

Item No. 10

APPLICATION NUMBER	CB/15/02323/FULL
LOCATION	18 Seamons Close, Dunstable, LU6 3EQ
PROPOSAL	Two Storey Side Extension
PARISH	Dunstable
WARD	Dunstable Watling
WARD COUNCILLORS	Cllrs Hollick & Young
CASE OFFICER	Debbie Willcox
DATE REGISTERED	26 June 2015
EXPIRY DATE	21 August 2015
APPLICANT	Miss Kary
AGENT	Kingswood Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Hollick for the following reason: Having had privacy for 14 years, the proposed 1st floor window will look straight into the lounge and front bedroom at 30, Seamans Close. It also affects no. 28 in a similar way.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposed extension would relate acceptably to the character and appearance of the area and would not have an unacceptable detrimental impact on the amenity of the occupiers of neighbouring dwellings. The parking provision is considered to be acceptable and it is not considered that the proposal would have a detrimental impact on highway safety. The proposal is therefore considered to be in accordance 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 a detached bungalow with rooms in the roof, located on the north east side of the cul-de-sac of Seamons Close in Dunstable. Currently the two first floor rooms are lit by windows in the flank elevations within the bungalow.

The dwelling has an existing single storey side extension with a flat roof, which measures 6.2m wide and runs the full depth of the dwelling.

At the rear of the plot is a detached garage and parking for a further two vehicles on a hardstanding in front of the garage.

The Application:

The application seeks planning permission to demolish the existing single storey side extension and to construct a two storey side extension in its place. The proposed extension would measure 6.4m deep by 6m wide and would have front and rear facing gables with a ridge the same height as the existing ridge of the main roof of the bungalow. The front and rear elevations would have windows at ground and first floor. The extension would comprise a hall, sitting room and shower room on the ground floor and two bedrooms on the first floor. One of the existing

bedrooms would be converted into a bathroom.

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 (June 2014)

Policy 27: Car Parking

Policy 43: High Quality Development

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 7: Householder Alterations and Extensions, 2014

Relevant Planning History:

Application Number SB/93/00232/FULL

Description Erection of first floor side extension and front window

Decision Planning permission granted

Decision Date 20/04/1993

Status Extension not constructed, planning permission lapsed.

Consultees:

Dunstable Town Council No objection.

Other Representations:

Nos. 28 & 30 Seamons Close Object to the proposal for the following reasons:

Close

- The proposal would introduce a first floor front window which would overlook the front rooms of Nos. 28 & 30 Seamons Close, causing a loss of privacy;
- There would be noise and dust during the construction period, which would be very disruptive and unpleasant;
- The houses which were built at the back of 18

Seamons Close have blocked views of Dunstable Downs;

- The applicant also owns the house at the rear and the proposed first floor window is at the front to avoid a loss of privacy to her other house;
- The planning office previously advised that any development within the locality should be kept at bungalow height;
- The extension may extend into the vacant plot of No. 16;
- Why does a single lady need three bedrooms?

Determining Issues:

- 1. Impact on the Character and Appearance of the Area**
- 2. Amenity Considerations**
- 3. Highways Considerations**
- 4. Other Considerations**

Considerations

1. Impact on the Character and Appearance of the Area

1.1 It is considered that the proposed extension would relate acceptably to the subject dwelling in scale and design and would represent an aesthetic improvement on the single storey, flat roofed side extension that it would replace. While it would not be subservient to the subject dwelling, it is considered that, based on the design and scale of the existing property, the proposal would represent an appropriate design solution in this instance.

1.2 While the majority of dwellings within the streetscene are single storey or comprise chalet bungalows with dormer windows within the roof slope, it is noted that the neighbouring property at No. 20 has previously had a two storey side extension and therefore the proposed extension would not look out of character within the streetscene.

1.3 It is therefore considered that the proposal would have an acceptable impact on the character and appearance of the area and would thus be in accordance with policies BE8 & 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. Amenity Considerations

2.1 The proposed extension would be located 9m away from the closest neighbouring occupier at No. 14 and therefore would not result in any loss of light or the creation of a sense of overbearing from the extension to the occupiers of No. 14. The existing first floor window that faces No. 14 would be removed and no first floor windows are proposed that would face No. 14.

2.2 The neighbouring occupiers at No. 20 would not be affected by the proposal as the extension would be located on the other side of the existing dwelling.

2.3 The proposal would introduce a first floor window facing the front elevation of Nos. 28 & 30, which are located across the road from the application site. It is noted that the window would be located between 22m and 23m away from the front windows of these properties. Design Supplement 7 states that a

recommended distance of 21m between the habitable rooms of houses which directly face each other is normally required to avoid overlooking and protect neighbouring amenity.

- 2.4 It is noted that a number of dwellings within Seamons Close have similar relationships with first floor windows, including the relationship between Nos. 20 and 26. The previous planning permission, reference no. SB/93/00232/FULL, which was not implemented and has expired is still a material planning consideration. This consent granted planning permission for the installation of a dormer window in the front roof slope, which would have had the same impact on privacy as the current proposal.
- 2.5 Given the separation distance involved, the guidance within the Council's Design Guide, the existence of similar relationships within the immediate vicinity and the previous planning permission, it is considered that the proposal would not have an unacceptable impact on the privacy of the occupiers of Nos. 28 and 30 Seamons Close.
- 2.6 In response to the other comments from neighbouring occupiers, the following points are made:
- 2.7 It is acknowledged that construction activities are typically disruptive to neighbouring occupiers. However, these activities will be temporary and in themselves are not considered to be a sufficient reason to refuse a planning application.
- 2.8 The impact of the construction of new dwellings at the rear of the site is not a material planning consideration in the determination of this application.
- 2.9 The proposal includes the installation of a first floor rear facing window.
- 2.10 No pre-application advice was given on this proposal prior to the submission of the application. No evidence has been found of advice stating that future development should be kept at bungalow height. The proposed extension would not exceed the height of the existing bungalow and would not be the first two-storey element to be introduced within the streetscene.
- 2.11 The site includes the plot of No. 18 and the plot that previously formed No. 16, which have been amalgamated. The proposed extension would not increase the footprint of the existing dwelling as it would replace an existing single storey side extension.
- 2.12 The motives of the applicant are not a material planning consideration in the determination of this application.
- 2.13 It is considered that the proposal would not result in an unacceptably detrimental impact to the amenity of neighbouring occupiers and thus would adhere to policies BE8 & H8 of the South Bedfordshire Local Plan Review.

3. Highways Considerations

- 3.1 The proposed extension would increase the number of bedrooms at the property from two to three. The Council's parking standards for dwellings with

three bedrooms require the provision of a minimum of two parking spaces and a suggested provision of three parking spaces. The site currently has three parking spaces, which would be unaffected by the proposal and it is therefore considered that the proposal would not have a material impact on the safety or capacity of the surrounding highway network.

4. Other Considerations

4.1 Human Rights issues:

The proposal raises no Human Rights issues.

4.2 Equality Act 2010:

The proposal raises no issues under the Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1913-PL-100, 1913-SU-001, CBC/001, CBC/002.

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

Notes to Applicant

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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

- 4. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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) Order 2015.

DECISION

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