

Case Officer: E Casper
Report Date: 12.09.2019

Application No: CHE/19/00481/FUL
Committee Date: 23.09.2019

ITEM 4

PROPOSED EXTENSION TO FRONT AND SIDE OF HOUSE AT 16 ROCKINGHAM CLOSE, CHESTERFIELD, S40 1JE FOR MR EYRE

Local Plan: Unallocated
Ward: West
Plot No: 2/184

1.0 CONSULTATIONS

DCC Highways	No comments received
Ward Members	No representations received
Neighbours and Site notice	4 letters from 2 neighbouring properties and 1 petition (signed by 6 different neighbouring properties)

2.0 THE SITE

- 2.1 The site subject of this application is situated on the west side of Rockingham Close highway, facing towards open playing fields to the east. The surrounding streetscene is formed of detached and semi-detached two storey dwellings.
- 2.2 The surrounding properties are largely similar in age and appearance to the host dwelling, principally characterised by dual pitched roofs with gable end forming the principle elevation. The surrounding properties are predominately faced in brick with some small areas of feature render and stone cladding.



2.3 Observation of the streetscene shows some variation, including single storey forwards projecting extensions and two storey side extensions. The property subject of this application was previously extended by way a single storey extension to the principle elevation (application reference CHE/0596/0241) and conservatory structure to the rear. Notwithstanding existing projecting single storey extensions, the street still retains a distinct character.

