



Figure 2 - photograph taken from Junction with The Street

Proposal

5. Full planning permission is sought for the erection of a first floor extension and an entrance porch both to the western side of the dwelling which is considered the main front door access. The width of the porch would be 2.6m. Whilst the existing dwelling has a full gable end pitched roof, the new extension would have a full hipped roof to the end. It would also extend from the roof half way down the gable end. The extensions would be clad in white painted timber weatherboarding with Kent peg roof tiles to match the host dwelling.
6. Further to concerns raised by the planning officer in relation to the design of the extension and overlooking into the private garden of the neighbour at Library Cottage, the agent has submitted the following additional information in support of the proposals:

- Prior to the submission of the application, the plans were shown to the neighbours at Library House and Vesper Cottage who “wholeheartedly supported the proposal”;
- The extension has been designed to be subservient with a hipped roof to reduce its bulk and overshadowing effect;
- The garden of Library House can be viewed from the existing rear window as well as from the second floor level and the French doors over the 3ft picket fence separating the gardens;
- The decision was made to insert a window at first floor to the rear to take advantage of the afternoon sunshine and to break up a bland timber clad rear wall – the owners, however, will be willing to omit this if absolutely necessary;
- The front/east elevations of Library House that face the highway are stunning;
- The proposed extension will have no effect on the street scene and will not compromise the character of the village;
- The large overbearing Town Barn garage and workshops with a large industrial unit at the rear can clearly be seen from the garden;
- The overbearing effect on Library House is minimal and of no consequence. The reason for the extension is to create a nursery/bedroom and the extension is the only suitable solution to allow them to remain in the village. The agent also makes reference to the applicant’s involvement within the Church and community.

