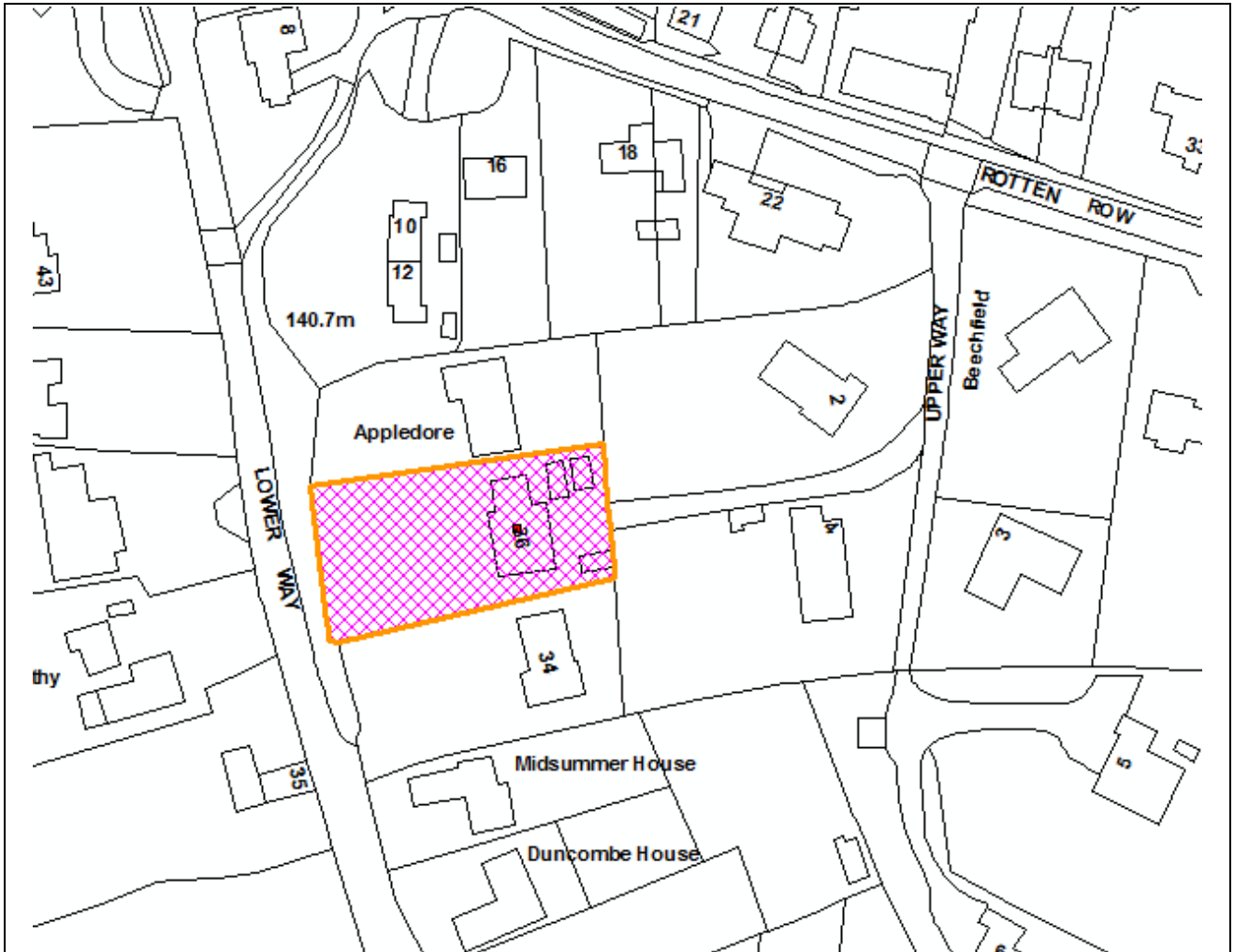


18/00633/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/0633/APP	GREAT BRICKHILL	20/02/2018
PROPOSED SIDE EXTENSION. RETROSPECTIVE ALTERATION OF FLAT ROOF TO PITCHED ROOF AND ENLARGEMENT OF DORMERS TO REAR ELEVATION.	The Local Member(s) for this area is/are: -  Councillor N Blake  Councillor B Everitt	
GREEN RIDGES, UPPER WAY, MK17 9AZ		
MR G. BURROWS		
STREET ATLAS PAGE NO 59.		

