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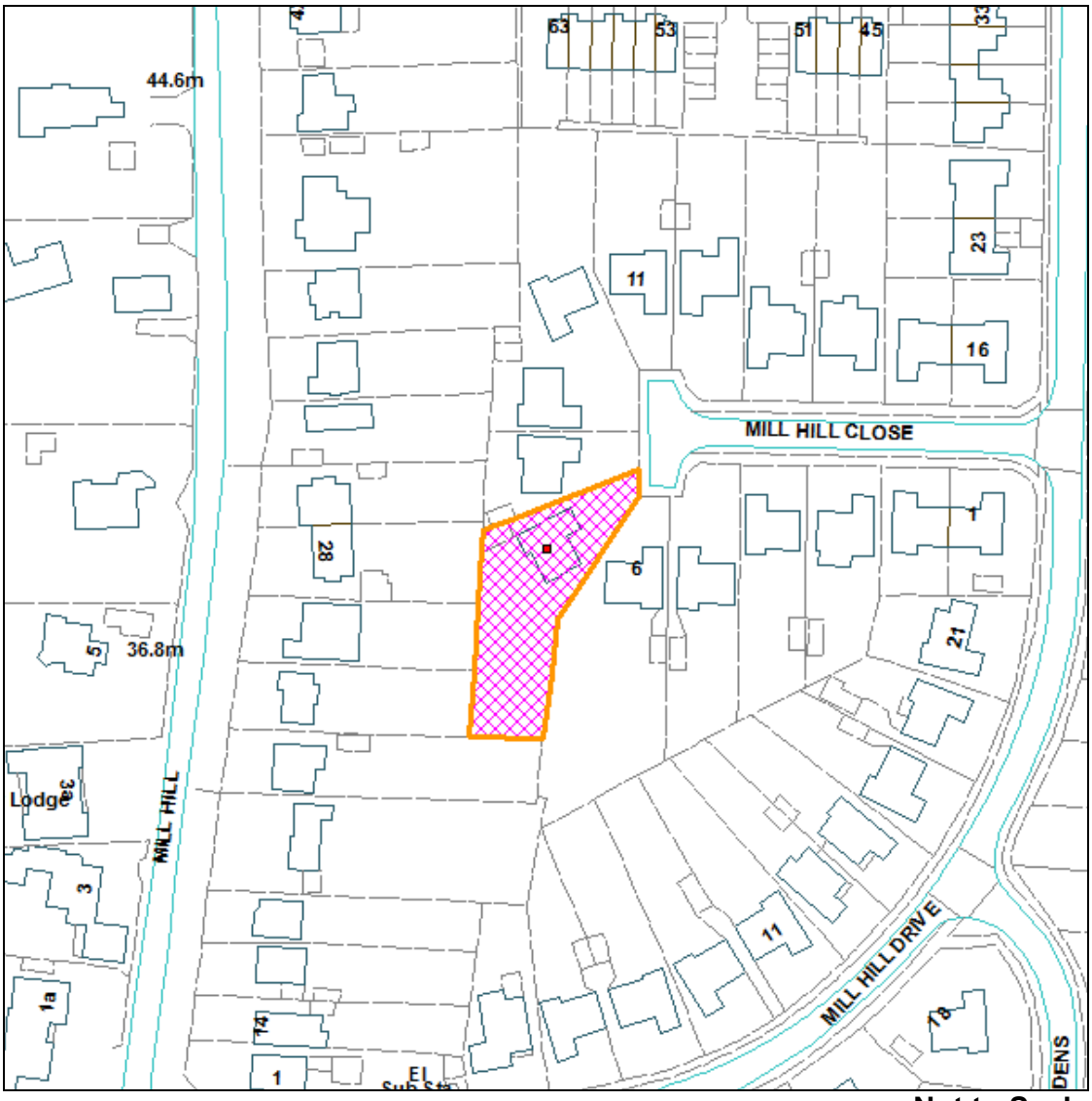
Application Number: AWDM/1682/18 **Recommendation: APPROVE**

Site: **7 Mill Hill Close, Shoreham-By-Sea**

Proposal: **Retention of single-storey rear extension and dormer roof extension to west elevation (retrospective)**

Applicant: Mr O'Neill Ward: Buckingham
Case Officer: Gary Peck



Not to Scale

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Proposal

This application seeks retrospective permission for the retention of a single storey rear extension and roof alteration incorporating a flat roofed dormer window in the rear roofslope.

The application is retrospective as works have already commenced but not completed pending the determination of the application

Site & Surroundings

The application site sits at the western end of Mill Hill Close, a cul de sac accessed via Mill Hill Drive. The subject property is a bungalow positioned at an angle to much of the surrounding development because of its position at the end of the cul de sac and consequently the rear of the property faces in a south westerly direction. The neighbouring properties in the cul de sac are number 6, which has a quite large extension running along the mutual boundary and to the north is number 8 which has a small dormer in its rear roofslope, number 9 which is further to the north has a more substantial roof addition. The subject property has a larger garden area than its neighbours to the north and because of the angle of the siting of the property, the garden is situated to the south.

To the west are properties in Mill Hill and numbers 26 and 28 are clearly visible from within the application site as the mutual boundary consists largely of a low brick wall which does not appear to be much over a metre in height. There are some large trees on the mutual boundary, but these have high crowns and were not in leaf at the time of the site visit meaning that this property, a chalet bungalow with a small rear dormer (understood to serve a landing) and conservatory to the rear, was clearly visible despite the trees. To the north of this property are numbers 28 and 30 Mill Hill a pair of semi detached houses. While 28 is also visible from within the application site, the angle of the subject property and some boundary screening means that number 30 is far less visible.

Relevant Planning History

None relevant

Consultations

No comments received

Representations

2 letters of objection and 1 letter of comment have been received on the following grounds:

- The Council originally advised that planning permission was not required – either this was incorrect or the applicant did not advise the Council of his true intentions
- Suffered through the summer with noise and disturbance from the building works
- The upstairs windows of the development now look directly into the rear of the neighbouring property to the rear resulting in a loss of privacy
- As the works are nearly complete, the Council will not take any notice of concerns raised
- The description of the application as 'retention of single storey extension' is incorrect. A dormer has also been added and as the dormer extension and single storey extension link together and the works have been carried out as a single operation, then the dormer also requires planning permission
- Although the dormer would have been permitted development if it had been constructed on its own, such developments can still be harmful particularly given the layout of the properties
- Changes to the permitted development criteria were made with the need to respect neighbour amenity in mind
- The dormer has introduced new windows directly overlooking and in close proximity to rear gardens which were not previously overlooked at all
- The property no longer has an adequate garden depth
- The dormer window could have been located to the front of the property where it would have had less harm

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Policy 15

Development Management Standard No2 Extensions and Alterations to Dwellings

National Planning Policy Framework (CLG 2018)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The works are to the rear of the subject property and therefore not apparent from the public viewpoint. Because of the angle of the subject property, there is also little impact upon the immediately neighbouring properties in Mill Hill Close and therefore the main issue in the determination of the application is the impact of the proposal upon numbers 26 and 28 Mill Hill.

The circumstances relating to this application are a little unusual in that a complaint was initially received by the Council relating to the initial construction of a rear dormer which was the first part of the proposal to be erected. Upon investigation, it was found that the cubic volume of the dormer was in itself within permitted development rights and hence the complaint file was initially closed.

The applicant then began to construct a single storey extension about which a further complaint was received. Following investigation, it was found that planning permission was required since the depth of the extension was greater than 4 metres (it being just under 5 metres in depth).

The application was therefore originally submitted for the retention of the single storey extension. However, as the extension joins onto the dormer, the latter is subject to the following requirement as set out in the DCLG Technical Guidance relating to Permitted Development Rights for Householders:

In order to be permitted development, a proposal must meet all the limitations and conditions under each Class relevant to the proposal. It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.

For example, where a proposed two storey extension at the rear of a house has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A (which covers the enlargement of the house) and Class C (which covers any alterations to the roof) in order to be permitted development. If the works also include the creation of a dormer window to enlarge the roof space, either in the extension or the original roof space, then they would also need to meet the requirements of Class B.

In essence, the above means that because the ground floor extension is not permitted development and joins onto the dormer, the latter requires planning permission as well, even though had it been constructed on its own, permission would not have been required.

The single storey extension is considered to be acceptable. While extending quite deeply into the part of the garden in which it is situated, the substantial garden area to the south means there is still sufficient amenity space to serve the property. The host dwelling angles away from its neighbour to the north, while the properties in Mill Hill Close are sited well in excess of 20 metres distant from the extension.

The main issue is therefore the dormer as it introduces accommodation at first floor level where previously there was none. Rear dormers do not normally require planning permission although many of them can be unsightly in appearance and overlook neighbouring properties to an extent that can affect their amenity. There are numerous examples of such dormers in Mill Hill Close and Mill Hill Drive to the east which would not have required planning permission since the area consists predominantly of chalet bungalows where such roof extensions are commonplace. The generally larger dwellings in Mill Hill to the west have fewer examples, and where there are additions to the roof such as at number 26 which faces the site, these are much smaller in size and so subservient to the overall roofslope.

The dormer which is part of the application cannot be described as subservient to the roofslope given that it takes the majority of the roof. As such, it does not represent a high quality of development but given there are many such examples across the District and it cannot be seen from the public viewpoint means that it would be difficult to justify a refusal on design grounds alone.

The effect on neighbours is therefore the key issue and it is evident that the dormer does offer a clear view to neighbouring properties rear gardens and windows. However, the distance between the respective windows exceeds 30 metres and therefore well above the Council's standard of 22 metres. The overlooking effect is perhaps exacerbated by the relatively open boundary between the respective properties but this also means that the windows and rear gardens of the neighbouring properties were clearly visible from the rear garden of the host dwelling, albeit that overlooking from a rear garden could be considered as somewhat different to overlooking from a physical building operation at first floor level. In this respect, it is therefore considered difficult to demonstrate material harm in additional overlooking as a result of the proposal. However, it is considered that some additional boundary screening could mitigate the impact upon the garden and ground floor windows of numbers 26 and 28. This could be secured by condition.

The fallback position is also relevant in the determination of the application. Were the application to be refused, and enforcement action pursued, it is possible that the applicant could remove or amend the single storey extension with the consequent result that the dormer could then remain as permitted development (as was the original position at the start of the construction of the development). This would not lead to any improvement in the amenities of the neighbouring properties, therefore.

Your officers do not believe there was any deliberate intent from the applicant to flout planning regulations although it appears there was little prior dialogue with neighbours regarding the works which is always to be encouraged where possible. However, on the strict planning merits of the proposal, it is not considered there is sufficient justification to resist the application and accordingly approval is recommended.

Recommendation

To GRANT planning permission

Subject to Conditions:-

01 Approved Plans
02 Details of screening to be submitted and approved by the LPA