

Item No. 14

APPLICATION NUMBER	CB/14/02527/FULL
LOCATION	20 Phoenix Close, Leighton Buzzard, LU7 3YW
PROPOSAL	Erection of first-floor rear extension (revised scheme CB/14/01075/FULL).
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Debbie Willcox
DATE REGISTERED	27 June 2014
EXPIRY DATE	22 August 2014
APPLICANT	Mr & Mrs Honey
AGENT	Mr Rosser
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Shadbolt for the following reason: Due to siting, bulk and proximity to neighbouring boundary, appears over intrusive and overbearing to Nos 7 and 8 Hydrus Drive.
RECOMMENDED DECISION	Full Application - Granted

Summary of Recommendation

The proposed extension would be appropriately subservient to the subject dwelling and would not dominate the rear of the property; it would complement and harmonise with the subject dwelling and its surroundings. The increased separation distances and reduced height and width of the extension compared to the previously refused, larger scheme would prevent it from causing an unacceptable loss of privacy or creating an unacceptable sense of overbearing to neighbouring occupiers. The proposal would not result in any parking problems or highway safety issues. It is therefore considered that the proposal would be in conformity with the National Planning Policy Framework, Policies BE8 and H8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises the curtilage of a two storey detached dwelling located on the east side of Phoenix Close in Leighton Buzzard. To the east of the site are Nos. 6, 7 & 8 Hydrus Drive; the subject dwelling is set at a 45 degree angle to these properties.

The subject dwelling has an existing single storey rear extension spanning the full width of the dwelling and measuring 2.8m deep.

The Application:

The application seeks planning permission for a first floor rear extension. The extension would measure 5.5m wide by 2.8m deep and would have a hipped roof with a ridge height set 0.8m lower than the ridge height of the main roof of the dwelling. The extension would comprise an enlarged fourth bedroom and an en-suite bathroom.

The application is a revision of application no. CB/14/01075/FULL, which was for a first floor rear extension also measuring 2.8m deep, but measuring 8.3m wide, the full width of the dwelling. This application was refused for the following two reasons:

1) The proposed development would, because of its siting, bulk and proximity to the neighbouring boundary appear unduly obtrusive and overbearing to the occupiers of Nos. 7 & 8 Hydrus Drive and result in an unacceptable loss of privacy to the occupiers of No. 7 Hydrus Drive. The proposal is therefore contrary to the principles of good design as set out in national guidance within the National Planning Policy Framework and to Policies BE8 and H8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

2) The proposed extension would, because of its size and lack of subservience to the main dwellinghouse, appear unduly dominant and thus inappropriate in design, harmful to the visual amenities of the rear garden environment and of nearby residents. The proposal is therefore contrary to the principles of good design as set out in national guidance within the National Planning Policy Framework and to Policies BE8 and H8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

The current application proposes an extension that would be positioned 2.8m further away from the eastern boundary of the site than the previous application and with a reduction in the height of the proposed extension of 0.65m.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H8 Extensions to Dwellings

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H8 are still given significant weight. Policy T10 is afforded less weight).

Development Strategy for Central Bedfordshire Revised Pre-Submission Version (May 2014)

Policy 27: Car Parking

Policy 43: High Quality Development

(Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in October 2014.)

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 4: Residential Extensions and Alterations, 2010

Planning History

SB/99/00823 - Planning permission granted for erection of single storey front extension and rear conservatory

SB/00/01112 - Planning permission refused for erection of two storey side extension

SB/08/00874 - Planning permission granted for erection of single storey rear extension to replace existing conservatory and erection of pitched roof over front projection

CB/14/01075/FULL - Planning permission refused for erection of first floor rear extension - Appeal decision pending

Representations:

(Parish & Neighbours)

Leighton-Linslade Town Council

Recommends that the application be refused on the following grounds:

- the proposed development is overbearing and unwieldy and would have a detrimental impact on those residents residing at 7 & 8 Hydrus Drive.

Neighbours (Nos. 7 & 8, Hydrus Drive).

Object to the application for the following reasons:

- Any further extension to the subject dwelling would be overdevelopment.
- The proposed extension would be bulky, obtrusive and overbearing.
- The two new windows would not match the existing windows.
- The new roof would not be subservient and would not blend in as it would have a different pitch. It would look like an 'add-on'.
- The extension would close the gap between the subject dwelling and No. 21 Phoenix Close as viewed from No. 8 Hydrus Drive, resulting in a loss of light to No. 8.
- The extension would not comply with the 45 degree rule.
- The proposed extension would compromise the privacy of Nos. 7 & 8 Hydrus Drive as the new windows would overlook the gardens and rear elevations of Nos. 7 & 8.

Consultations/Publicity responses

Buckingham and River No comments.

Ouzel Internal Drainage Board

Determining Issues

The main considerations of the application are;

- 1. Design Considerations**
- 2. Impact on Residential Amenity**
- 3. Parking and Highway Safety**

4. Other Issues

Considerations

1. Design Considerations

The proposed extension which was refused under application reference no. CB/14/01075/FULL was refused partly on design grounds, because it was considered that the extension would not have been appropriately subservient to the subject dwelling and would dominate the rear of the property. The current proposal is both narrower and lower than the previously refused proposal and the resultant mass of the current proposal is significantly lessened from the previous proposal. It is considered that the revised proposed extension would now appear appropriately subservient and as an addition in a supporting role to the subject dwelling, as required by the Design Supplement 4 of the Central Bedfordshire Design Guide and would not dominate the rear of the property.

The comment of the neighbours regarding the proposed new windows and the angle of the rear roof slope of the proposed extension have been noted, and a revised plan has been received, showing the proposed new windows matching the existing windows and the rear roof slope of the extension to have the same same angle of pitch as the main roof. It is now considered that the proposal would complement and harmonise with the subject dwelling and its surroundings.

It is therefore considered that the revised proposal would conform with policies BE8 and H8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

2. Impact on Residential Amenity

The property is positioned at a 45 degree angle to the properties in Hydrus Drive, which are located at the rear of the application site.

As a result, the rear elevations of Nos. 7 & 8 Hydrus Drive face the rear corner of the subject dwelling and have views of the flank walls of the subject dwelling and the neighbouring dwelling at No. 21 Phoenix Drive.

The previous application was refused partly because it was considered that the proposed extension would appear unduly obtrusive and overbearing when viewed from Nos. 7 & 8 Hydrus Drive and would result in an unacceptable loss of privacy to the occupiers of No. 7 Hydrus Drive.

The rear gardens of Nos. 7 & 8 Hydrus Drive are not particularly deep, measuring approximately 11m in depth. The previous extension would have been only 3m from the rear boundaries of Nos. 7 & 8 Hydrus Drive and, on balance, it was considered that this would have resulted in the creation of an unacceptable sense of overbearing to the occupiers of Nos 7 & 8 Hydrus Drive. The extension would have visually closed an existing gap between the subject dwelling and No. 21 Phoenix Close, as viewed from Nos. 7 & 8 Hydrus Drive and it was considered that this would have exacerbated this sense of overbearing to the occupiers of these neighbouring properties.

As a rule of thumb, an unacceptably overbearing impact is created by a building which has a height greater than the separation distance from the neighbouring property; if the separation distance is greater than the height, then the impact is likely to be acceptable. As the roof of the revised proposed extension would hip away from the neighbours at an angle of less than 45 degrees, the appropriate height calculation would be the eaves height of the proposed extension, which would be 5m. The separation distance from the rear boundary of the neighbouring properties to the nearest point of the proposed extension would be approximately 5.2m and therefore the separation distance would be greater than the height of the extension as viewed from the rear boundary of the gardens of Nos. 7 & 8. The extension would be approximately 16m from the original rear walls of Nos. 7 & 8 Hydrus Drive.

The proposed extension would still result in the closure of the visual gap between the subject dwelling and No. 21 as viewed from Nos. 7 & 8 Hydrus Drive, however, at a lower height and to a lesser extent due to the reduction in the height and massing of the proposed extension. Whilst it is considered that this closure of the gap would result in the creation of a small sense of enclosure to the occupiers of the neighbouring properties, on balance, given the increased separation distances and the reduced height of the extension, it is considered that the revised proposal would not create an unacceptable sense of overbearing to the occupiers of Nos. 7 & 8 Hydrus Drive.

The closing of the gap would result in the loss of a small period of direct late afternoon winter sunshine to the occupiers of No. 7 & 8 Hydrus Drive, however, the separation distances would prevent any material loss of light being caused to the occupiers of these neighbouring properties.

The Central Bedfordshire Design Guide requires back-to-back distances of 21m between the rear elevations of dwellings to ensure the provision of a suitable degree of privacy. The previous proposal had a separation distance of only 17.5m between the nearest window of the proposed extension and the rear windows of No. 7 Hydrus Drive. However, the revised proposal now includes only two windows, the nearest of which would serve an en-suite and therefore could be obscure glazed. The proposed bedroom window would have only very oblique views of No. 7 Hydrus Drive and no views of No. 8 Hydrus Drive and would be 21m away from the rear elevation of No. 7 Hydrus Drive. Therefore, subject to a condition requiring that the en-suite window be obscure glazed, it is considered that the proposal would not result in an unacceptable loss of privacy to the occupiers of Nos. 7 or 8 Hydrus Drive.

On balance, it is considered that the revised proposal would not result in an unacceptable loss of amenity to the occupiers of Nos 7 & 8 Hydrus Drive, or other neighbouring occupiers, and therefore the proposal would be in accordance with policies BE8 and H8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

3. Parking and Highway Safety

The proposal would not result in an increase in the number of bedrooms at the

property or impact upon the parking provision on the site. It is therefore considered that the proposal would have no impact upon parking provision or wider highway safety.

4. Other Issues

Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises no issues under the Equality Act 2010.

Recommendation

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.

(Policies BE8 & H8, SBLPR and Policy 43, DSCB)

- 3 The first floor window in the rear elevation serving the en-suite bathroom within the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To safeguard the privacy of occupiers of adjoining properties

(Policies BE8 & H8, SBLPR and Policy 43, DSCB)

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers RM 13 / 196.1 C.

Reason: To identify the approved plan and to avoid doubt.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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