

OFFICERS REPORT

Application No: Y19/0328/FH

Location: 5 Hogben Close Lyminge Folkestone Kent CT18 8ND

Proposal Retrospective application for the erection of a rear dormer window along with the installation of x3 rooflights to the front roof slope and x1 rooflight to the rear roof slope.

ASSESSMENT

Performance data:-

Date application valid: 22.03.2019

Applicable 8/13/16 week target date: 17.05.2019

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? N

If Yes, revised 8/13/16 week target date: N/A

Is the application being determined after 26 weeks without a PPA or a PEA? N

SITE VISIT

The site and proposals were assessed from on site and the following key features noted:

SITE

The application site is located within the settlement of Lyminge on Hogben Close which is a residential cul-de-sac comprised of bungalows set back from the road. The application property is a semi-detached bungalow set back from Hogben Close with an area of hardstanding to the front and side providing off-street parking. The property has been constructed with light coloured facing brickwork, plain roof tiles and white uPVC fenestration throughout.

The dwelling is located within the Kent Downs Area of Outstanding Natural Beauty, land with archaeological potential and a Special Landscape Area.

RELEVANT HISTORY

Y19/0075/FH (Certificate of Lawful Development (proposed) for the conversion of the existing loft to habitable space, including the insertion of a rear dormer window and rooflight and x3 rooflight's to the front roof slope) was refused as the application site is located within the AONB which is Article 2(3) land.

PROPOSAL

This application seeks retrospective planning permission for the installation of a dormer window to the rear roof slope of the property. This dormer was the subject of a Certificate of Lawful Development which was refused due to the property being located within the AONB.

The dormer has a pitched roof and has been constructed with tiles to match those on the

existing rear roof slope. The dormer has an approximately height of 2.85 metres and width of 1.7 metres and protrudes from the existing rear roof slope by approximately 4.15 metres. A white uVPC window has been installed to this dormer as this seeks to serve the stairs to the converted roofspace.

The proposal seeks to install x3 Velux rooflights to the front roof slope and x1 Velux rooflight to the rear roof slope.

The proposed loft conversion would create an additional bedroom within the property creating a total of x2 bedrooms within the property and would also create a bathroom on the first floor.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Lyminge Parish Council. 5 voted in support of the application and 5 voted to refuse the application. They noted that if the Officer was mindful to approve the application, they would like the application called into committee.

It should be noted that under the scheme of delegation, Parish Councils do not have the power to call in a householder planning application to Planning and Licensing Committee. For this reason, this application will be dealt with under delegated authority.

REPRESENTATIONS

One neighbour comment has been received and is available in full on the planning file. The main points raised are summarised below.

- o An unduly bulky dormer window
- o Visual impact on the roof scene and leads to overlooking which will affect enjoyment of neighbouring garden

As objections to the application have been received, this application has been discussed with a Team Leader and the Development Management Manager as is required within the Council's Scheme of Delegation.

PUBLICITY

Neighbours notified by letter. Expiry date 25.04.2019

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, BE1, BE8, CO4, TR12

Core Strategy Local Plan: DSD CSD4

Places and Policies Local Plan Submission Draft: HB1, HB8, 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:

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.

APPRAISAL

Design and visual appearance

Policy BE8(d) 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.' Emerging policy HB8 states that 'loft conversions requiring dormer extensions will be in proportion to the existing roof, thus maintaining overall building proportions. They should avoid presenting a top-heavy and flat-roofed appearance'.

The dormer window as erected is comparable to the length of the existing rear roof slope, leaving approximately 0.2 metres from the ridge of the main roof and approximately 0.35 metres from the existing eaves. This is not felt to represent a particularly subservient addition to the rear roof slope. The dormer has however been designed with a pitched roof which prevents it creating a flat roofed appearance. Within the surrounding vicinity, there is evidence of other large dormer windows on the roof slope of existing bungalows, with many of these being visible from the public realm. Due to being located to the rear of 5 Hogben Close, the dormer window is screened from the public realm, although it is noted there are views of the dormer from the adjoining neighbouring properties to the side and rear.

Whilst the Council does not seek to encourage the erection of dormer windows of this proportion, on balance, given that the dormer is not visible from the public realm, it is not considered visually harmful enough in this instance so as to warrant a refusal.

With regards to the materials, the dormer has been finished with tile hanging to each elevation which are considered to complement the existing roof tiles.

The proposed Velux windows to the front and rear roof slopes are not felt would appear as significantly overly dominant features and are therefore acceptable.

The application site is located within the Kent Downs AONB and a Special Landscape Area. Saved Policy CO4 requires proposals to protect or enhance the natural beauty of the Special Landscape Area. Core Strategy policy CSD4 requires planning decision to have a close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting. Emerging policy NE3 requires proposals to reinforce and respond to, the distinctive character and special qualities including tranquillity of the AONB and for the design, scale, setting and materials of new development to be appropriate to the AONB. As has been discussed above, the proportions of this dormer would not normally be considered acceptable, however given that it is not visible from the public realm, on balance, it is not considered significantly visually detrimental enough to refuse. Due to being screened from public view, it is accepted in this instance that the dormer window does not have a significantly adverse impact upon the natural beauty of the AONB and the Special Landscape Area.

Overall, it is considered on balance, due to being screened from the public realm that the dormer window would not have a significantly detrimental enough impact upon the host property nor the character of the surrounding area so as to warrant a refusal in this instance.

Amenities of neighbouring occupiers

The dormer window is located approximately 3.15 metres from the boundary shared with 6 Hogben Close and having been out on site to assess the dormer, it is not considered that this has a significantly overbearing impact upon the neighbouring occupants. It is noted that a neighbour comment has been received which objects on the basis that the dormer window leads to overlooking which will affect the amenity enjoyed in neighbouring gardens. To prevent the windows from giving rise to an undue loss of privacy to neighbouring properties, it is to be secured by condition that the window shall be fitted with obscured glazing and shall be non-openable up to 1.8 metres above the internal finished floor level.

Parking and highways

The loft conversion has resulted in an additional bedroom within the property, creating a total of x2 bedrooms. It is considered that the driveway to the side of the property provides sufficient space to accommodate the additional bedroom within the property. The development is therefore considered acceptable in terms of highways and parking.

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: I.Hills

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

Name: I.Hills Position: Planning Officer Date: 24.05.2019

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

Name: Position: Date: