

Application Number	16/01626/AS
Location	42 Providence Street, Ashford, Kent, TN23 7TW
Grid Reference	01089/41598
Parish Council	South Ashford
Ward	Norman (Ashford)
Application Description	Proposed two storey rear extension
Applicant	Ms Gideon
Agent	Kent Design Studio Ltd
Site Area	0.02ha

(a) 6/1R (b) N/A (c)

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member.

Site and Surroundings

2. The site comprises a two storey mid-terraced property within the built confines of Ashford. It is not within any designated areas. The site currently benefits from a single storey rear flat roof extension which steps in from the boundary with the adjoining neighbour, No 44 Providence Street, to the west. This accommodates a kitchen and bathroom.
3. These particular terraced properties are narrow in design and benefit from long, rear gardens approximately 30m in length.
4. A site location plan is attached at annexe 1.

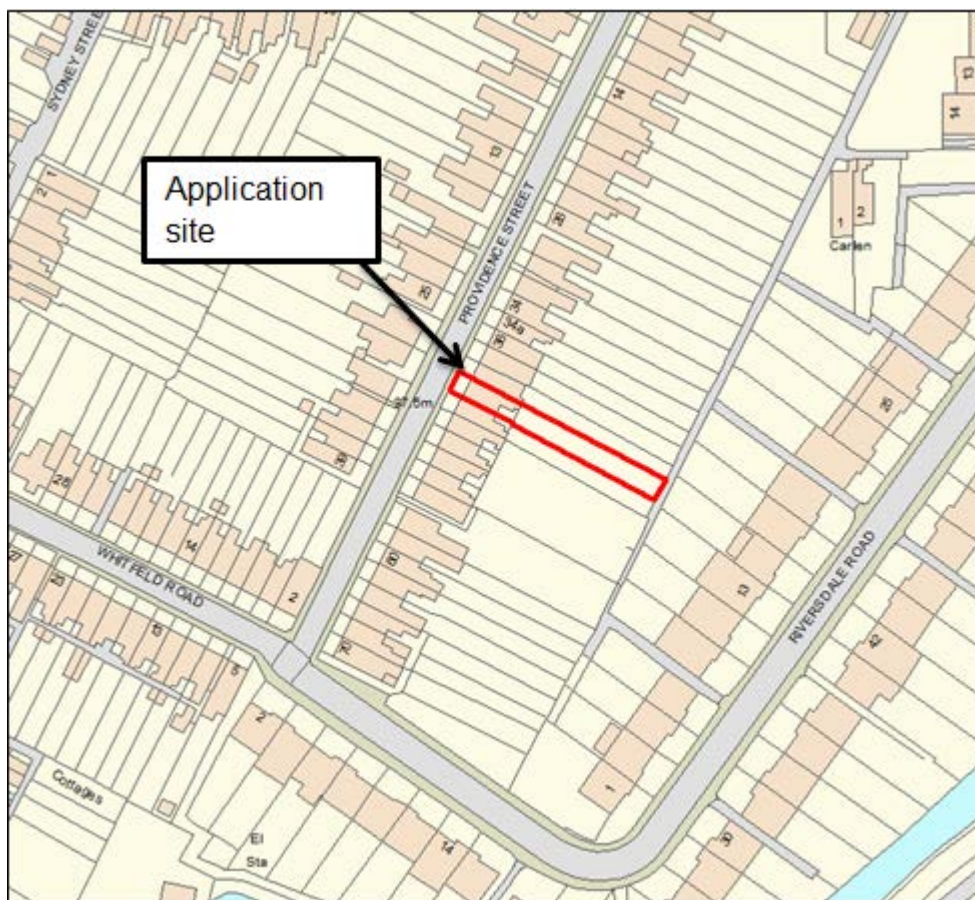


Figure 1 - Site Location Plan

Proposal

5. Full planning permission is sought for the erection of a two storey rear extension to replace the existing single storey extension to allow for a larger kitchen on the ground floor and the creation of a bathroom and additional bedroom on the first floor.
6. The extension is proposed to extend for the full width of the property (3.8m) and to extend to a depth of 4m. French doors are proposed at ground floor level and a full double door with Juliette balcony at first floor level. The extension would have a pitched roof with a gable design and a render finish with interlocking tiles to match the existing.
7. The application includes a flood risk assessment. This concludes that the development has been designed so that the current situation with regards to flood risk is not made worse or if possible, improved. For e.g. through finished floor levels matching those of the existing building and where possible ground levels to fall away and that rainwater and surface water to be disposed as existing.

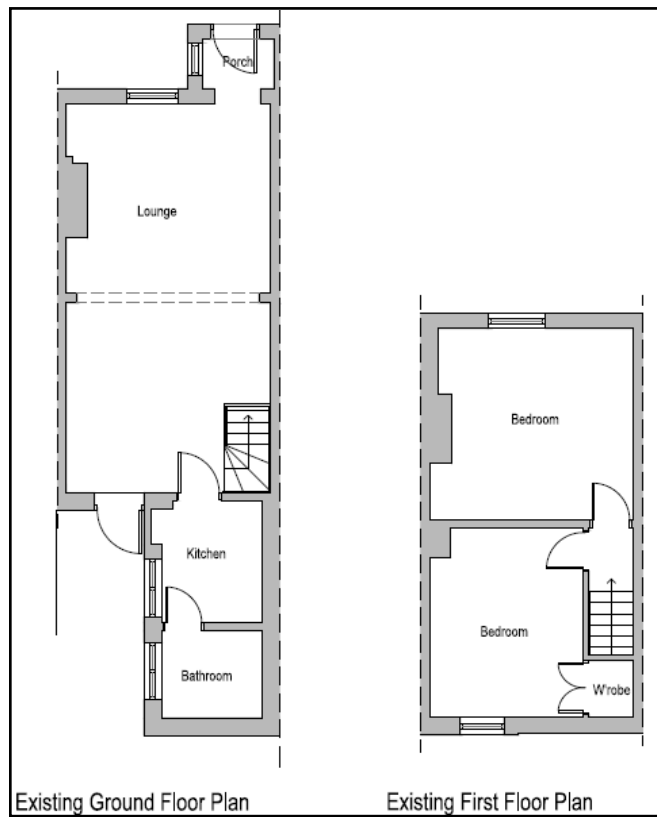


Figure 2 - existing floor plans



Figure 3 - existing rear/side elevations

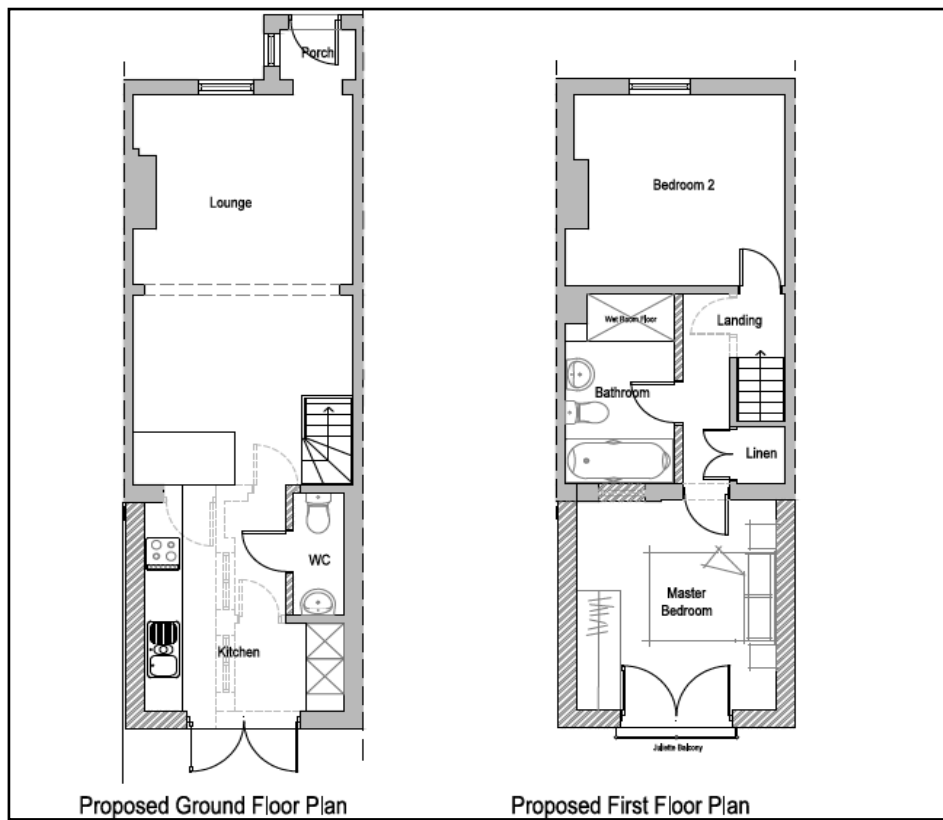


Figure 4 - proposed floor plans

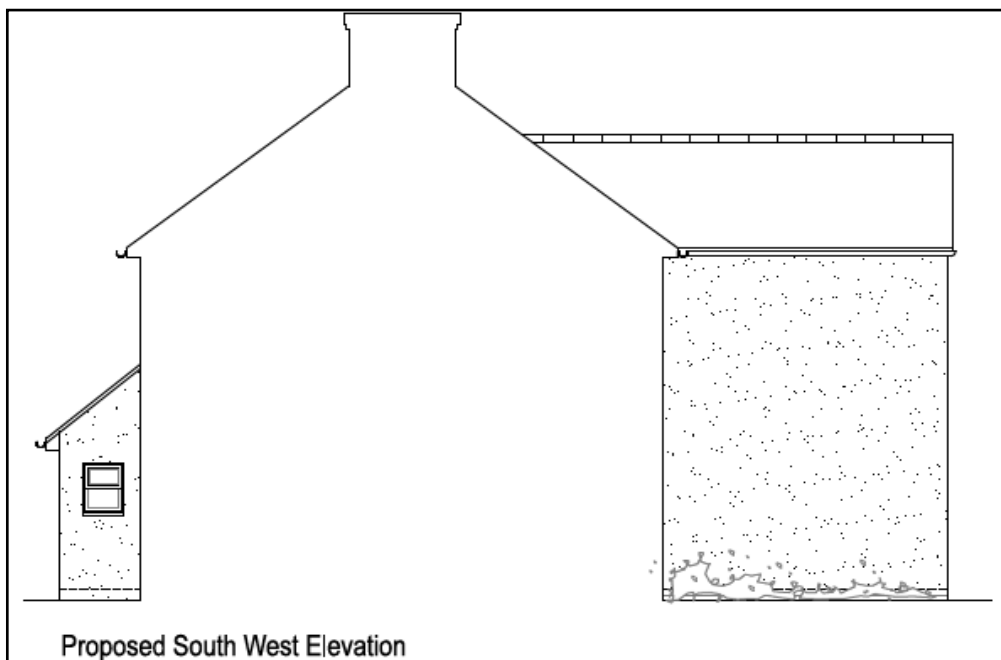


Figure 5 - proposed side elevation

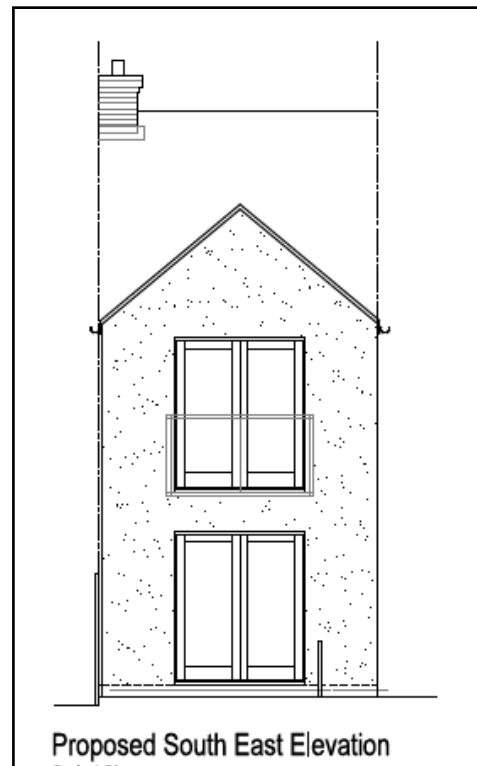


Figure 6 - Proposed rear elevation

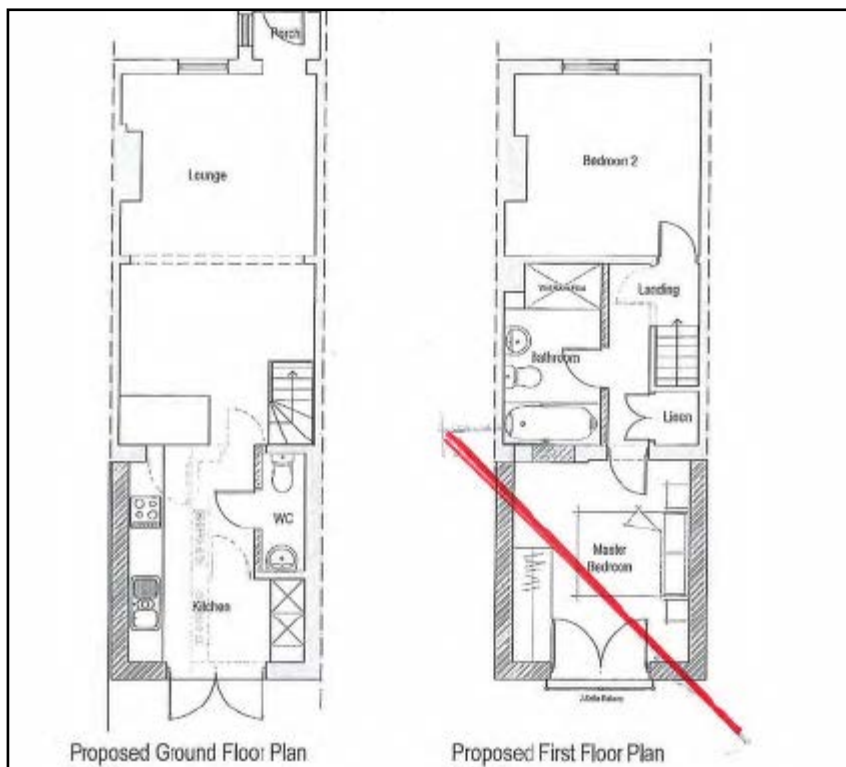


Figure 7 - 45 degree rule breached to the left of red line



Figure 8 - rear of No 42 (white) & No 44 (pale blue) – affected bedroom window above satellite dish

Planning History

There is no recent relevant planning history.

Consultations

Ward Members: Councillor Webb

Neighbours – 6 neighbours consulted; one letter of objection (from No 44) stating concerns over

- Proposed plan shows large wall straight in front of rear door, bathroom window, kitchen and rear bedroom window that would be badly affected;
- reduction in property value and difficulty in finding tenants (**JDCM comment:** *property value is not a material planning consideration, neither is issue for finding tenants*);
- could agree two storey if on top of existing as there would be a breathable area; all windows affected except two at front.

Planning Policy

8. 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, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.
9. 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

CS19 – Development and Flood Risk

Local Plan to 2030

SP1 - Strategic Objectives

SP6 - Promoting High Quality Design

HOU8 - Residential Extensions

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

Government Advice

National Planning Policy Framework (NPPF) 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. The following sections of the NPPF are relevant to this application:-

11. Para. 17: Inter alia, one of the 12 core planning principles include:
12. *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.*

Assessment

13. The main issues for consideration are:
 - Visual amenity
 - Residential amenity
 - Highway safety
 - Flooding

Impact on Visual amenity

14. With the ridge height lower than the existing, the proposed extension is of an acceptable design and form. Together with its location at the rear, the development would not be visually harmful. The proposed materials would also be acceptable. As a result, I am satisfied that the development would not represent a visually intrusive form of development within the street scene.

Impact on Residential amenity

15. The first floor window on the rear elevation of the neighbour at No 40, to the east, closest to the boundary with the application site serves a landing/stairwell and this is not considered a habitable room. Whilst the proposed extension would introduce a full 2 storey high flank wall adjacent to this boundary which would potentially be overbearing and adversely affect the outlook from this first floor window, this is a very small narrow window, and together with it not serving a habitable room, then I am satisfied that there would be no significant harm caused to the residential amenity of the occupiers of this particular neighbouring property.
16. However, the layout of the neighbouring property at No 44, on the opposite side to the west, is different. The closest first floor rear window (to that at No. 40) is larger and serves a bedroom, in direct contrast to No.40, is a habitable room and is the only window serving this room. In turn, to the ground floor is the sole window serving the kitchen. There is also a smaller bathroom window and door with obscure glazing leading from the kitchen facing the application site.

17. Applying the Building Research Establishment Guidelines (45° and the 25° rules) which assists in the assessment of the impact of development on light received to particular windows. The development clearly breaches these guidelines both in relation to its width, depth and height. Figure 9 demonstrates the extent of the proposed extension that breaches the guidelines. As these are the only windows serving these habitable rooms, the extension, due to its height and proximity to the boundary would therefore have an overbearing impact and adversely affect the light received to the windows, resulting in significant harm to the residential amenity of the occupiers of this particular property. Officers have considered whether there is any alternative way that the property could be extended to provide additional first floor accommodation without adversely impacting on the neighbour, but given the narrow nature of the dwelling, a solution cannot be found.

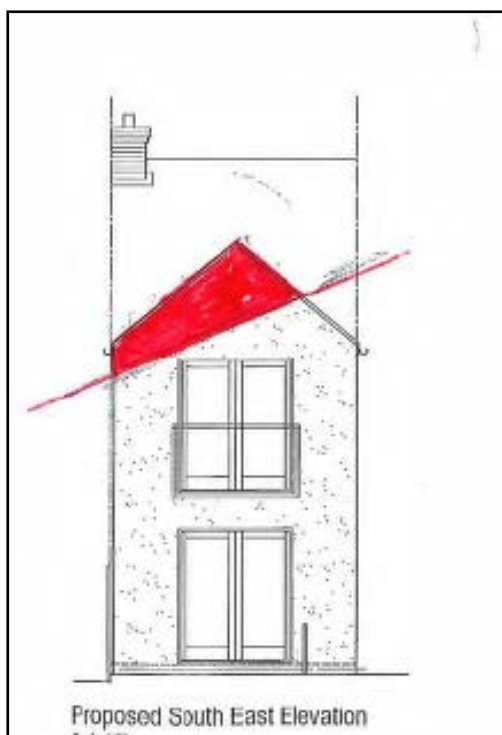


Figure 9 - 25 degree rule applied - area in red shows the level of extension which breaches the light test

18. Given that the ground floor window serving a bathroom and door are both obscured glazed and in relation to the door is a secondary light source to the kitchen, then I do not consider that the development would significantly impact on residential amenity in relation to light received to these windows.

Impact on Highway safety

19. There is no increase in bedrooms, merely a reconfiguration of the existing situation therefore there is no requirement for further parking provision. I am therefore satisfied that there would be no harm caused to highway safety.

Impact on flooding

20. The flood risk assessment concludes that measures can be put in place to ensure that the situation will not be worsened, or improved. I am therefore satisfied that the extension to the property would not increase the risk of flooding to the dwelling or within the locality.

Human Rights Issues

21. 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 their 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

22. 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

23. The proposed development is visually acceptable and would not result in harm to visual amenity. However, the neighbour to No. 44 has raised concerns about the impact of the development on their rear windows. I consider that there would be significant harm to the residential amenity of this neighbour as a result of the development being overbearing and adversely affecting the light received to both the first floor bedroom window and ground floor bedroom window, the harm being greater due to these windows being the sole light source to these rooms. I do not consider that there would be harm to the other ground floor window/door.

24. In light of this, I am not satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government guidance in relation to residential amenity. I therefore recommend that planning permission is refused.

Recommendation

Refuse

on the following grounds:

The development would be contrary to policy CS1 of the Local Development Framework Core Strategy (2008) and Government Guidance contained in the National Planning Policy Framework and to policy HOU8 contained in the emerging Local Plan to 2030 and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The proposed two storey rear extension given its height and depth in close proximity to the sole windows serving a rear first floor bedroom and ground floor kitchen of the adjacent property No 44, would represent an overbearing form of development that would adversely affect the outlook from and light received to these windows resulting in harm to the residential amenity of the occupiers of this dwelling.

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 applicant/agent was updated of any issues after the initial site visit,
- The application was considered by the Planning Committee where the applicant/agent 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 16/01626/AS.

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Annex 1



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