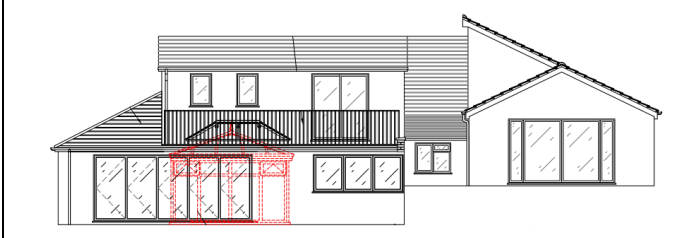
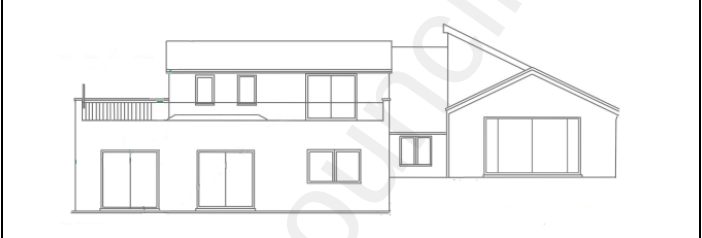
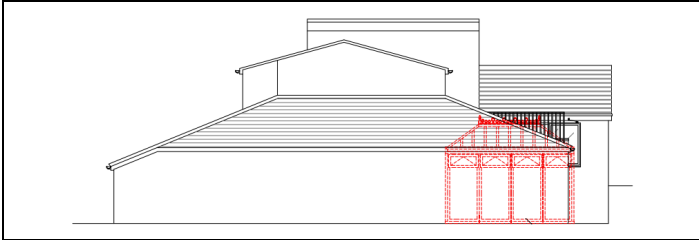
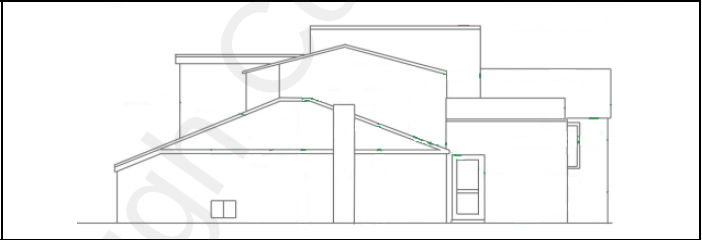


The property has been extended numerous times previously, however some works have been undertaken without the benefit of planning consent. Specifically, the rear extension has not been built in accordance with the approved plans agreed under planning permission ref.20191183. The extension has been finished with a different roof form and includes a large patio terrace which is accessed by patio doors.



Proposed Development

This application is for the retrospective retention of a large rear roof terrace and other associated works to the rear extension. The screenshots below demonstrate the changes undertaken without planning consent. The changes involve a significantly enlarged patio terrace, changes to the pitched roof at the side as well as the introduction of a chimney and door on the flank wall. The terrace includes a large roof lantern which reduces the size of usable area.

Previously Approved (20191183)	As Constructed
	
	

The principle considerations for this application are the design, character and appearance, as well as the impact on neighbouring amenity.

Design, Character and Appearance

The extensions to the property, as constructed, result in a convoluted and complex arrangement of different roof forms. Although convoluted, the main roof form of the side elevation is similar to the previous approval, but is shallower in terms of depth and has created a more pronounced terrace area. However, the complex roof arrangement is befitting of the modernist design of the extended property. It is not visible from the front elevation, which has not been significantly changed from the previous approval (ref. 20191183), in addition due to the topography of the land the property is not visible from a public vantage point and will not impact on the character of the street scene.

The neighbour representation expressed concern with the design being poor and out of character. As acknowledged above the modernist style of the extended property is unique, and although introducing complex roof forms that are untraditional, could be considered good design. The side profile of the property offers the most complex view, however this is not sufficient grounds to refuse the application on design. Furthermore, the property is not visible from public vantage point.

It is acknowledged that there are different materials used on the flank wall of the extension, with brick and blockwork. This is unsightly, however is not sufficient grounds to refuse the application when the majority of the development has been finished using materials that match the main dwelling. The terrace will be finished with an obscure glazed screen at a minimum height of 1.8m. This will be along the flank parapet wall of the terrace.

On the whole, whilst the extensions are complex, they offer a modernist appearance which is not considered to be poor design or impact on the character of the front elevation nor street scene. Therefore, the proposal is in accordance with Policy CS19 (Development and Design Principles) of Gravesham’s Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2021).

Amenity of Future Occupiers

The development, as constructed, is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LCPS) and Section 12 (NPPF). The neighbour objection commented on the safety of the terrace with the roof lantern in place, however this is not a material planning consideration and is not relevant to the decision making process.