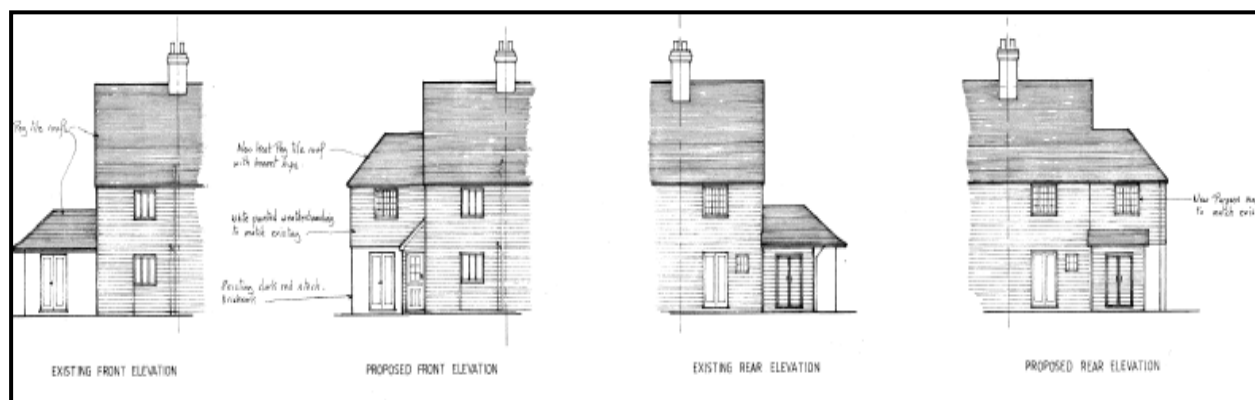


Figure 3 - existing & proposed front & rear elevations



Figure 4 - existing & proposed side elevation

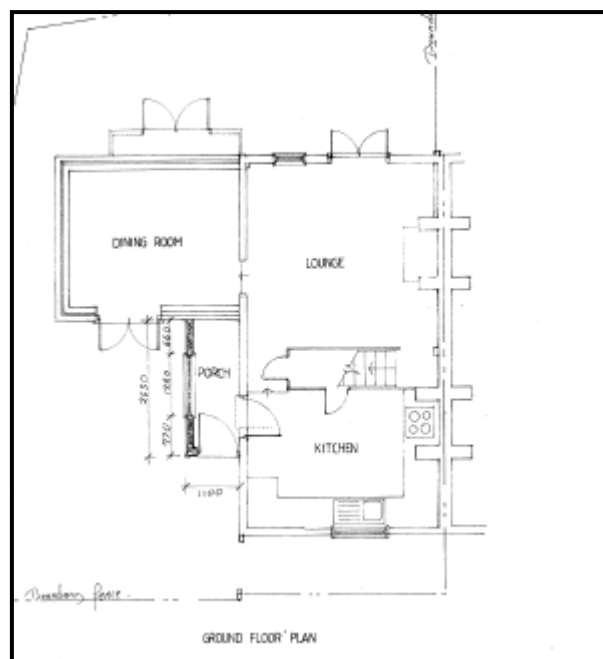


Figure 5 - existing ground floor plan

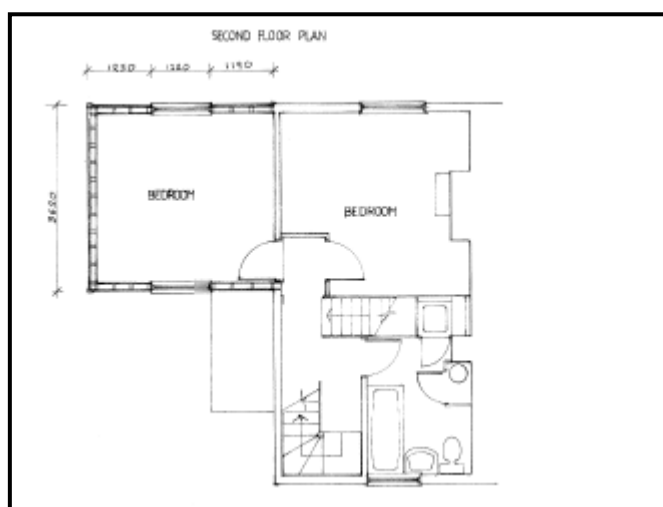


Figure 6 - proposed first floor plan

Planning History

There is no recent relevant planning history.

Consultations

Ward Member: Cllr Dyer has requested the application be heard at planning committee.

Smarden Parish Council: No comment.

Neighbours: 6 neighbours consulted; two letters of objection received stating:

Vesper Cottage (two separate letters received from this neighbour)

Site plan does not show existing single storey extension; porch will take up more of the remaining area; limited site cannot bear imposition of the upper storey which will overbear and dominate; concerns over reconfiguration of rear/front elevations and changes to the fenestration; the first floor window in the south facing elevation will be directly opposite a first floor window in the side elevation of Vesper Cottage.

Second letter stating concerns over misrepresentation in support letter and stating that, although shown the plans, at no time did the neighbour express approval of the scheme. The neighbour also makes reference to material planning considerations which cannot be taken into account when assessing an application and therefore personal circumstances should not be used; the application should be judged on an impartial basis.

Library House

Proposed extension will overshadow house/garden; loss of privacy given the close proximity as well as layout and density; appearance of the extension will be visually overpowering to Library House with/out a window.

Planning Policy

7. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and Chilmington Green AAP 2013.
8. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles for Sustainable Development and High Quality Design

CS9 – Design Quality

Ashford Borough Local Plan

EN16 – Development in Conservation Areas

Tenterden & Rural Sites Development Plan

TRS17 – Landscape Character & Design

9. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

SPG10 – Domestic Extensions in Urban and Rural Areas (adopted June 2004)

Dark Skies SPD 2014

National Planning Policy Framework 2012

10. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework

(NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

Assessment

11. The main issues for consideration are:

- Visual amenity and the character of the Conservation Area.
- Residential amenity.
- Highway safety

Visual amenity

12. Paragraph 17 of the National Planning Policy Framework (NPPF) seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also recognises the intrinsic character and beauty of the countryside. This approach is reinforced in policies CS1 and CS9 of the Core Strategy. The NPPF also takes into account contributions made to the significance of a Conservation Area. Again this is reinforced in policy EN16 of the Local Plan which says that development within Conservation Areas will be permitted provided such proposals preserve or enhance the character or appearance of the area.
13. Supplementary Planning Guidance¹⁰ "Domestic Extensions in Urban and Rural Areas" expands upon the above accepting the principle of extensions to dwellings within a built up area, providing the extension expresses a coherent design form and does not result in a poorly proportioned or intrusive building in the landscape.
14. Furthermore the Smarden Village Design Statement states that "*alterations, extensions and restoration work should be wholly compatible with the particular building in design and appearance, using matching colours and materials, and respecting any special architectural or historic interest. Neighbouring/adjoining buildings should also be taken into account.*"
15. The new porch would be a subordinate and acceptable form of development and given its location on the side of the property, hidden behind the existing side extension, would not be overly visible from outside the wider site.
16. Turning now to the proposed first floor side extension. The application site forms one of a pair of semi-detached houses which is readily visible from the main road "The Street" in Smarden as well as on approach from the south along Vesper Hawk Lane. The proposed extension would sit on top of the existing side extension and together with the design of the roof form and its projection from half way down the gable end of the roof, would not compliment the existing roof form. Both dwellings currently benefit from gable end roof

forms and the addition of a hipped roof design would also unbalance the symmetry currently in place with these properties. As a result, the proposed first floor side extension would appear as a visually prominent and incongruous form of development that would detract from, and be harmful to, the character and appearance of the street scene. The development would therefore neither preserve nor enhance the character of the designated Smarden Conservation Area.

Impact upon residential amenity

17. Concern has been raised by the neighbours bounding the application site at Library House and Vesper Cottage about overlooking and a subsequent loss of privacy regarding their rear garden in relation to the former, and interlooking to a first floor window, in relation to the latter. There are separation distances of approximately 13m from the closest part of the extension to each of these two neighbouring properties.
18. The application site currently benefits from a first floor rear bedroom window which faces the direction of the end part of Library House as well as part of its private rear garden area, to which the agent makes reference in his letter of support. The supporting statement makes reference to existing ground floor views of the neighbouring garden, however, these are somewhat currently blocked by the existing greenhouse. However, the proposal seeks to incorporate a further first floor bedroom window within the proposed extension closer to the boundary with this neighbouring property, which will increase views into the rear garden. This will introduce additional views into greater parts of the garden of this property. This will result in an unacceptable level of amenity for the occupiers of this dwelling as a result of a loss of privacy.
19. The image below is taken from the garden of Library House looking towards the application site.



Figure 7 - from Library House towards application site

20. The proposed first floor rear window would look directly into the rear garden area of Library House. Whilst this neighbour has a large garden, the proposed first floor window would look directly into the most private garden area comprising a patio area with garden furniture. The development would therefore cause an unacceptable degree of overlooking harmful to the residential amenity of the occupiers of this particular dwelling.



Figure 8 - most private garden area of Library House

21. Whilst the applicant's agent has suggested that the window could be deleted if absolutely necessary, and this would overcome the objection on residential amenity grounds, from a visual point of view this would look odd when viewed from the surrounding area. Turning to the concerns raised by the neighbour to the south at Vesper Cottage. Whilst the new first floor bedroom window would face in the direction of this property towards a window serving a study, the window is small and together with the separation distance and the nature of the room that it serves, then there would not be harmful overlooking, in my view,
22. The neighbours have also raised concerns about the overbearing nature of the development. However, given the relationship of the extension to the neighbouring properties I do not consider that there would be harm in this respect.
23. The porch extension, given its scale, would not adversely impact on neighbouring properties.

Human Rights Issues

24. I have also taken into account the human rights issues relevant to this application. In my view the "Assessment" section above and the

Recommendation below represent 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).

Working with the applicant

25. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

26. The applicant's agent has advised that the first floor extension will provide much needed accommodation for a growing family allowing them to remain in the village. Two immediate neighbours, who bound the site, have raised strong concerns about the impact of the development on their privacy. I consider that the introduction of an additional window closer to the most private rear garden of Library House will introduce an unacceptable relationship and a loss of privacy harmful to residential amenity. Whilst there is a suggestion that the window could be removed from the scheme to address this concern, this would leave the view of a blank wall at first floor level that would look strange when viewed from the surrounding area. In turn, the visual appearance of the extension is not in keeping with that of the host dwelling resulting in an incongruous form of development within a designated Conservation Area. I am therefore satisfied that the proposed development would fail to comply with the requirements of Development Plan policy, SPG10 and Central Government guidance and I therefore recommend that planning permission is refused.

Recommendation

Refuse

Subject to the following conditions and notes:

The proposed development would be contrary to policies CS1 and CS9 of the Local Development Framework Core Strategy 2008, to Policy EN16 of the Ashford Borough Local Plan 2000 and to Policy TRS17 of the Tenterden & Rural Sites Development Plan Document 2010 and to the Council's Supplementary Planning Guidance SPG10 Domestic Extensions in Urban and Rural Areas and to Government Guidance contained in the NPPF and is therefore considered development harmful to interests of acknowledged planning importance for the following reasons:

- 1) The proposed extension by virtue of its design and form would not sit comfortably with the existing design and form of the roof resulting in a visually prominent and incongruous form of development. In turn, the hipped roof design would unbalance the symmetry of this pair of cottages. The development would therefore be harmful to the visual amenity of the locality and neither preserve or enhance the character of the designated Smarden Conservation Area.
- 2) The proposed development would result in the insertion of a new first floor bedroom window facing northwards that, given the relationship to the immediate neighbouring property to the north, Library House, would lead to an unacceptable degree of overlooking into the most private garden area of this property to the detriment of the residential amenity of its occupiers.

