

Parish:	Hilgay	
Proposal:	Ground floor and basement extension to The Dell and infill of ground to bring level to upper terrace level including reinforced retaining wall for The Dell	
Location:	The Dell And Marian House Ely Road Hilgay Downham Market	
Applicant:	Mr & Mrs Mercer	
Case No:	18/01343/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 17 September 2018

Reason for Referral to Planning Committee – The application has been called in to Planning Committee by Cllr White

Neighbourhood Plan: No

Case Summary

The site is located in the village of Hilgay, to the east of Ely Road and to the south of the village centre. The site comprises a pair of cottages (semi-detached) Marian House and The Dell, which front directly onto Ely Road. The Dell and Marian House are in the same ownership.

The application is for a large extension to the rear of The Dell which uses the existing change in levels on site to create a new basement floor (to include a games room, storage rooms and WC). At the existing ground floor there will be an extension out onto the existing area of decking to enlarge the kitchen/ family room. It also includes an infill of ground at Marian House to create an upper terrace level including a reinforced retaining wall for The Dell.

Key Issues

- Principle of development
- Form and character
- Neighbour amenity
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

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An application for works to The Dell was refused planning permission in December 2017 (ref. 17/01670/F), and the subsequent appeal (ref. APP/V2635/D/17/3192418, and attached to this report) was dismissed. This application seeks to amend the design for the extension at The Dell, and also to include the ground works and terracing to the rear garden at Marian House. These amendments are seeking to address the Inspectors comments in the appeal statement by reducing the impact of the extension on neighbouring Marian House.

SUPPORTING CASE

No separate case submitted to date.

PLANNING HISTORY

18/00614/F – Application withdrawn - Ground floor and basement extension at The Dell, Ely Road,

17/01670/F: Application Refused: 05/12/17 - Rear ground floor and basement extension - The Dell - Appeal Dismissed 23/02/18.

16/00799/F: Application Permitted: 22/06/16 - Swap flat lounge window for a bay window to the front of the property to match the joining property.

RESPONSE TO CONSULTATION

Parish Council: No comments received.

REPRESENTATIONS One letter of **support** received from the occupier of Marian Cottage. This states that the current situation offers little privacy or security to Marian House, and it is unsightly and unsafe. The proposed development would provide a solid and defined boundary. The extension will also offer some shade at times which would benefit their existing medical condition and enable them to better enjoy their garden, without adversely affecting the light into the dwelling and garden. The development would reduce overlooking from The Dell and reduce the noise.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING CONSIDERATIONS

The main issues are:

- Principle of development
- Form and character
- Neighbour amenity
- Other material considerations

Principle of development

The proposal seeks to extend an existing dwelling to the rear, and to amend the ground levels of the garden of the neighbouring dwelling, and in both cases the principle of development is acceptable.

Essentially the issues are those of design and impact on neighbour amenity, which is a consideration under Policy DM15 specifically.

In addition, and as stated above, there has been a recent appeal decision on this site for a similar development and this proposal seeks to address the issues raised in that appeal.

Form and character

There will be no material change to the front of the dwellings and therefore the established street scene. The dwellings are cottage style semi-detached dwellings fronting onto Ely Road with limited parking to the front. The character of dwellings does vary in the locality. The gardens to the rear of the dwellings are large and have a significant difference in levels from the front to the rear of the site. Generally the dwellings have an area of decking/ patio at the current ground floor.

The proposal is to extend the ground floor (kitchen room) of The Dell out onto the currently decked area and then to cut in a new basement floor below this for a Games Room, Storage

and WC. Also, to infill a hole to the rear garden of Marian House to create terracing to accommodate the change in levels and alleviate the impact of the extension next door. Given that the ground drops away to all houses in this locality, there would be little impact in terms of form and character.

Neighbour amenity

The most significant issue for consideration is the impact of the proposal on the amenity of the neighbouring dwellings. The Dell and Marian House are in the same ownership but notwithstanding that the impact on the occupier of Marian House is material.

The previous application (17/01670/F) was refused by Planning Committee on the grounds that the proposal would give rise to increased overlooking to the neighbouring dwelling and garden known as Holly House. The second reason was that the proposal, by virtue of its scale, orientation and proximity to the neighbouring dwelling to the northern boundary known as Marian House, would result in an overbearing relationship between the proposed extension and the neighbouring dwelling.

The appeal statement (APP/V2635/D/17/3192418) upheld the decision stating in paragraph 4 -

'I find the scale of the extension to be excessive and that it would have an unacceptably dominant and overbearing effect on the neighbour at Marian House. As the extension would be immediately to the south of that property it would also be likely to overshadow its rear garden. This would add to its generally oppressive effect.'

This current application seeks to address the Inspectors concerns and improve the relationship between the proposed extension and Marian House next door. The scheme has set back the kitchen extension from the boundary to the north, and reduced the scale to lessen the impact. Furthermore this application includes infilling a hole in the garden to the rear of Marian House, creating an upper terrace. The proposed arrangement will reduce the visible extent of the flank wall of the proposed basement at The Dell, again lessening the impact on Marian House.

The application does not include surface water land drainage arrangements for the scheme and so it is suggested a condition is attached to require full details of surface water drainage arrangements to be agreed. This will ensure that the extension and change in levels will not have an adverse impact on either dwellings or neighbours.

The relationship of the scheme to the neighbouring dwelling to the south of the application site 'Holly House' has also been carefully considered again. The appeal statement detailed in paragraph 6 -

'On the other side of the site I saw that the existing boundary hedge between the site and Holly House ensures a good level of privacy to the rear garden of that property and that there are no ground floor windows in that property that would face the proposed extension. The proposed patio/decking above the basement extension would replace the existing decking and would not increase opportunities for overlooking. The ground floor extension would incorporate glazing in its side elevation facing Holly House but overlooking of the neighbour's garden from the extension would only potentially be possible if the hedge were to be cut back. A condition could be imposed requiring provision of a privacy screen if the appeal were to be allowed. For these reasons the proposal would not materially increase the potential for unacceptable overlooking of that neighbour.'

Taking on board the Inspectors views, and the fact that this application does not have any greater an impact on Holly House than the previous application, it is our view that, as suggested, the impact on Holly House can be mitigated against. There is some existing

screening in place, the proposed extension is set back some distance from the boundary and there is already a large area of decking in place. It is therefore suggested that a condition is attached to require screening on the southern side of the decking of The Dell with full details to be agreed.

CONCLUSION

The proposed rear ground floor and basement extension to The Dell, and infilling to raise ground levels and create terraces at Marian House, in principle accords with policy and guidance. Full consideration has been given to issues which have been discussed in previous applications and in particular this scheme addresses the issues raised in the recent appeal decision.

For the reasons outlined above, it is recommended that the proposed extension is granted subject to the following additional conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 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 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos 17065 001, 17065 002 and 17065 003 received on 23 July 2018).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding details that accompanied the application, prior to occupation or first use of the extension, precise details of a privacy screen to the southern boundary of the decking area of The Dell shall be submitted to and approved in writing by the local planning authority. The screen shall be implemented in accordance with the approved details prior to occupation or first use of the extension and decking, and shall thereafter be retained in that condition.
- 3 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 4 Condition: No development shall commence on site until full details of the surface water land drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 4 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.