

3.2 REFERENCE NO - 23/501726/FULL		
APPLICATION PROPOSAL Erection of a single storey rear extension with rooflight to replace existing rear lobby.		
ADDRESS 130 Horsham Lane Upchurch Gillingham Kent ME8 7XB		
RECOMMENDATION Refusal		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal would be harmful to the living conditions of the attached neighbouring dwelling.		
REASON FOR REFERRAL TO COMMITTEE The application has been referred to committee by Councillor Richard Palmer		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr Clive Piper AGENT Mr Philip Taylor
DECISION DUE DATE 09/06/23	PUBLICITY EXPIRY DATE 10/05/2023	CASE OFFICER Katie Kenney

Planning History

None.

1. DESCRIPTION OF SITE

- 1.1 130 Horsham Lane is a terraced property situated outside of any built up area boundary, and within the defined countryside.
- 1.2 The property forms part of a Victorian terrace of 6 dwellings, sited at a 90 degree angle to Horsham Lane and fronting onto a track off of the lane.
- 1.3 The property forms part of a cluster of residential development on the north side of Horsham Lane in an area of otherwise prevailing rural character.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a single storey rear extension that would extend across the width of the property, would project 4m in depth and would be approx. 3.3m in height. It would replace an existing lobby of smaller proportions.
- 2.2 The proposed extension would be of flat roof design with a parapet, roof lantern, and double doors to the rear elevation.
- 2.3 Materials and finishes will match the host property.

3. PLANNING CONSTRAINTS

- 3.1 Within an area of Potential Archaeological Importance

3.2 Within the countryside

4. POLICY AND CONSIDERATIONS

4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:

CP4 - Requiring good design

DM11 – Extensions to, and replacement of, dwellings in the rural area

DM14 - General development criteria

DM16 - Alterations and extensions.

4.2 Supplementary Planning Guidance (SPG) 'Designing an Extension - A Guide for Householders'.

5. LOCAL REPRESENTATIONS

5.1 Upchurch Parish Council – *Upchurch Parish council has no objections but ask to take into account any neighbours comments.*

6. CONSULTATIONS

6.1 KCC Archaeology – advise that given the limited ground excavations involved, no archaeological measures are necessary.

7. APPRAISAL

Principle of Development

7.1 Policy DM11 of the Local Plan allows for extensions to dwellings in the countryside, provided they are of appropriate scale, mass, and appearance in relation to the location. The Council's SPG on house extensions advises that permission will not normally be granted to extend a dwelling in a rural area if it results in an increase of more than 60% of the property's original floorspace.

7.2 In this instance, it appears that the Victorian terrace has been extended to the rear. When taking this into account, together with the proposed rear extension, the development would result in an increase of less than 50% of the property's original floor space. On this basis, and taking into account the single storey form and location of the extension to the rear of the dwelling, it is considered to be a modest addition to the dwelling that would not cause harm to the rural character and appearance of the area, and would accord with Policy DM11 of the Local Plan.

Visual Impact

7.3 Policy CP4 of the Local Plan requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals. Policy DM16 of the Local Plan supports alterations and extensions to existing buildings where they reflect the scale and massing of the existing building, preserve features of interest and reinforce local distinctiveness.

- 7.4 The extension would only be visible to the rear of the dwelling. Whilst it contains a flat roof, this design is not of concern given the single storey nature and secluded location of the extension to the rear, and that the existing part single and part two storey extension to the property is flat roofed, as are other extensions to the rear of the wider terrace. As such it is considered that the development would comply with the above policies.

Residential Amenity

- 7.5 Policy DM14 of the Local Plan states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution. Policy DM16 states that extensions should protect residential amenity. Paragraphs 5.6-5.9 of the Council's SPG on house extensions provides guidance for rear extensions and states (summarised) –

- That poorly designed rear extensions, especially to terraced dwellings and on a common boundary, can adversely affect sunlight, daylight and outlook to neighbouring dwellings.
- That a maximum projection of 3 metres will be allowed for single storey extensions close to a common boundary.
- That some flexibility can be applied on well spaced properties or where an extension is built away from the boundary, or where a neighbouring dwelling has an existing extension to the rear.

- 7.6 In this instance, the extension would be 4m in depth and would be sited close to the common boundary with numbers 128 and 132 Horsham Lane. Whilst No. 128 has an existing rear extension on the boundary that would help mitigate this impact, the proposal would extend 4 metres from the rear of the other attached dwelling at No. 132. It is considered that this projection, combined with the height of the extension at approx. 3.3m, would impede the provision of light and outlook to the attached property at number 132 to an unacceptable degree. It would exceed the 3m maximum depth projection recommended for rear extensions in the Council's SPG.

- 7.7 The applicant was invited to reduce the depth of the extension to 3m but declined to do so. They have stated that the rear windows in the neighbouring property serve a kitchen and not habitable rooms. The neighbour has not made representations on the application and so it is difficult to verify this. However, it appears that even if the window did serve a kitchen, this may also provide a light source to the rest of the rear part of the ground floor of the property, which otherwise does not benefit from any natural light from the rear (as currently appears to be the case with the application property). In addition, given the narrow width of the properties within the terrace, the depth and height of the extension would be likely to have an enclosing and overbearing effect that would be harmful to the living conditions of No 132, including enjoyment of the garden.

7.8 Overall, the length and scale of the extension would have a harmful impact on this neighbouring property. It would give rise to a significant loss of light, create an enclosing effect and lead to a loss of outlook to the detriment of the living conditions of the occupants of this property. This would be harmful and contrary to policies DM14 and DM16 of the Local Plan and the SPG.

8. CONCLUSION

8.1 In light of the above assessment, the proposal would not accord with the Local Plan and Supplementary Planning Guidance, and would result in significant harm to the amenities of the attached neighbouring dwelling at No 132. As such it is recommended that planning permission is refused.

9. RECOMMENDATION

REFUSE for the following reason:

- (1) The proposed extension, by virtue of its excessive length, scale and siting close to the common boundary, would have a dominating and enclosing effect that would cause an unacceptable loss of light and outlook to number 132 Horsham Lane. This would be contrary to policies DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and the Council's Supplementary Planning Guidance entitled 'Designing an Extension – A Guide for Householders'.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was informed of any issues arising during the consideration of the application and how these could potentially be overcome but sufficient information was not forthcoming.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