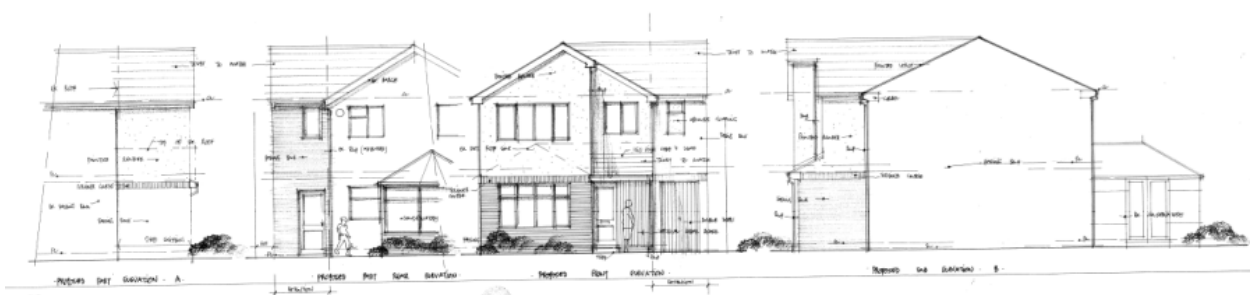
3.0 APPLICATION SITE PLANNING HISTORY

3.1 CHE/0596/0241 - Lounge hall and w.c. extension at 16 Rockingham Close – **CONDITIONAL PERMISSION (07.06.1996)**

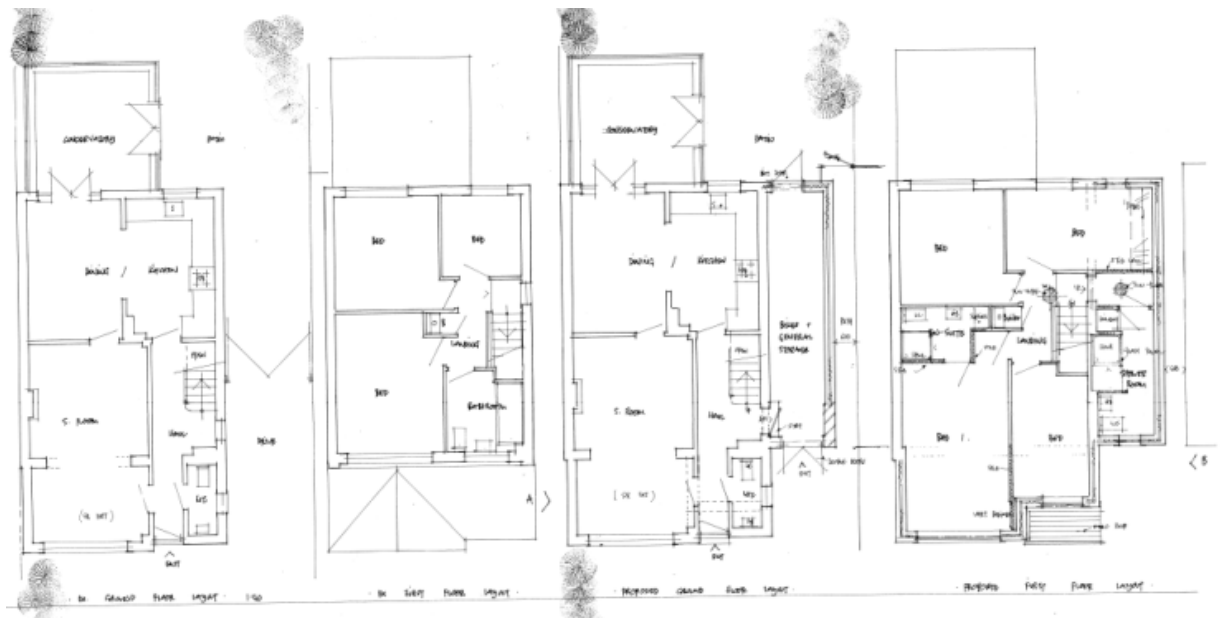
4.0 THE PROPOSAL

4.1 The application proposes the erection of a first floor extension to the principle elevation, above the footprint of the existing single storey extension and the erection of a two storey side extension (see proposed elevational drawings and floor plan layouts below).

Proposed Elevations (Drawing Number DSC.761.01)



Existing and Proposed Layout (Drawing Number DSC.761.01)



Proposed First Floor Extension

- 4.2 The proposed first floor extension has a maximum forwards projection of 2.25m and measures 5.6m in width overall. The proposal is stepped in design, partially set back by 1m from the building line at ground floor level with a small mono-pitch roof at ground floor level. The proposal seeks to extend the existing ridge line of the host dwelling (measuring 6.9m in height overall) and creating a 'stepped' gable to the principle elevation. The proposal will extend the existing eaves line, measuring approximately 5.2m in height. The application proposes facing the first floor extension in render and introducing a brick soldier course.
- 4.3 The proposed first floor extension will create a fourth bedroom and extend bedroom 1 to incorporate an en-suite bathroom. Each bedroom will be served by one window. The proposed window openings are shown within the principle (east) elevation and are similar in size and scale as the existing window arrangements at first floor (measuring 2.3m and 1.1m in width respectively).

Proposed Two Storey Side Extension

- 4.4 The proposed two storey side extension measures 1.8m in width and 7.3m in length. The extension is formed of a dual pitched intersecting roof and measures 6.9m to the ridge and 5.2m to the eaves. The proposal extends across the full length of the original host dwelling. A separation distance of 0.6m is proposed between the side (north) elevation of the extension and the side (south) elevation of No 18 Rockingham Close. The plans indicate that the proposed side extension would be faced in brick to match the host dwelling.
- 4.5 The ground floor layout of the proposed extension consists of general storage space, accessed by double doors within the principle (east) elevation and a separate access door within the rear (west) elevation. Internal access to the storage space will be taken from the hallway.
- 4.6 The proposed first floor layout incorporates the extension of the rear bedroom and the creation of a shower room. The shower room will be served by a single obscurely glazed window within the principle (east) elevation and a small secondary window is also proposed serving the rear bedroom extension within the rear (west) elevation.

- 4.7 The application is supported by the following plans/drawings;
- Existing ground and first floor layouts and proposed elevations, drawing number DSC.761.01 (dated August 2019)
 - Existing elevations, drawing number DSC.761.02 (dated August 2019)
 - Block plan
 - Site location plan
 - Application form

5.0 CONSIDERATIONS

5.1 Planning Policy

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

5.2 Chesterfield Local Plan: Core Strategy 2011 - 2031 ('Core Strategy')

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS18 Design

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- SPD 'Successful Places' (adopted July 2013)

5.4 Key Issues

- Principle of Development;
- Design of the Proposal;
- Impact on Neighbouring Residential Amenity;
- Highways Safety and Parking Provision;

5.5 Principle of development

- 5.5.1 The application site is positioned within a residential area wherein the principle of development, in particular works to a domestic property, is considered to be generally acceptable subject to consideration of policies CS2 and CS18 of the Core Strategy, as well as the wider objectives of the NPPF.

