

## DEVELOPMENT CONTROL BOARD

10 September 2020

**Reference:** 20/00531/FUL **Officer:** Mrs B Lidster

**Location:** 39 James Road  
Dartford  
Kent  
DA1 3NE

**Proposal:** Demolition of existing side lean-to and erection of a part two storey/part single storey side and rear extension

**Applicant:** Mr G Sangar

**Agent:** Mr. Saroop Hanspal

**Parish / Ward:** Not Parished / Heath

### RECOMMENDATION:

Approval

### SITE DESCRIPTION

- (1) No. 39 James Road is a semi-detached house which has a small conservatory extension to the rear.
- (2) There is a detached outbuilding at the end of the garden, erected under permitted development rights. The frontage of the property is hard paved to provide car parking.
- (3) The surrounding area is characterised by two-storey semi-detached dwellings many of which have been extended to the side, rear and within the roof. The property directly to the south-west, no 41, has a two-storey side extension up to the shared boundary.

### THE PROPOSAL

- (4) The application is for the demolition of the existing side lean-to and rear conservatory and the erection of a part two storey/part single storey side and rear extension.
- (5) It should be noted that the proposal has been revised since it was originally submitted to provide a 2m inset from the common boundary with No. 41 to the rear. This has resulted in the two storey rear extension being closer to the common boundary with No. 37.
- (6) The submitted plans also indicate that the loft is to be converted as rooflights are shown on the front elevation. This does not require planning permission and no details are provided of the floor plan. The use of the roofspace is therefore not a matter for consideration as part of this application. The appearance of the rooflights themselves, as they are shown on the plans can be considered.

### RELEVANT HISTORY

- (7) There is no relevant planning history.

### COMMENTS FROM ORGANISATIONS

- (8) A Ward Member has requested that the application is brought to the Development Control Board for a decision.

## NEIGHBOUR NOTIFICATION

(9) In response to the initial consultation on the original proposal, letters of representation were received from the occupiers of the attached dwelling, they raised concerns about the proposal and I have summarised the material considerations below:

- Concern with the depth of the single storey rear extension and how far it will go into the garden causing loss of light;
- Loss of privacy;
- Overbearing;
- Loss of sunlight to garden;
- Impact of light from the roof lantern;
- Extension together with the outbuilding will take up a substantial amount of garden;
- Concern regarding Party Wall;
- Concern that it will not be finished in brick but breeze blocks as have been used elsewhere at the property;
- Given proximity to No. 41 will render their property a terrace rather than semi-detached affecting the value;

(10) The revised proposals have also been reconsulted on and the adjoining neighbours have reiterated their concerns in respect of the proposal.

## RELEVANT POLICIES

(11) Adopted Dartford Development Policies Plan 2017  
DP2: Good Design;  
DP5: Environmental and amenity protection;  
DP7: Borough housing stock and residential amenity;

(12) Dartford Parking Standards Supplementary Planning Document 2012

## COMMENTS

### Key Issues

(13) The proposal involves changes to the front, side and rear of the property and therefore I consider that the key issues are the impact of the development on neighbours and the street scene and whether adequate parking is retained for the size of the property proposed.

### Impact on neighbours

(14) The proposed side extension would be along the depth of the property and would be adjacent to the flank wall of No. 41, which has already been extended to the boundary. There are no side windows in this elevation and therefore there would be no detrimental impacts on neighbours from the side extension.

(15) The original proposal saw the two storey extension continue out to the rear of the property by a further 3.5m. This has now been amended in line with adopted Policy, so that the 2-storey side extension extends only as far as the neighbours 2-storey side extension. It continues at ground floor as a single storey extension.

(16) The property is to be extended at ground floor across the rear of the property, extending out 3.5m from the original rear wall of the property.

(17) It also proposed to extend at first floor to the rear and this element has been amended so that it sits centrally within the rear elevation of the property and is inset from both common boundaries.

(18) Guidance in the preamble to Policy DP7 of the Dartford Development Policies Plan states that for rear extensions, 'Single storey extensions to the rear of semi-detached and terrace properties should generally not be greater than 3.5m in depth on a common boundary, unless it can be demonstrated that the larger extension proposed will have no adverse impact. Two-storey extensions to the rear of semi-detached properties should be set in 2m from the common boundary at first floor level.'

(19) The revised proposal meets this guidance as the depth of the ground floor extension and the first floor projection above it is 3.5m. The first floor element is inset 2m from the boundary with No. 41 and has a 2.3m inset from the boundary with No. 37.

(20) One of the residents of the adjoining property advises that he is registered disabled and as such has limited mobility and therefore the garden and its surroundings are particularly important to his enjoyment of his home. He is also concerned that any resulting loss of privacy would seriously affect the enjoyment of their home. As disability is a protected characteristic under the Equality Act, I have taken this into account in my considerations.

(21) It should be noted that No. 37 has an existing single storey rear extension to a depth of 2.3m and therefore the proposed single storey extension on this boundary will only be an additional 1.2m past the rear of the adjacent extension and therefore the doors and windows within this extension. The proposed extension complies with guidance in the adopted Local Plan which accepts that a 3.5m projection beyond the rear elevation at ground floor would normally be acceptable. I consider that as there is an existing extension to the adjacent property the relationship is better than that anticipated by the Local Plan. The proposed ground floor extension is flat roofed, which minimises the height on the boundary, and I consider that a 1.2m projection, which is 2.8m high on the boundary is not likely to result in significant loss of sunlight or overshadowing which would result in any loss of amenity which would justify refusing planning permission.

(22) With regard to the two-storey projection at first floor level this is central within the property. I am satisfied that due to the distance to the boundaries and the presence of the existing extension to the neighbouring properties the proposal will not result in overshadowing or domination and the proposal complies with planning policy guidance, such that particular harm would need to be identified to refuse planning permission. The window to this projection will serve a bedroom and as it is placed centrally within the rear elevation views into the private areas of adjacent properties will be oblique and limited and will not result in increased harm beyond the existing relationship with traditional streets.

(23) I note that the neighbours' concerns relate partially to the combined effect of the proposed extension and the existing outbuilding at the property, however there will be a distance of approximately 12m between the rear wall of the proposed extension and the outbuilding. In my opinion this retains ample amenity space to serve the application property and the combination of the outbuilding and the extension does not result in over-development of the site and is a situation that is similar to many others in the Borough. I note the adjacent residents' concerns about the impact on their living space, but the outbuilding does not require planning permission and the additional depth on the boundary of 1.2m proposed by the current application will not in my opinion result in the loss of enjoyment of their garden. Although I recognise that the 1.2m projection, will be visible on the boundary this is not a justifiable reason to refuse planning permission

(24) In my opinion given that the properties are on the same levels and that the proposed extensions meet the relevant criteria as set out in the preamble to Policy DP7 of the Dartford Development Policies Plan there is no significant detrimental impact on either neighbour to warrant a refusal of the application.

#### Impact on the street scene

(25) The proposal is not dissimilar to many other down James Road. The roof is retained as a hipped end which retains the symmetry of the pair of semi-detached properties.

(26) Guidance in the preamble to Policy DP7 of the Dartford Development Policies Plan states that for side extensions 'Roofs must match and tie into the existing roof, stepped down from the main ridgeline, unless this is not possible structurally, or would have a better visual appearance. Two storey extensions within 1m of a common boundary should generally have their front walls set back at least 0.45m at the point where it joins the existing dwelling in order to retain the identity of the existing dwelling and to ensure the extension remains subservient.'

(27) However, the existing side extension at No. 41 is not set back and neither are many others in the immediate area. In this case a set-back would appear more incongruous and is more appropriate that the extension reflects that existing on the adjacent property. I am of the opinion that the lack of any set back is acceptable and would not have any detrimental visual impact on the appearance of the property or the wider street scene.

(28) With regard to the objector's comments about the terracing effects, the value of properties is not a planning consideration. The visual impact of any terracing effect is ameliorated in this case, in my opinion, by the fact that the neighbouring property with an existing side extension and the current proposal both retain the existing hipped roof form, such that the properties will still be viewed as separate pairs of semi-detached properties.

#### Parking

(29) The front of the property is hard surfaced and I would suggest more than adequate to provide at least the two off street parking spaces required under current parking standards to serve a 4 plus bedroom property

#### Other matters

(30) The neighbours' concerns regarding materials are noted. I have suggested a condition regarding materials to match the existing dwelling and this would extend to the side wall of the extension. The side elevations on the submitted plans indicate that the side wall will be in brick.

(31) The Party Wall Act covers any concerns of the neighbours regarding their shared wall. This is civil legislation between the two property owners and not a planning consideration.

#### HUMAN RIGHTS IMPLICATIONS

(32) I have considered the application in the light of the Human Rights Act 1998. I am satisfied that my analysis of the issues in this case and my consequent recommendation are compatible with the Act.

#### PUBLIC SECTOR EQUALITY DUTY

(33) In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- advance equality of opportunity between persons who share a relevant protected characteristics and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Disability is one of the protected characteristics under the Equality Act. This application has been considered with regard to the protected characteristics of the neighbour objecting to the proposals. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.

## CONCLUSIONS AND REASONS FOR RECOMMENDATION

(34) In my opinion the proposal, as amended, is in accordance with adopted Policy and will result in no significant detrimental impacts on neighbours or the wider street scene.