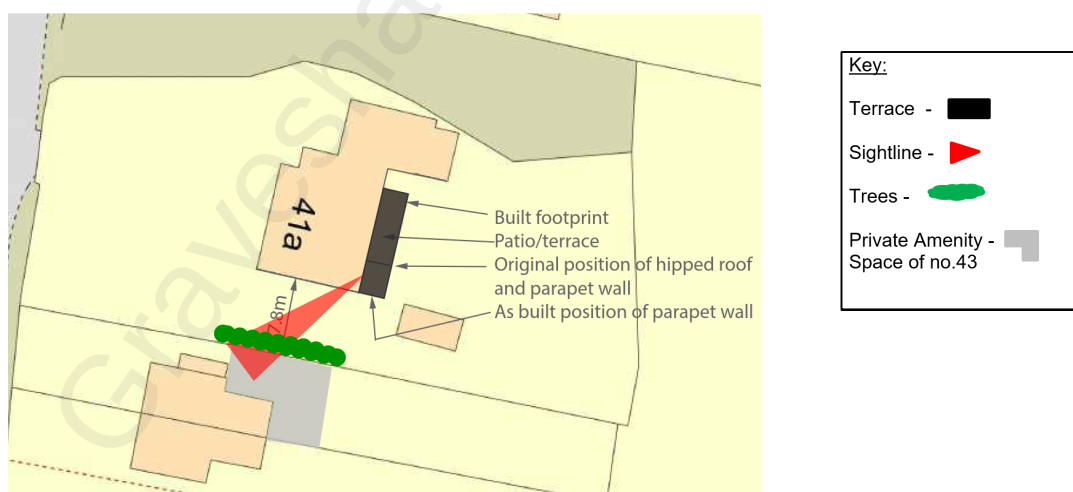
Neighbouring Amenity

In determining any development proposal, it is important to ensure that it does not cause harm to the amenity of any neighbouring property such that it will materially harm their living conditions. Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land. In addition, in Section 12, paragraph 130 (NPPF) also seeks to ensure developments will function well, do not undermine quality of life, create attractive and comfortable places to live, work and visit, and secure a high standard of amenity.

The development, as constructed, is not considered to impact on the amenity of surrounding properties in terms of loss of light, sense of enclosure or outlook. However, there are concerns that the enlarged patio terrace will result in unacceptable levels of direct or perceived overlooking.

The roof terrace has been constructed at the rear of the property, 7.8m from the boundary with the neighbour at 43 Forge Lane. Given its proximity to the boundary and elevated position, it is key to establish that the private amenity space of the neighbour is maintained and safeguarded. Furthermore, a representation was received from a surrounding property expressing concern for privacy and overlooking.

The location of the terrace and position of surrounding properties means that the only property likely to be impacted by the terrace in terms of overlooking is no.43 Forge Lane. Gravesham's Residential Layout Guidelines (RLG) (2020) identifies the first 5m of the garden area to be private amenity space, and should have a minimum distance from a habitable window of 26m. Due to the terrace being a significant size and large enough for garden paraphernalia, the space is considered to be habitable and therefore should be a minimum of 26m from the private amenity space of a neighbour. In this case, the terrace is approximately 7.8m from the private amenity space of no. 43. Although there are some mature trees along the boundary, these are not protected and could be removed at any point. The diagram below roughly demonstrates the layout of the terrace, trees and private amenity space, but also shows some potential sightlines into the neighbours' private area and potentially into the living room at the rear.



As aforementioned in this report, the proposed plans include an obscure glazed screen above the flank parapet wall, running adjacent to the boundary with no.43. While the flank obscure glazing is considered to mitigate direct overlooking adjacent to the terrace, there is no glazing proposed on the front facing section of the terrace. This part of the terrace could overlook directly into the private amenity space of the neighbour if the trees are removed (see diagram).

It is noted that the roof lantern will significantly limit the usable space on the terrace close to the boundary with no.43. Nevertheless, the obscure glazing screens could be extended across the flank and front facing parapet walls of the terrace. These will be at a minimum height of 1.8m and will ensure there is no direct overlooking from the terrace into the private amenity space on the neighbour.

A site visit was undertaken in the neighbours garden to establish the degree of harm caused by the terrace, particularly the impact of overlooking. The images below have been annotated to represent the proposed terrace, including the obscure glazing screen (approx.)



The screening as proposed will mitigate direct overlooking, and a condition can ensure that screening is installed above the forward facing parapet wall of the terrace. In addition, a condition can be attached that would ensure the existing trees are maintained along the boundary to add further protection from perceived overlooking into the private amenity space of the neighbour.

Overall, the development as constructed is considered to safeguard the amenity of neighbouring properties. Although there were concerns regarding loss of privacy for the neighbour, the privacy screening is considered to mitigate direct overlooking into private amenity space and will be extended across the forward facing parapet by way of condition. Furthermore, the existing mature boundary trees act as a natural screen to much of the private amenity space of the immediate neighbour, these will be conditioned to ensure they are retained in perpetuity. As such, the patio terrace is considered to safeguard the amenity of neighbouring properties subject to conditions.

Any Other Material Planning Considerations

Impact on the Landscape - In addition to being inset from the Green Belt, the site is located within the Higham Arable Farmlands Landscape Character Area. This area is characterised by very gently undulating topography of open arable farmland with pockets of orchards and garden nurseries. The developments spread from the original Saxon settlement of Lower Higham in the North, with more contemporary developments in the South around main road networks.

No adverse impact on heritage/archaeology.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The development is not considered to harm the Higham Arable Farmlands landscape due to the property being within the development rural settlement. As such, the development is in accordance with Policy CS12 (LPCS).

Conclusion and Balancing Exercise

The application has been fully assessed and is considered to be in accordance with local and national planning policy.

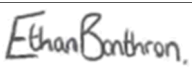
The retrospective application to retain the extension, which was not constructed in accordance with approved plans, has introduced a different roof form and a significantly enlarged patio terrace at the rear. The design of the extension has changed, resulting in a complex appearance that is befitting of a modernist architectural approach. This design change has not altered the front elevation of the property and given its elevated position above the highway will not impact on the character of the street scene. The development is also not considered to have an impact on the amenity of neighbouring properties. There were concerns regarding overlooking from the elevated terrace, however the proposed obscure glazed screening and mature evergreen hedging along the boundary is sufficient to safeguard the private amenity space of the immediate neighbour. Moreover, conditions will be attached to the decision notice to ensure that additional screening is installed on the forward facing parapet wall of the terrace and that the hedging is maintained in perpetuity.

As such, it is recommended that permission is granted.

Recommendation

Permission - subject to conditions

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	25 th November 2021	Dated:	26th November 2021