5.6 Design of the Proposal

- 5.6.1 Core Strategy Policy CS18 states that *'All development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials;*
- 5.6.2 The Council's adopted 'Successful Places – A Guide to Sustainable Housing Layout and Design' supplementary planning document is also a material consideration
- 5.6.3 The host dwelling is situated on the west side of Rockingham Close highway. The surrounding streetscene is predominately formed of two storey detached and semi-detached dwellings of similar age and character, in particular Nos 6 to 16 have a distinct character and building pattern. The gable end design of the properties is a key visual feature (see photographs below).
- 5.6.4 It is acknowledged that the existing single storey extension to the principle elevation of No 18, intrudes within the streetscene. The presence of the existing extension is not considered to be acceptable rationale to further compound the visual impacts by introducing a two storey extension to the principle elevation.
- 5.6.5 The proposed materials for the first floor extension are indicated to be render. The surrounding streetscene on Rockingham Close is predominately characterised by facing brick with some examples of feature render, stone and general aesthetic variation. The wider streetscene does feature rendered properties but this is not the character of the immediate streetcene.

5.6.6 The proposal seeks to render the entire first floor of the projecting extension which would as a result be unduly dominant. The proposed first floor extension therefore fails to respond to the site context by virtue of its appearance, design and materials. The extension would further disrupt the character and pattern of the street by introducing an incongruous feature which would be unduly dominant, adversely impacting the visual amenity and character of the area.

5.6.7 The proposed two storey side extension is in line with the original building line of the host dwelling, although it is set back from the projecting ground floor extension. It is generally considered to be good practice to create extensions which are subservient to the host dwelling. For two storey extensions, particularly to the side they should seek to be 'set down' and 'set back' to create a visual subservience (each application is considered on its own merits, design can therefore vary based on the individual site context)

5.6.8 The proposed two storey side extension, would be screened to a degree by the proposed first floor extension, however it would meet the building line with the principle elevation of No 18, arguably create a degree of 'terracing' between the properties (see image below).



5.6.9 Consideration of the impacts on the amenity of the adjoining neighbours with regards to overlooking and overshadowing will be considered in the following section (5.7).

5.6.10 Taking into account the observations listed above it is considered necessary to reflect on paragraph Paragraph 130 of the NPPF (2019) states '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it*

functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'

- 5.6.11 Overall the proposal is considered to be poorly design and does not respond to the character of the site or the surrounding streetscene. The use of render at first floor level is considered to further highlight the mass of the extension, creating a projecting feature which would be unduly dominant within the streetscene, adversely impacting the visual amenity and character of the area.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*
- 5.7.2 Core Strategy Policy CS18 states that all development should *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.3 The application site is bound by No 18 Rockingham Close to the north and No 14 Rockingham Close to the south. The rear garden of of the site is bound by the rear garden of Nos 20 and 22 Rockingham Close to the west/north west.
- 5.7.4 Due to the nature of the design, siting of the proposed development and orientation of the proposal, potential adverse impacts of overshadowing are therefore considered to be directed towards No 18 Rockingham Close (situated to the north of the site).

No 18 Rockingham Close

- 5.7.5 No 18 Rockingham Close is a two storey, detached dwelling situated to the north of the application site. The property occupies a corner plot and has previously been extended by way of a two storey side extension to the north of the host dwelling.
- 5.7.6 The proposed two storey side extension meets the principle elevation building line of No 18 and as such potential adverse impacts arising as a result of this component on the scheme are considered to be minimal.

- 5.7.7 The proposed first floor extension at No 16 is situated approximately 2.4m to the south of the south (side) elevation of No 18. To mitigate potential adverse impacts of overshadowing, the first floor extension has been 'stepped' reducing the overall forwards projection of the development closest to No 18, measuring 1.7m overall (measurement taken from the north elevation of the proposed plans).
- 5.7.8 It is accepted that due to the orientation of the proposed development in respect of No 18 the proposal will result in a degree of light loss, however, due to the separation distance and stepped forwards projection of the scheme it is not considered the proposal could be refused solely on this matter.
- 5.7.9 The proposed two storey side extension features two windows, one obscurely glazed and a secondary window in the rear (west) elevation facing the rear garden of the application site. Taking into account the outlook achieved from existing first floor windows, potential adverse impact impacts of overlooking are not considered to be significant enough to warrant a refusal.
- 5.7.10 Having consideration for the observations above, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours in terms of overshadowing and overlooking. In this respect the proposal accords with components of policies CS2 and CS18 of the Core Strategy.

5.8 Highways Safety and Parking Provision

- 5.8.1 The Local Highways Authority **Derbyshire County Council** Highways Team were consulted on the proposal and no comments were provided.
- 5.8.2 Appendix G of the of the adopted Core Strategy details to recommended maximum number of parking spaces for dwellings. The recommended maximum for a 4+ bedroom dwelling is 3 spaces per unit. Taking into account the fact that this is a recommended maximum the site could accommodate off-street parking for 2 vehicles and on balance this could be acceptable. If the application was to be approved it would be recommended that a condition be imposed requiring the application to provide and retain 2 off-street parking spaces.

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters sent on 14.08.2019, deadline for responses 04.09.2019. A site notice was also displayed on 29.08.2019, deadline for responses 19.09.2019.

6.2 As a result of the neighbour notification process 4 letters of objection from 2 neighbouring properties and 1 petition (signed by 6 different neighbouring properties) have been received and are summarised below;

6.3 18 Rockingham Close (13.08.2019, 19.08.2019 and 20.08.2019)

- Extension is too close to our property, not providing enough room for access to maintain property e.g. gutters, repair works, pointing. Builder said the gap should be at least 1m for health and safety
- Proposed extension to the front exceeds the original building line
- First floor extension will reduce the amount of light to the front of our property
- Extension will make our property look semi linked/terraced
- Extension will devalue our property
- Telephone cable will need moving
- A more suitable place for a one bedroom extension would be at the back of the property and we would not oppose this

6.4 **Officer comments – The above comments have been noted. Private rights of access for maintenance (etc) is a non-material planning consideration and therefore cannot be given weight in the determination of this application. See sections 5.6 and 5.7 for consideration of design, impact on streetscene and impact on amenity of neighbours. Loss of property value is also a non-material planning consideration and therefore cannot be given weight in the determination of this application. Moving the telephone cable would also be a separate matter.**

6.5 14 Rockingham Close (19.08.2019)

- Extension will partly block view
- Scaffolding over drive restricting off-street parking for occupants, not enough room for scaffolding and scaffolding on drive will not be permitted
- Don't want to park on the road as it is too narrow
- Noise and disturbance whilst development is built

- Building works will impact health
- Opposition to applications not based on applicants who are good neighbours

6.6 Officer comments – The above comments have been noted. The loss of view is a non-material planning consideration and therefore cannot be given weight in the determination of this application. The installation of scaffolding would be a private matter to be resolved between neighbours. Noise and disturbance during the construction period is also a non-material planning consideration and therefore cannot be given weight in the determination of this application.

6.7 Petition signed by Nos 4, 6, 10, 14, 18 (x2) and 31 (dated 29.08.2019)

- Proposed development contravenes policy CS18

6.8 See sections 5.6 and 5.7 for consideration of design, impact on streetscene and impact on amenity of neighbours

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The applicant has the right to appeal a refusal of planning permission.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England)

(Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the 2019 National Planning Policy Framework (NPPF).

8.2 The proposed development conflicts with the principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.

8.3 The conflict with Development Plan policies has led the LPA to conclude that the development does not fully meet the definitions of “sustainable development” having regard to the local character and amenity and a presumption on the LPA to seek to approve the application is not considered to apply.

9.0 CONCLUSION

9.1 Overall the proposed development fails to respond to the context of the local area by virtue of the appearance, design and materials of the proposal and the proposed development would further disrupt the character and pattern of the street by introducing an incongruous feature which would be unduly dominant, adversely impacting the visual amenity and character of the area.

10.0 RECOMMENDATION

10.1 It is therefore recommended that the application be **REFUSED** on the basis of the following:

The proposal does not comply with policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and therefore the wider National Planning Policy Framework. Overall the proposed development fails to respond to the local context by virtue of its appearance, design and materials resulting in an incongruous feature which would be unduly dominant, adversely impacting the visual amenity and character of the streetscene.

The proposed side extension would further disrupt the character and pattern of the street by introducing a terracing effect which is not subservient to the design of the host building and which is at odds with the prevailing character of the area.