### **RECOMMENDATION:**

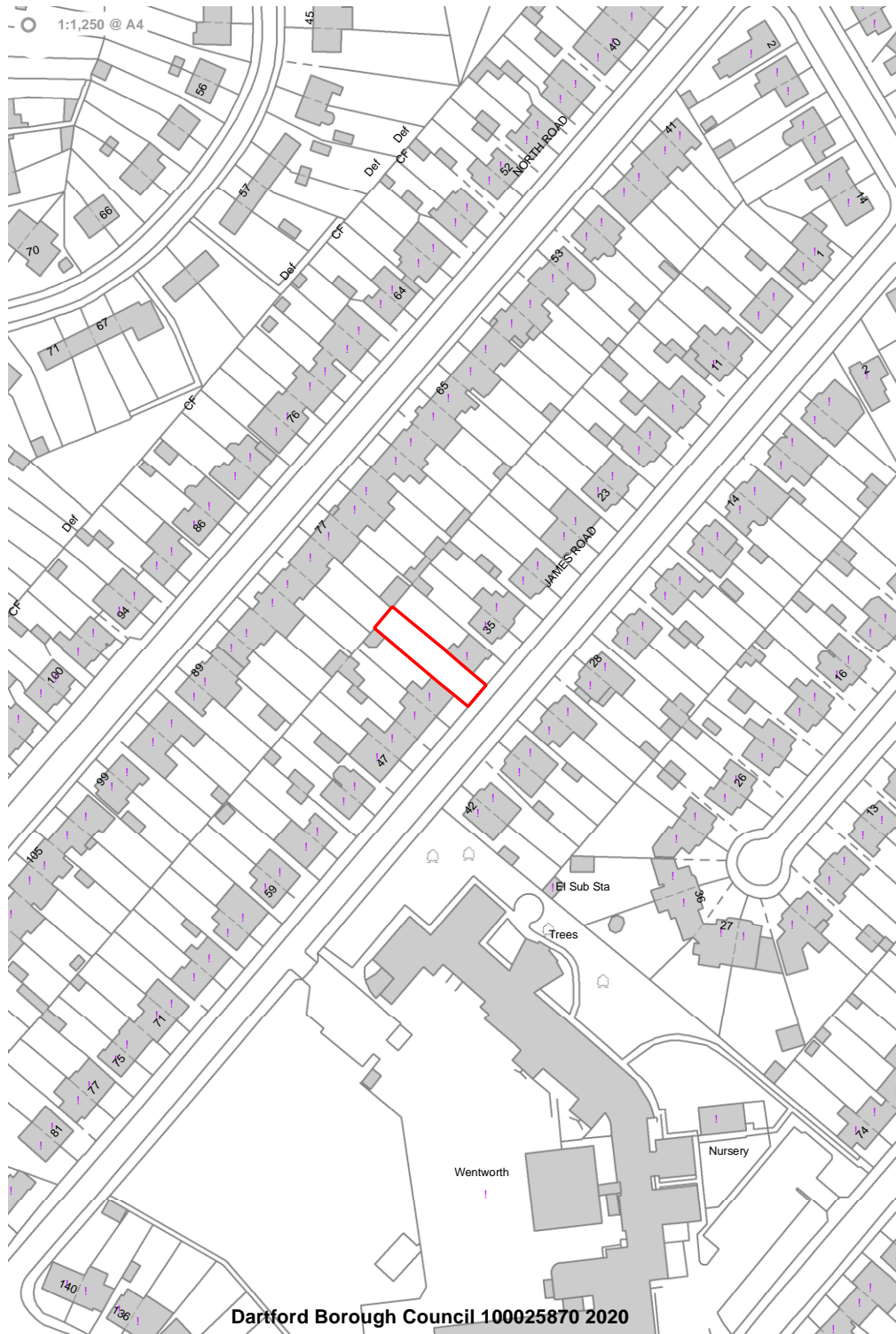
Planning permission is granted for the reasons set out above and subject to the following conditions.

#### Conditions:

- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 01 In pursuance of Section 91(1) of the Town and Country Planning Act 1990.
- 02 The development shall be carried out in accordance with the following plans and documents: JRP.1; JRP.2; JRP.3; JRP.4 R1; JRP.5; JRP.6R1; JRP.7R1; JRP.8R1; JRP.9
- 02 For the avoidance of doubt and to ensure a satisfactory form of development.
- 03 All materials used externally shall match those of the existing building in colour and texture unless otherwise agreed in writing by the Local Planning Authority.
- 03 To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality in accordance with Policy DP2 of the adopted Dartford Local Plan.

### **INFORMATIVES**

- 01 It appears that this development involves work close to a boundary, which may come under the terms of the Party Wall etc. Act 1996. If it does, you will need to serve notice on your neighbour before undertaking any work. It would therefore be advisable for you to ensure that you meet any requirements of the Act before starting any work.



<b>Application No.:</b>	20/00531/FUL
<b>Address :</b>	39 James Road Dartford Kent DA1 3NE
<b>Date:</b> 26 August 2020	<b>Scale:</b> Not to Scale