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| SITE PLAN ATTACHED |
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08. 35 MOUNT CRESCENT WARLEY ESSEX CM14 5DB

DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO STOREY SIDE AND REAR EXTENSION INCORPORATING A JULIET BALCONY AND CHIMNEY. PORCH TO FRONT.

APPLICATION NO: 15/01024/FUL

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| WARD | Warley | 8/13 WEEK DATE | 08.10.2015 |
| PARISH | | POLICIES | NPPF NPPG CP1 |
| CASE OFFICER | Jonathan Binks | | 01277 312500 |
| Drawing no(s) relevant to this decision: | EX/01 ; EX/02 ; EX/03 /A; EX/04 ; EX/05 ; PL/01 ; PL/02 /A; PL/03 ; PL/04 ; PL/05 /A; PL/06 ; PL/07 ; PL/08 ; | | |

This application was referred by Cllr Hubbard for consideration by the Committee. The reason(s) are as follows:

Due to the detrimental impact the proposal may have on the neighbouring property at No.33, the depth of the extension and the overbearing effect created. The distance of the extension from the boundary (375mm), the impact of the foundations on the neighbouring property. The chimney would have an overbearing effect.

1. Proposals

No 35 is a detached house on an elevated site on the south side of Mount Crescent. The house is built on an "L" shaped plan with its main two storey wing at right angles to the road. The gabled front elevation is marked by a prominent two-storey flat-roofed square bay. A subsidiary wing projects to the east of the north-south range. This has two storey accommodation towards the rear with a long front "cat-slide" roof sloping down to low front eaves set back from the main front wall of the house. The forecourt is mostly laid down to parking with an access alongside the west wall of the house towards a single detached garage to the rear.

Permission is sought to add a two-storey extension to the west side of the house. The eaves line of the front part of ground floor (accommodating a garage) would be just inside the boundary with No 33. To the rear of the garage the flank wall would be set in 1m from the boundary. The front wall of the first floor accommodation would be set back from the front wall of the house by about 2m with the first floor flank wall being inset from the boundary by 1m. The first floor accommodation would be built above the garage and the living area to the rear projecting back 4m from the main rear wall of the house. The first floor of the side extension is proposed to be covered by a pitched roof running parallel to the main roof of the house. This narrower range would have a lower ridge than the main roof with a hipped end at the front and a gable at the rear. It is proposed that the new north-south section would be linked to the main roof by a cross wing of the same height as the original eastern wing. A chimney is proposed towards the rear of the flank wall projecting about 0.35m towards the boundary.

The rear extension would extend across the full width of the rear of the existing house and the proposed side extension. At the eastern end a single storey element would extend back 3.9m from the main rear wall of the house. This part of the proposal would have a shallow-pitched lean-to roof sloping down from the rear wall of the house with its flank wall off-set from the boundary with No 37 by 0.95m. The two-storey element would comprise the rearward projection of the side extension (described above) and a continuation of the main north south range of the original house. This would extend 4.2m beyond the existing rear wall terminating in a rear-facing gable. The bedroom within the gable would be lit by windows and inward-opening glazed doors with a "Juliet" balcony.

The proposal also includes an enclosed front porch that would be created by a gabled forward extension of the cat-slide roof at the eastern end of the front elevation.

Main windows would face the rear garden with two sideways-facing obscured glazed bathroom windows at first floor level facing No 33. All materials are indicated to match the existing.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework,

the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 General Development Criteria.

3. Relevant History

- 10/00491/FUL: Two Storey Side And Rear Extension, And Single Storey Rear Extension. -Application Refused
- 10/00690/FUL: Two Storey Side And Rear Extension And Single Storey Rear Extension. -Application Permitted

4. Neighbour Responses

Four objections. No 31:- (in summary) proposal would unacceptably impact on character and appearance of the area by reducing the housing units on either side from open 1920's development to a terrace resulting in a considerable loss of natural daylight and sense of spaciousness. The length of the rear extension would breach the privacy enjoyed by the adjacent gardens. The proposed footprint is about twice that of the original building. The proposal is aesthetically disproportionate and is not compatible with the existing house or the surrounding properties.

No 33:- (in summary) The size and bulk of the proposal would be similar to that refused in 2010 and would be excessive. The size and design are out of keeping with nearby properties and the proposal would be overdevelopment. Proposal would cut out direct morning sunlight to side facing windows and the conservatory at No 33. Natural daylight would be reduced in these areas requiring greater use of artificial light. The Juliet balcony would overlook the rear gardens of several properties. Concern that parking would not be adequate.

Other objections from nearby residents:- Proposal would be dominant when seen from the neighbouring properties at No 33 and 37. An application with a smaller footprint was turned down in the past. Extensions that largely eliminate the gaps between buildings adversely affect neighbours and detract from the amenity of more remote neighbours and users of the road. The house is set forward and the proposal would be particularly obtrusive in the street scene.

5. Consultation Responses

- **:None consulted**

6. Summary of Issues

Character and appearance

The house at No 35 is positioned forward of No 33 (to the west) and this combined with its elevated position and the space between the buildings results in the whole of the flank wall of No 35 being prominent in the street. The proposal would narrow the gap between dwellings but the flank of the extension would also be clearly in view. However as a result of the 2m set back at first floor level and the design and detailing of the proposal it is considered that the proposal would be compatible with the existing house and would not appear out of place in the street scene.

Reference has been made to the refusal of permission for a previous proposal; however in that proposal the front wall of the side extension was set back by only a small amount and the flank wall was designed as two gables with a flat roofed section between them. It was considered that the proposal would be of an unsympathetic design that would have been out of keeping with the host dwelling and its surroundings.

All extensions reduce the amount of space around buildings and most of the nearby houses have been extended. Whilst the chimney would infringe the guidance in the RLP concerning the distance of flank walls from the boundary the proposal would not lead to terracing. Overall the proposal would be bulkier than the 2011 permitted proposal; however that bulk would be achieved by an extension of an acceptable design. The comments of nearby residents about the character and appearance of the area are noted; however it is considered that the proposal would not unacceptably detract from the character and appearance of the dwelling and the immediate area and would accord with the objectives of RLP Policy CP1 (i) and (iii) and of the National Planning Policy Framework as regards the character and appearance of new buildings.

Living conditions

The single storey element next to No 37 would project back slightly less than the 4m extension permitted as part of the January 2011 permission. In common with that proposal the wall would be off set from the side boundary with No 37 by 0.95m. The lean-to design would result in a higher flank wall but it is considered that the effect of the proposal on the outlook from No 37 would not be materially different from the permitted proposal. In common with the 2011 permission the two storey element would be positioned further from the boundary and it would not unacceptably detract from light or outlook at No 37.

The extension would not project as far back as the rear wall of the house at No 33 which is set back further into its plot than No 35. No 33 has windows in its flank wall facing the application property and has a conservatory attached to its flank wall through which light reaches the kitchen. However the flank wall is set back from the boundary and the windows do not serve main living rooms. Most of the conservatory would be to the rear of the extension and taking account of the space between the proposal and the conservatory it would not result in an unacceptable loss of light. The extension would be to the east of No 33 and would cut out some direct morning sunlight. However the conservatory has a dual aspect to the east and the south and it is considered that the proposal would not materially detract from light and outlook.

The proposed arrangement of the upper floor windows at the rear of the house is the same as that approved in 2011, including the "Juliet" balcony. It is considered that subject to obscured glazing conditions on upper floor side windows unacceptable overlooking would not occur.

Whilst there are some differences between the 2011 proposal and the current application the effect on the occupiers of neighbouring houses on both sides would not be materially different. It is considered that the proposal would not conflict with Policy CP1 (ii) of the Brentwood Replacement Local Plan which indicates that developments should not have an unacceptable impact on the amenities of nearby occupiers or with one of the core principles of the National Planning Policy Framework which indicates that a good standard of amenity for all existing and future occupants of land and buildings should always be sought.

Car parking

The proposal includes a garage that would satisfy the adopted standard (7m by 3m internal) with a parking space which also meets the adopted standard. The two off-street spaces would be in accordance with the parking standards.

Conclusion

This property has been the subject of three applications for side and rear extensions in the last five years or so. It is considered that the proposal would not be harmful to the character and appearance of the area or the host dwelling and it would not unacceptably detract from the living conditions of neighbouring occupiers. It is therefore recommended that permission should be granted.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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 MAT03 Materials to match

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.

3 DRA01A Development in accordance with drawings

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.

4 U11260

The windows identified on the approved drawings as being obscure glazed shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window(s) shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF05

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.

3 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

4 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND DOCUMENTS

DECIDED: