

**PLANNING COMMITTEE SOUTH – 27 AUGUST 2019**

**APPLICATION** DC/19/1863/FUL

**EXPIRY DATE** 27 August 2019

**APPLICANT** Mr Thomas White

**ADDRESS** 1 Church Road, Felixstowe, Suffolk, IP11 9NF

**PROPOSAL** Construction of single storey side and rear extensions.

**CASE OFFICER** Rachel Lambert

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**DC/19/1863/FUL - 1 Church Road, Felixstowe, IP11 9NF**

**DO NOT SCALE** SLA100019684

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## **1. EXECUTIVE SUMMARY**

- 1.1 The proposal seeks to construct a single storey side and rear extension.**
- 1.2 This item has come before Members via the referral process to allow the concerns regarding the impact on the neighbouring residential property to be debated.**
- 1.3 Felixstowe Town Council and the neighbouring resident have objected to the proposal on grounds of cramped form of development and overshadowing neighbouring properties.**
- 1.4 The concerns raised are noted, however, Officers consider that the proposed scheme is not considered significant or demonstrably harmful and is acceptable. The application is recommended for approval subject to conditions.**

## **2. SITE DESCRIPTION**

- 2.1. The site is located at No. 1 Church Lane, Felixstowe and comprises a two storey semi detached residential dwelling, with the attached dwelling sited to the north. The attached property (3 Church Road) is of the same form and similar in appearance, with a single storey conservatory to the rear.
- 2.2. The site is located within the physical limits boundary of Felixstowe. The surrounding environment is predominately residential, comprising a mix of detached and semi detached dwellings.
- 2.3. Located on the corner of Church Road and High Road East, the overall site area is approximately 607 sq. metres. It is constrained by its shape, which tapers into a width of approximately 2.5 metres some 11 metres from the rear of the property and then comprises an area of 279 sq. metres, which is rectangular in form. Positioned at an angle to the neighbouring dwelling that lies to the south-east (131 High Road East), there is a separation distance of approximately 4 metres from the northern corner of 131 High Road East to the south eastern corner of the subject dwelling.
- 2.4. There are no known environmental constraints on site.

## **3. PROPOSAL**

- 3.1. This application seeks full planning permission for the construction of a single storey side extension to the southern elevation serving the hall/stairwell, extending from the side wall of the original dwelling by approximately 1.5 metres, and for the erection of a single storey rear extension serving a kitchen/diner, extending from the rear wall of the original dwelling by approximately 7 metres.
- 3.2. This application was originally submitted seeking planning permission for a two storey side and rear extension. During the course of the application the plans have been revised, reducing the proposed rear extension from two-storey to single-storey.

Felixstowe Town Council and the neighbouring properties were reconsulted on the revised plans.

#### **4. CONSULTATIONS/COMMENTS**

4.1. Felixstowe Town Council: Objection, stating:

*“Committee recommended REFUSAL. It is an extremely cramped form of development. The 2-storey extension will significantly overshadow the neighbouring semi-detached property to the north with a 2-storey erection only some 9m approximately from the rear windows of the neighbouring property to the south at 131 High Road East.”*

(Note: Comments are based upon the originally submitted plans, no comments were received on the revised plans.)

4.2. Third Party Representations: One letter of objection received raising the following matters:

- Single storey extension will still cause deprivation of natural sunlight to the rear of the property (3 Church Road); and
- Concerned about potential damage/disturbance to foundations and conservatory windows at the neighbouring property.

#### **5. PUBLICITY**

5.1. None required due to the nature of the application.

#### **6. SITE NOTICES**

6.1. The following site notice has been displayed at the site:

Site notice type	Reason	Date posted	Expiry date
General Site Notice	General Site Notice	14.05.2019	05.06.2019

#### **7. PLANNING POLICY**

7.1. National Planning Policy Framework (2019).

7.2. East Suffolk - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

- SP1 Sustainable development;
- SP1A Presumption in favour of sustainable development;
- DM21 Aesthetics; and
- DM23 Residential amenity.

7.3. Felixstowe Peninsula Area Action Plan Development Plan Document (January 2017) policies:

- FPP2 Physical limits boundaries

7.4. Supplementary Planning Guidance 16: House Extensions and Alterations.

7.5. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday, 29 March 2019, with the Examination to take place in August 2019. Full details of the submission to PINS can be found through this link: [www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination). At this stage in the plan making process, the policies that received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The following policies are now considered to have some weight in determining applications; these have been referenced where applicable:

- SCLP 11.1 – Design Quality
- SCLP11.2 – Residential Amenity

## **8. PLANNING CONSIDERATIONS**

### Principle of development

8.1. Permitted development rights as defined in Part 1 of Schedule 2 of the General Permitted Development Order (2015) (as amended) allow for certain alterations and additions to be made to the dwellinghouses, without the need for specific planning permission, where defined criteria are met.

8.2. The permitted development rights in Class A of Part 1 of Schedule 2 of the above Order, would allow for a single-storey side extension on this property to be erected without the need for specific planning permission, provided that it is no wider than half the width of the original dwelling; the maximum height would not exceed 4 metres; and if within 2 metres of a boundary, the eaves are no higher than 3 metres. There is also a requirement for the external materials to be of a similar appearance to those on the exterior of the existing dwelling house.

8.3. In the view of officers, the proposed side extension meets the above criteria, and therefore could potentially be added to the property, without the need for specific planning permission.

8.4. The permitted development rights in Class A of Part 1 of Schedule 2 of the above Order would also allow for the erection of extensions to the rear of the property. In terms of a single-storey extension, an addition with a depth of between three metres and six metres could be added to this property, subject to the Householder Prior Notification procedure. Such an addition would need to be less than four metres in height, and if within 2 metres of a boundary, the eaves are no higher than three metres. There is also

a requirement for the external materials to be of a similar appearance to those on the exterior of the existing dwelling house.

- 8.5. The proposed rear extension would exceed the permitted development depth by one metre. Therefore, it requires planning permission. However, the proposed rear addition would comply with all other permitted development requirements, as it does not exceed four metres in height (3.8 metres) and does not exceed the maximum eaves height of three metres (2.5 metres). The site is not located on Article 2(3) land nor on a site of special scientific interest.
- 8.6. Therefore, in determining this application, consideration can only reasonably be related to the additional one metre in depth of the rear addition, and any resulting material planning impacts.

#### Visual Amenity

- 8.7. Whilst the proposed side extension, does not appear to require planning permission, it is of a scale that is subservient to the host dwelling and would not otherwise seriously detract from the character of the surroundings. It therefore complies with adopted planning policy and is considered acceptable in terms of visual amenity.
- 8.8. Although not viewed from the street scene, the rear extension will comprise rendered elevations, white upvc windows and doors, and a tiled roof – as stated within the original application form. The materials proposed will compliment and be visually similar to the existing dwelling. Therefore, it is considered that the design and appearance of the rear extension would not seriously detract from the character of the surroundings.
- 8.9. The proposal is deemed in accordance with Policy DM21 (Design: Aesthetics) of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013).

#### Residential amenity

- 8.10. As the proposed additions are both single storey, there are no concerns regarding overlooking or loss of privacy to the adjacent properties.
- 8.11. The single storey scale of the proposed side extension would not lead to overdominance or overshadowing effects. Moreover, the southern elevation does not comprise windows, ensuring that there are no adverse residential amenity effects relating to outlook and loss of privacy to the neighbouring property (131 High Road East). It therefore complies with adopted planning policy and is considered acceptable in terms of residential amenity upon that dwelling.
- 8.12. Due to the shape and overall size of the site, both extensions will be closely located to the southern boundary, with a setback of less than one metre. Although narrow, access to the rear of the site is retained, and the scale of the extension would allow for the retention of sufficient outside amenity space for the current and future occupiers.

- 8.13. In terms of the potential impact of the rear extension upon overshadowing or access to daylight/sunlight, the impacts to the attached neighbouring dwelling would be limited due to the height of the extension (3.8 metres reducing to 3.3 metres after extending five metres from the rear elevation).
- 8.14. In order to assess potential impacts upon daylight and sunlight from rear extensions, the 45 degree test, as defined in Supplementary Planning Guidance 16: House Alterations and Extensions (2003) is used. This test is based upon 'BRE Report Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (1991)'. If an extension would result in a 45 degree line covering more than fifty percent of a window on the rear elevation of the neighbouring dwelling on both the vertical and horizontal plan, it would fail this test, and therefore result in a significant loss of light.
- 8.15. As the neighbouring property (3 Church Road) already has a single-storey rear conservatory at the rear, the 45 degree test is undertaken on the rear glazing of this element as a whole, rather than individual windows. When measured along the horizontal plain, the proposal would result in more than fifty percent of the glazing being covered by the 45 degree line. However, in order to be unacceptable, the scheme has to also result in more than fifty percent of the glazing being covered by a 45 degree line on the vertical plain. When measured from the top of the parapet of the proposed rear extension (at height of approximately three metres) on the vertical plan, a 45 degree line would not cover more than fifty percent of the whole conservatory. Therefore the proposal passes the 45 degree light test.
- 8.16. Therefore it is considered that any effects to the loss of light to the neighbouring property would not be significant. Moreover, due to the nature of the conservatory, further access to daylight and sunlight is accessible via the polycarbonate/glazed roof.
- 8.17. The proposal is also not significantly larger than that which could be achieved using Permitted Development Rights, subject to prior notification. As there is a clear desire from the landowner to develop and maximise the value of the site is sufficient to demonstrate there is a real prospect to the Class A General Permitted Development Order (GPDO) fallback position in this case. Therefore, material weight to such fallback position is given.
- 8.18. The potential impact upon light to the attached neighbouring dwelling (No.3 Church Road) would not be significantly greater than that which could result from rear extension with a six metre depth of projection, constructed using permitted development rights. Therefore, the resulting impact of this proposal upon light to the adjoining property is insufficient to warrant refusal.

#### Other matters

- 8.19. The neighbouring property raises concerns regarding the proximity of the proposal to the boundary. As the development includes the construction of a wall or building on or close to a property boundary and likely to include excavations near a neighbouring

building, the provision of the Party Wall Act (1996) will apply. These matters are not considered a material consideration.

## **9. CONCLUSION**

9.1. Overall, the proposed single storey side and rear extensions would cause less than minor effects on the residential amenity of neighbouring properties and current/future occupants of the host dwelling - the application is, therefore, deemed in accordance with Policy DM21 (Design: Aesthetics) and Policy DM23 (Design: Residential Amenity) of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013).

## **10. RECOMMENDATION**

10.1. Approve subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act (1990) (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:
  - Site plan – received on 25 June 2019; and
  - Block plan, floor plans and elevations (drawing number: TMW/02/19 – Rev D) - received on 04 July 2019.

Reason: For avoidance of doubt as to what has been considered and approved.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity.

**BACKGROUND INFORMATION** Application file reference: DC/19/1863/FUL