

OFFICERS REPORT

Application No: Y19/1129/FH

Location: 2 Lime Villas High Street Elham Canterbury Kent CT4 6TA

Proposal Installation of a rear dormer window in second floor bedroom to replace existing. Resubmission of Y19/0598/FH.

ASSESSMENT

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ASSESSMENT

Performance data:

Date application valid: 01.10.2019
Applicable 8/13/16 week target date: 26.11.2019
Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA)? Yes
If Yes, revised 8/13/16 week target date: 10.01.2020
Is the application being determined after 26 weeks without a PPA or a PEA? No

SITE VISIT

A visit to the application site has been carried out. The key features noted are set out within the report.

SITE DESCRIPTION

The application site is located within the settlement boundary of Elham and within the Elham Conservation Area. It is also located within the Kent Downs AONB and area of Archaeological Potential. The site is situated within the central part of Elham; on the eastern side of the High street

The site is a three storey house set within a terrace of 6. There is a small front garden and rear garden. Accessed to the north of the terrace is Cherry Gardens - a residential road. This falls away from the High Street and properties in Cherry Gardens are set on lower ground than the terrace at Lime Villas. The terrace is grouped into three sets of two houses which are slightly staggered in a decline southward along the High Street due to the topography of the land. Between each set of 2 houses is an access alley way to the rear gardens.

Elham Conservation Area Appraisal (2006) states:

Lime Villas is a pretty red-brick Edwardian terrace, made charming by the little pentice roofs that run across the main front of each house pair, terminating in bracketed and barge-boarded porches with spike finials.

The application site is a red brick property with a red tiled roof. The spiked finials referred to the conservation area appraisal also appear on the small dormer windows at second floor level on the front elevation. Property owners have, in most cases, painted these in the same colour as the porches. Each individual house has a dormer at second floor and there is a uniform character to the villas as seen from the High Street.

To the rear of the properties are a range of different extensions and dormer windows. There are also a range of dormer types and styles including some unsightly large dormers and a few flat roofed dormers. Some dormers utilise more appropriate materials than others (given the conservation area status). The rear elevations of these properties are visible from the access road of 'Cherry Gardens', to the North.

The application site currently has two bedrooms in the roof space. A larger one to the front where the original dormer is situated and a smaller room to the rear. On the rear roof elevation - one velux window is to the bedroom and the other to the staircase.

RELEVANT HISTORY

Y19/0598/FH - Provision of dormer window to second floor rear bedroom, to replace existing roof window.

Refused on the grounds of that the proposed rear dormer window would, by virtue of its overall size, mass, siting and poor design result in a development that would be unsympathetic to the scale and proportions of the original dwelling.

PROPOSAL

This application seeks planning permission for a single flat-roofed dormer window to the rear elevation in order to provide a larger bedroom on the second floor. The enlarged bedroom floor area will be 2.7m x 2.2m (the existing floor area is 2.2m x 2.2m). The dormer extends 2.07m from the original roof line. The dormer will replace the existing velux and the second velux window will remain.

CONSULTATION RESPONSES

Elham Parish Council offered no objection/comments.

REPRESENTATIONS

Two letters of objection has been received and are available in full on the file.

- o Loss of privacy

PUBLICITY

Neighbours notified by letter. Expiry date 22.11.2019

Site Notice. Expiry date 24.12.2019

Press Notice. Expiry date 26.12.2019

RELEVANT POLICIES

Local Plan Review 2006 Saved Policies: SD1, BE1, BE3, BE4, BE6, BE8

Core Strategy Local Plan 2013: DSD, CSD4

Places and Policies Local Plan Submission Draft 2018: HB1, HB2, HB8, HE1, HE2, HE3, NE3

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

Core Strategy Review Submission Draft 2019: SS1; CSD4

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

NPPF: Paragraphs 7, 8, 10, 11, 12, 38, 47, 48, 54, 55, 102, 106, 108, 110, 124, 127, 185, 200

NPPG:

Conserving and enhancing the historic environment: Paragraph: 018 Reference ID: 18a-018-20140306, Paragraph: 023 Reference ID: 18a-023-20140306

Design Paragraph: 001 Reference ID: 26-001-20140306, Paragraph: 002 Reference ID: 26-002-20140306, Paragraph: 004 Reference ID: 26-004-20140306

APPRAISAL

Policy

Point f) of saved policy SD1 of the Shepway District Local Plan Review 2006 seeks to 'maintain and improve the character and vitality of the built environment, promote a high quality of design and ensure that development density is appropriate to its location'.