#### 1.0 The Key Issues in determining this application are:-

- a) Impact on appearance and character of the dwellinghouse, street scene and wider area
- b) Impact upon the setting of a nearby listed building
- c) Impact on residential amenity
- d) Impact on highways & parking

The recommendation is that permission be **REFUSED**

#### 2.0 Conclusion and Recommendation

- 2.1 This report sets out the assessment of the proposal and identifies where the application does and does not comply with national and local planning policy. The principal concern in this instance relates to the overall scale and proximity of the roof extension to its immediate neighbour Appledore. The proposed development, and in particular the roof extension has resulted in an overbearing form of development having an adverse impact upon Appledore which is further exacerbated by a loss of sunlight. Overall, it is concluded that the proposal does not therefore accord with policy GP.8 of AVDLP, the NPPF or the Residential Extensions Design Guide.

**It is recommended that planning permission be REFUSED** for the following reasons:-

1. The roof extension, by virtue of its scale, height, massing, bulk and proximity to the site's northern boundary would have an adverse impact upon the residential amenity of neighbouring property Appledore. The resultant loss of sunlight and overbearing appearance of the roof gives rise to an unacceptable loss of amenity for the occupants of Appledore, reducing their amenity to a level below that which they could reasonably expect to enjoy, contrary to policies GP.8, GP.9 and GP.35 of the Aylesbury Vale District Local Plan and contrary to the National Planning Policy Framework.
2. Furthermore, the proposed roof extension by virtue of its scale, height, massing and bulk

would fail to harmonise with the existing dwelling and result in undue overwhelming of the original dwelling, contrary to policy GP.9 and GP.35 of the Aylesbury Vale District Local Plan, the Residential Extensions Design Guide and the National Planning Policy Framework.

### **3.0 WORKING WITH THE APPLICANT/AGENT**

3.1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

3.2 In this case, AVDC has considered the details as submitted and requested amendments to reduce the scale of the extensions. Whilst some amendments were made to the plans as originally submitted, the applicant was not amenable to make sufficient amendments that AVDC could support the application.

### **4.0 INTRODUCTION**

4.1 The application needs to be determined by the AVDC Planning Committee at the request of Councillor Blake who has called-in the application on the grounds that the “loss of amenity” issue can be debated by Members and if necessary provide an opportunity to carry out a site visit to enable a clearer understanding of the residential amenity issue.

### **5.0 SITE LOCATION AND DESCRIPTION**

5.1 The application site comprises of a bungalow dwelling with accommodation provided at first floor level within the original roof-space served by dormers. The ‘wing’ element to the dwelling along the western boundary comprises an extension that includes bedrooms and a garage. The garden land is relatively large and the property is accessed via a long driveway from Upper Way. The topography by the dwelling slopes gently from north to south but the rear garden slopes much more steadily down towards Lower Way.

5.2 The site falls within the Brickhills Area of Attractive Landscape (AAL). A Grade II listed cottage (35 Lower Way) is sited to the south-west.

### **6.0 PROPOSAL**

6.1 The application seeks full planning permission for a single storey side extension, enlarged dormers within the rear elevation to include a Juliette balcony and for a new pitched roof above the existing ‘wing’ extension.

6.2 The proposed (amended) side extension would have a width of 3.2m and a depth of 6.9m, 1m less than the depth of the existing dwelling. This side extension would have an eaves height of 3m, a ridge height of 5.53m, approximately 0.35m lower than the existing ridge, and would comprise of two roof-lights in the side elevation (fronting No.34 Lower Way) with a door below as well as a window in each of the front and rear elevations. This single storey extension would create an enlarged kitchen-diner as well as a new utility room.

- 6.3 The proposed dormer to be sited in the rear roof-slope replaces two existing smaller dormers. The dormer proposed measures 2.4m tall where the Juliette balcony is proposed and 1.45m tall where a window is proposed. The dormer would protrude 2m beyond the roofslope at its deepest point and include a flat roof element to allow light through the proposed doors. This flat roof area is not proposed to be used as a balcony or sitting out area.
- 6.4 Where a predominantly flat roof previously existed above the 'wing' element of Green Ridges, a dual pitched roof has since been constructed. This part of the proposal is therefore retrospective. This roof extension has a matching ridge to that of the original dwelling with eaves heights varying between 2.9m and 3.4m due to the staggered building line. The ridge height measures 5.9m.

## **7.0 RELEVANT PLANNING HISTORY**

- 7.1 77/01344/AV - Erection of a dwellinghouse - Approved
- 7.2 88/02431/APP – Extensions and alterations - Approved
- 7.3 00/01362/APP - Dormer windows in east and west elevations – Approved

## **8.0 PARISH/TOWN COUNCIL COMMENTS**

- 8.1 Great Brickhill Parish Council initially objected to the application on the grounds that the planned development would be visible from the main road and would cause a loss of amenities to adjoining properties. The plans impact on neighbouring properties.
- 8.2 Having received amended plans, the Parish Council were re-consulted and confirmed that a site visit had been carried out and that they would support the amended plans. However as the applicant has now chosen to revert back to the plans showing the roof extension as constructed, the original Parish comments were considered to remain.
- 8.3 Further comments were received from the Parish Council on 06/07/2018 following the publication of the previous case officer report stating that the Parish Council now SUPPORTS the application as in their view, the pitched roof would not unduly shadow the adjacent property to the north or its garden, and thus are happy that it would comply with the 45 degree guidance on restriction of light. The Parish Council further state, that as the roof structure is too low for habitation and no windows are proposed, there would be no overlooking.

## **9.0 CONSULTATION RESPONSES**

- 9.1 **AVDC Heritage Officer** comments: The application falls outside the heritage consultation criteria and so the heritage officer will not be providing formal comments. The case officer should judge whether the proposals accord with national and local policy in relation to heritage assets.

## **10.0 REPRESENTATIONS**

- 10.1 Letters of objection have been received from three neighbouring properties, the relevant planning matters of which are as follows:

- The roof extension is overbearing to Appledore
- Raising of the ridge height is intrusive to No.2 Upper Way
- Loss of light/sunlight reaching neighbouring land
- Loss of privacy

10.2 Non-material reasons stated:

- Works have already taken place without permission
- Scaffolding supports have been placed on neighbouring land without consent
- The development blocks view of open countryside from No.2 Upper Way

10.3 Response to the non-material matters raised:

10.4 The application does include some works that are retrospectively seeking permission, but not all. In any case, the application is assessed on its merits and the fact that some works have already commenced has no bearing on whether a planning application is considered acceptable.

10.5 Any access issues or otherwise relating to the use of scaffolding fall outside of the planning consideration. Equally, no property has a right to a view but the loss of outlook to No.2 is further deliberated upon below.

## 11.0 EVALUATION

### ***a) Impact on appearance and character of the dwellinghouse, street scene and wider area***

- 11.1 Policy GP.9 of the AVDLP states proposals for extensions to dwellings will be permitted where they protect character of outlook, access to natural light and privacy for people who live nearby; respect the appearance of the dwelling and its setting and other buildings in the locality; and accord with published Supplementary Planning Guidance on residential extensions and the other policies of the development plan.
- 11.2 Policy GP.35 of the AVDLP states that the design of new development proposals should respect and complement the physical characteristics of the site and the surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.
- 11.3 Firstly with regard to the scale of extensions proposed, it is noted that this application proposes a single storey side extension together with an alteration of a flat roof to a pitched roof above the 'wing' extension of the dwelling. The application further proposes that the dormers in the rear elevation are enlarged from those permitted and constructed under application ref: 00/01362/APP, to create a larger box-like dormer. Turning to the proposed single storey side extension, it would be necessary to consider the proposal in the context of how the extension relates to the dwelling as a whole. Notwithstanding that, this element would be set in from its flank boundary with No. 34 Lower Way by 1m and would incorporate a hipped roof with a ridge height of 5.53m, some 0.35m lower than the existing ridge. In addition, the depth of the extension would be 1m less than that of the existing dwelling. This set-back together with the reduction in ridge height is considered to be acceptable (as amended). Furthermore, it is considered that these set-backs create a level of subservience for the side extension, making it clearly smaller in scale than the main original dwelling and therefore complies with the residential extensions design guide and policy insofar as the extension would not overwhelm the original dwelling.

- 11.4 Turning to the matter of the retrospective roof extension over the wing extension, above where the bedrooms are predominantly located, the plans indicate that a hipped roof would be incorporated towards the eastern end of this extension and the ridge height measures 5.9m, matching that of the existing dwelling. It was noted from the site visit that the application dwelling is not readily visible from Upper Way but that the roof extension could be seen from neighbouring land and from the northern parts of Lower Way.
- 11.5 Notwithstanding the above it is opined that the roof extension did not in itself appear incongruous when viewed from these vantage points, by virtue of a matching pitch to the roof, pitched roofs being the common characteristic of this locality. It could be argued that the pitched roof is more in-keeping with surrounding development than a flat roof, however, this has to be weighed against any adverse impacts arising from the development such as being potentially overbearing to neighbours which are considered in more detail in the following sections. In other words, a demonstrable visual improvement would not in itself outweigh other demonstrable adverse harm. Furthermore, the use of a pitched roof which may be characteristic of the locality does not justify an insubordinate scale roof extension which overwhelms the original dwelling and would not harmonise with surrounding development by virtue of its scale.
- 11.6 The proposal to increase the size of the rear dormer is not considered to be of sufficient concern and would not harm the character and appearance of the original dwelling. The dormers would still appear subordinate within the roof-slope in accordance with the Design Guide on residential extensions but would allow for greater light and ventilation to the bedroom located at first floor level.
- 11.7 In summary, the side extension as amended is considered acceptable insofar as it is demonstrably subservient to the host dwelling and complies with GP.9, GP.35 and the Residential Extensions Design Guide. However the roof extension is not considered to comply with these policies or the design guide as the extension would overwhelm the original dwelling by virtue of its siting and scale forward of the principal elevation. The proposed roof extension therefore fails to comply with policies GP.9 & GP.35 of the AVDLP, the Council's Residential Extensions Design Guide and the NPPF.

***b) Impact upon the setting of a nearby listed building***

- 11.8 The policies within the Development Plan relating to Listed Buildings have not been saved and so proposals are assessed against the guidance of the NPPF. Paragraph 132 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 11.9 In this instance, the dwelling the subject of this application is sited approximately 50m to the north-east of the nearby Grade II Listed Building (35 Lower Way). Between these two properties the land slopes relatively steeply from west to east and the rear of the application site is dense with vegetation and a relatively high level fence where the site borders Lower Way.. In this instance it is considered that the listed building is a sufficient distance from the application site that its setting would not be materially affected. From the site visit, it was evident that views of the application site were limited from the listed building and from this part of Lower Way.
- 11.10 Special attention has been paid to the statutory test of preserving or enhancing the setting of a listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the

development would preserve the setting of the nearby listed building and so the proposal accords with section 66 of the Act.

**c) Impact on residential amenity**

- 11.11 Policy GP.8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts on neighbours are eliminated or appropriately controlled.
- 11.12 Turning first to the matter of privacy and potential overlooking, the only additional windows proposed are within the side elevation of the single storey side extension. These windows are shown as being high-level (3.4m above ground floor level) and would serve the rooms below (kitchen and utility). The dormer within the rear elevation is an enlargement to that existing and so the views would remain practically unchanged, thus not providing more advantageous views of any neighbouring amenities. No windows are proposed within the roof of the wing extension above the bedrooms and this can be secured by way of planning condition to prevent any possible overlooking of Appledore, should planning permission be forthcoming.
- 11.13 With regard to the potential loss of light, it is noted that the proposed roof extension would inevitably have a level of impact upon the neighbours to the north and east. The land immediately adjoining to the east falls within the ownership of No.2 Upper Way. Concern has been raised with regard to the impact upon this land and loss of light as this is used for horticulture. It is noted however that the use of this land is for the purposes of a hobby and not for business and furthermore this land is clearly divided from what appears to be the main residential curtilage of No.2 Upper Way. Furthermore, whilst properties do not have a right to a view, policy GP.9 does require loss of character of outlook to be considered. As the roof extension is no taller than that of the original dwelling, it is considered that the proposal would not have a material impact upon character of outlook for No.2 Upper Way. It is therefore concluded that the level of adverse harm to No.2 Upper Way would not be sufficient on its own to warrant the refusal of the application on those grounds.
- 11.14 The loss of light and intrusiveness to Appledore were far more apparent at the time of the site visit. Having visited neighbouring properties, it appeared that Appledore was mostly affected by virtue of its siting to the boundary of the application site. It is considered important however to acknowledge the fact that the building line of this flank elevation along the boundary with Appledore is staggered as demonstrated on the submitted plans.
- 11.15 Plans showing the variance in ground levels between Appledore and Green Ridges were requested but not received at the time of drafting this report. Whilst it is considered that surveyed plans demonstrating the accurate and measured difference in ground levels would have allowed for more accurate assessment in terms of the level of impact of the development to this neighbour, the site visit allowed for an assessment to be carried out in any case and provided sufficient clarity in this matter.
- 11.16 It is noted from the planning history of Appledore (ref: 07/02523/APP) that the window in the rear elevation nearest to the mutual boundary serves a study. The Residential Extensions Design Guide states that the Council will not normally grant permission for a rear extension of more than single storey height if any part of that extension protrudes beyond a 45 degree line from the centre of the nearest window to a habitable room of a neighbouring dwelling. In this instance, the roof extension could be considered single storey when viewed from the principal elevation of Green Ridges however as Appledore is sited on land much lower than that of the application site, the roof is considered high-level

and overbearing. The difference in ground levels, together with the proposed height of 5.9m and the proximity of the extension to the neighbouring dwelling, cumulatively results in what is considered an overbearing development, which has an adverse impact upon Appledore's residential amenity.

- 11.17 The Design Guide further states that the 45 degree line is intended to prevent undue loss of daylight or sunlight to neighbouring properties, to avoid excessive shadowing of gardens, to protect residential amenity and preserve a reasonable standard of outlook. It is argued by the applicant that the roof extension does not result in excessive overshadowing of the neighbouring garden. The rear garden area of Appledore is set across two levels and so whilst the laid-to-lawn area does not appear to be overtly overshadowed, the patio area and rear elevation of Appledore do appear to be substantially impacted. This is exacerbated by the fact that Appledore is sited directly north of Green Ridges meaning the sunlight would not reach parts of the garden nearest to the development as the sun moves from east to west, when compared against the current sunlight provision from this direction.
- 11.18 In conclusion, the roof extension has resulted in an overbearing form of development having an adverse impact upon Appledore which is further exacerbated by a loss of sunlight. Overall, it is concluded that the proposal does not therefore accord with policy GP.8 of AVDLP, the NPPF or the Residential Extensions Design Guide.

***d) Impact on highways and parking***

- 11.19 Policy GP.24 of the AVDLP together with SPG1 outline the maximum parking standards required to serve a development and clarifies how many spaces must be provided within the application site itself. The existing dwelling comprises of 5 bedrooms and no additional bedrooms are proposed as part of this application. Therefore the development should provide three parking spaces.
- 11.20 An existing parking space within the garage would be retained and it was noted from the site visit that approximately 4 or 5 additional parking spaces could be provided within the gravelled driveway. As the existing arrangements remain unchanged, no concerns are raised with regard to parking provision.
- 11.21 As such, the proposal is considered to accord with policy GP.24 of AVDLP, the NPPF and the Council's SPG Parking Guidelines.

Case Officer: Daniel Terry

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