Note to Applicant

Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the agent was updated of any issues after the initial site visit,
- the application was considered by the Planning Committee where the applicant had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk) . Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/00255/AS.

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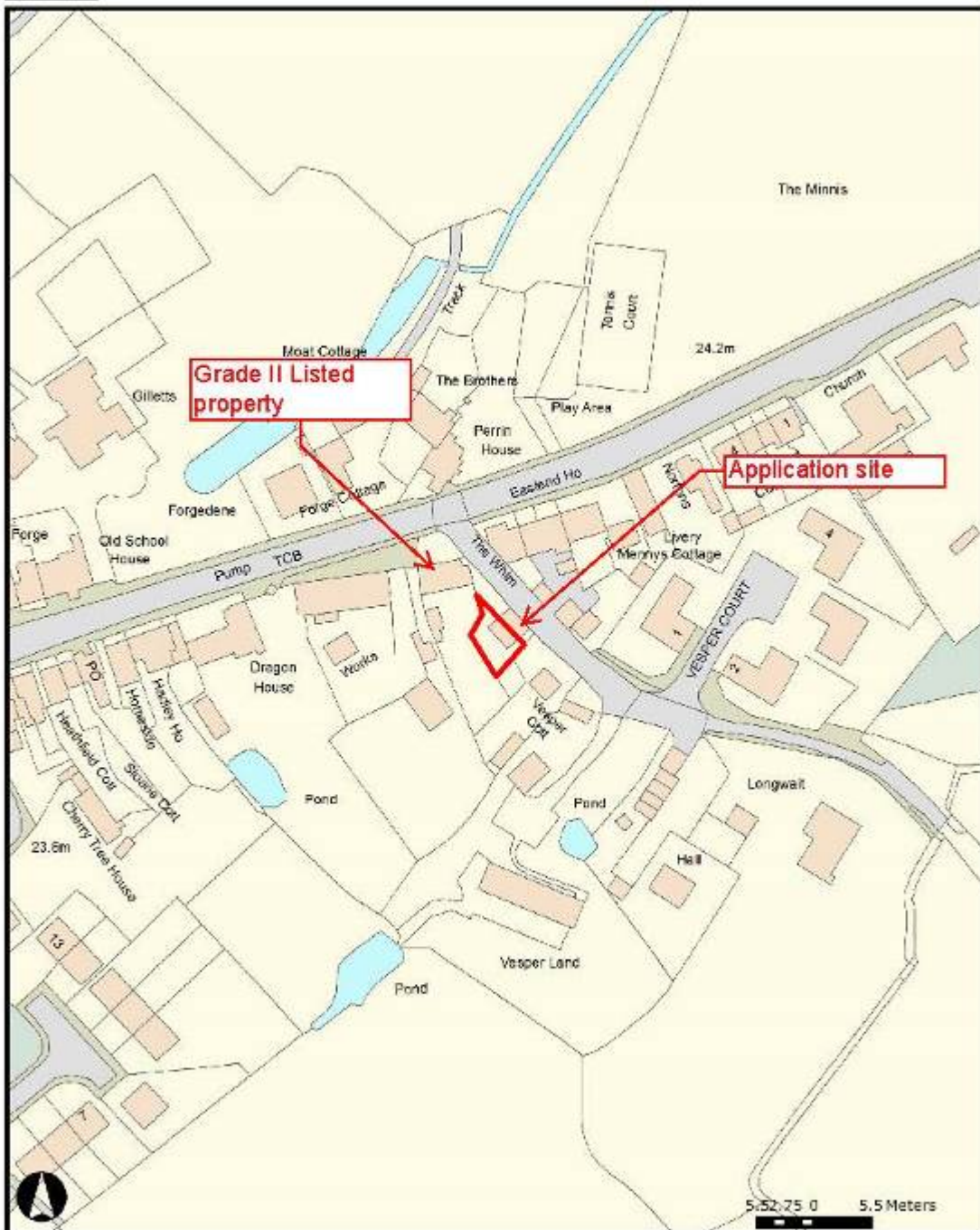
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Annex 1



Ashford Borough Council



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