Saved Local Plan policy BE4 states that the District Planning Authority will:

c) require the height, scale, form and materials of new development, including alterations or extensions to existing buildings, to respect the character of Conservation Areas.

Saved policy BE8 states that 'alterations and extensions to existing buildings should reflect the scale, proportions, materials, roof line and detailing of the original building and should not adversely affect the amenity enjoyed by the occupiers of neighbouring properties or have a detrimental impact upon the street scene'.

Point d) of saved local plan policy BE8 states that permission will not be granted for loft conversions requiring dormer extensions which are large in proportion to the existing roof, as these can completely alter the proportion of the building, presenting a top-heavy and flat-roofed appearance.

e). alterations or extensions which cause undue loss of privacy for occupiers of neighbouring properties through overlooking windows, doors or balconies should be avoided;

Places and Policies Local Plan Submission Draft 2018 policy HB1: Quality Places Through Design states that planning permission will be granted where the proposal:

Point 1). Makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character.

Design and visual appearance

The dormer has been designed with a flat roof that would be visible from a public place. Whilst such a design of dormer in a visible location is not considered acceptable under policy BE8 or HB8, each application must be decided on its own merits and all application site settings and streetscene would also form part of the overall consideration.

With that in mind, it is acknowledged there are a variety of dormer windows on the rear elevation of the houses along the terrace of Lime Villas, including three dwellings that have erected flat-roofed dormers, one dwelling has 2 pitched roof dormers and one dwelling has an overly large and incongruous pitched roof dormer.

Despite the proposed flat-roofed dormer being contrary to local plan policy, it is considered that the proposed dormer is of similar design, size, proportions, scale and siting (within the roofspace) of those dwellings immediately next door to the application site and that as flat-roofed dormers are a feature of the immediate streetscene in this area it would be inappropriate to refuse permission for a dormer that is very similar in proportions and scale to those already located in such close proximity. It is for these reasons that the LPA consider the dormer to be acceptable in this particular instance.

The initial plans submitted originally proposed the finished materials for the dormer as being 'Eternit or similar' but this was not considered to be acceptable given the CA status. As such amended plans have been submitted (received 27.11.2019) which show the dormer cheeks to be finished in painted timber weatherboard which is considered to be far more appropriate for the CA.

The window would be white uPVC and whilst this is unfortunate, it is accepted that the main dwelling has already removed and replaced the original timber windows with uPVC and so for the purposes of continuity to the finished appearance of the dwelling it would be inappropriate to insist upon a uPVC window being installed.

Amenities of neighbouring occupiers

It is noted that concerns have been raised with regards to loss of privacy to the properties to the rear.

The application site currently has two velux windows on the rear elevation - one of which serves a bedroom. There is one residential property to the rear of the site - The Nook - accessed off Cherry Gardens. This property is set at lower level to the application site due to land topography and this neighbouring property is a bungalow. The length of the rear garden of the application site is approximately 14m. The application site sits higher than the bungalow to the rear it is considered the installation of a dormer window is unlikely to introduce any significant levels of increased overlooking directly into habitable rooms or the

rear garden. The dominant view from the application site would be of the bungalow roof given the differing land levels.

As such, the levels of perceived overlooking would not be so severe as to warrant a reason for refusal in this case.

Parking and highways

Parking provision is not impacted by the development. No additional bedrooms are proposed.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Katy Claw Position: Planning Officer Date: 09.01.2020

Report and draft decision notice agreed and passed to admin to issue decision.

Name: N/A Position: Date: