

## **COMMITTEE REPORT**

**Reference:**  
16/01406/FUL

**Site:**  
5 La Plata Grove  
Brentwood  
Essex  
CM14 4LA

**Ward:**  
Brentwood West

**Proposal:**  
Single storey rear extension

**Plan Number(s):**

1120.01; 1120.02; 1120.03; 1120.05 Rev C

**Applicant:**  
Mr Sartaj Singh Gogna

**Case Officer:** Mr Nick Howard

This application was referred to the Planning and Licensing Committee for discussion by Ward Member Councillor Will Russell, if the recommendation is for refusal. Since that time, a revised plan has been submitted by the applicant; the application is to be determined by the Planning Committee to allow the committee Members the opportunity to consider the revised plans.

### **1.0 DESCRIPTION OF PROPOSAL**

The proposal is for a single storey rear extension. The extension will project 4.3 metres from the rear of the dwelling, close to the boundary with No 7 La Plata Grove and will accommodate the dining room. Beyond that part of the extension, the proposal is set well in from the boundary and will extend a further 3.9 metres to accommodate the kitchen. The proposal comprises of a flat roof design.

## **2.0 SITE DESCRIPTION**

The property consists of a semi detached property located on La Plata Grove. The dwelling has a long rear garden, with a mature boundary hedge shared with No 7. The garden is set at a lower level than the floor level of the house and is accessed by four steps at the rear of the dwelling.

## **3.0 RELEVANT HISTORY**

- 15/01237/FUL: Part Single Storey/Double Storey rear extension -Application Refused
- 16/00605/PN42: Single storey rear extension. The proposed extension would extend 6m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 4m and the proposed eaves height would be 3m - Prior Approval is required/Refused
- 16/00784/PN42: Single storey rear extension. The proposed extension would extend 6m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 3m and the proposed eaves height would be 3m - Prior Approval is required/Given

## **4.0 SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

None received

## **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby

Detailed below is a summary of the neighbour comments. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

At the time of writing the report, one letter of objection from No 7 has been received. The objection is on the grounds of an unacceptable loss of outlook and overshadowing, a loss of sunlight, the scale and proportions of the extension are out of keeping, the removal of the hedge and loss of human rights.

## **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: Policy CP1

NPPF Sections: Core Principles

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in early 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2017 or early 2018.

## **7.0 ASSESSMENT**

The proposed ground floor plan shows that the proposed extension is to be set off the boundary with No 7 by about 0.2 metre and will project along the boundary for 4.3 metres. Beyond this projection the extension is to be set in by about 2.2 metres off the boundary and will project a further 3.9 metres.

The site has been subject to significant planning history. The current position is that the previous prior notification is subject to a judicial review which is ongoing. In the meantime the applicant has sought to gain planning permission with this application.

The relevant Local Plan policy is CP1 which states that development needs to satisfy a number of criteria, of which the following are most relevant to this proposal:

i) The proposal would not have an unacceptable detrimental impact on visual amenity, or the character and appearance of the surrounding area. The proposed extension is to the rear of the dwelling and therefore would not be visible from the road. To the rear of the site is a woodland which is open for public use. Therefore glimpses of the site would be achievable from the rear, however given the long garden length of the application site, it

is considered the proposed development would not be harmful to the character and appearance of the area.

ii) The proposal would not have an unacceptable detrimental impact on the general amenities of nearby occupiers or the occupiers of the proposed development by way of overlooking, lack of privacy, overbearing effect or general disturbance.

The nearest neighbouring property is No 7 which is the attached semi-detached property and shares a common boundary. Along the boundary is a hedge which consists of semi mature trees and shrubs. The majority of the hedge is situated within No 7's garden. Close to the boundary No 7 has a rear lounge window/door with steps leading down into the garden. Further reference to the neighbours window and hedge will be made later in the report.

The proposed extension does not include any windows on the elevation facing towards No 7, therefore the proposal would not create any degree of overlooking into the neighbouring property. The proposal includes a utility window on the other flank of the extension, however this window serves a minor room and therefore would not create a harmful overlooking effect. Furthermore the proposal is not considered to create any loss of privacy to the neighbouring residents.

Turning to the issue of overbearing which is considered to be the central issue. The extension will project along the boundary with No 7 by a distance of 4.3 metres. This has been reduced from the original proposal of 6 metres. Along the boundary between the application site and No 7 is a semi mature hedge. The majority of the hedge is situated within the garden of No 7, however the proximity of the extension could potentially damage the roots of the hedge. Therefore the proposal includes setting the extension off the boundary by 0.2 metres which would provide a degree of separation to ensure the hedge could be retained during construction works and has potential for future growth in the long term. The plan shows the hedge is to be retained, however a condition requiring the foundations of the extension to be dug by hand would provide further potential for the hedge to be retained.

The floor level of the host dwelling is set approximately 0.6 metres above the level of the garden. In order for the floor level to run level from the host dwelling into the extension, the extension would be higher than a more conventional extension, which has an impact on the neighbour's outlook, particularly when viewed from their garden.

The neighbour's property, similar to the applicants, currently has a single opening serving the rear living area. Each property also has a small outrigger which accommodates a store and part of the kitchen. The projection along the boundary has been significantly reduced and therefore the combination of the reduction in size of this part of the extension, together with the retention of the boundary hedge and the extension being set off the boundary means that the impact on the neighbouring residents at No 7 would not be overbearing. It is accepted that the proposed extension would lead to some loss of light to the neighbours living room as the property faces south, however the proposed reduction to the projection along the boundary is on balance sufficient to still provide an acceptable outlook to the neighbouring residents.

With regard to the design of the extension it is of a flat roof contemporary design. The use of a flat roof also reduces the bulk of the extension. It is considered that the proposed design is in keeping with the style of the host dwelling and is not out of keeping with the character and appearance of the surrounding area. The host dwelling is constructed in brick and the proposed extension is to be constructed in matching materials which is again considered acceptable.

## **8.0 CONCLUSION**

The proposed extension, has been reduced in scale along the boundary with No 7 and therefore the size and massing of the development will not be harmful to the living conditions of the neighbouring residents. For the reasons set out above, officers consider the proposed development complies with criterion i), ii) and iii) of Policy CP1.

## **9.0 RECOMMENDATION**

The Application be APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

Reason: In order to safeguard the character and appearance of the area.

4. All soil stripping and excavation within the root protection area, of the rear boundary hedge between the application site and No 7 La Plata Grove, (the extent to be agreed by the Local Planning Authority), must be carried out by hand digging only.

Reason : In order to reduce any significant damage to tree roots of the boundary hedge.

#### Informative(s)

- 1 The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1 the National Planning Policy Framework 2012 and NPPG 2014.
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. With regard to condition 4 the root protection area should be taken to be two metres from the boundary hedge.
4. The developer is reminded of the provisions of the party wall etc act 1996 which may require notification of the proposed works to affected neighbours. detailed information regarding the provisions of 'the act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. further information may be viewed at <https://www.gov.uk/party-wall-etc-act-1996-guidance>

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)