

Application for Determination

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| Parish | Filby |
| Reference: | BA/2013/0311/FUL Expiry Date: 12 December 2013 |
| Location: | Lek House, Main Road, Filby |
| Proposal: | Proposed first floor rear bedroom extension and detached double garage |
| Applicant: | Musicbank Ltd |
| Reason for referral: | Objections received |
| Recommendation: | Approve with conditions |

1 Description of Site and Proposals

- 1.1 The application site is a dwellinghouse situated in the village of Filby. The house sits on a corner plot, fronting on to the A1064 ('Main Road') and is accessed off Thrigby Road, which leads south from Main Road.
- 1.2 The site sits within a relatively densely developed area characterised by detached bungalows set in modest sized plots, with gardens backing on to one another.
- 1.3 In this context the application site is notably different from the surrounding development. Lek House is a large, two storey building which incorporates a small, lean to extension on the western gable end and a large, single storey extension, extending south from the main building. The rear (southern elevation) of the property consists of a large, catslide roof which drops down to a single storey rear elevation.
- 1.4 In the past this single storey extension was used as a shop and, latterly an office, however any non-residential use at the site has ceased, with the area subsumed into the remainder of the residence.
- 1.5 Lek House has a modest garden area mostly laid to lawn and an area of hardstanding with space for parking around 4 cars.
- 1.6 This application seeks consent for the demolition of the existing lean-to and its replacement with a new, single storey extension with a pitched roof. This proposed extension would have a footprint of 4m x 7.6m and would measure 4m to the ridge. In addition, the application proposes the addition of a first

floor to the rear (southern) elevation of the building, removing the catslide roof and replacing it with a twin gable, pitched roof extension.

- 1.7 Finally, the scheme also includes the construction of a new double garage building at the rear of the property, in the area of hardstanding currently used for car parking. The proposed garage would measure 5.7m x 5.7m square building with a hipped roof, up and over door and a single personnel door. The building would measure 4.8m to the ridge and would be constructed from brick with an interlocking tile roof.
- 1.8 This application is, in part, retrospective; with the single storey side extension already having been partially constructed.

2 Site History

In 1990 consent was refused for the erection of new shop signage (BA/1990/3037/HISTAP).

In 2013 an application for sub-division of the garden to form plot for detached cottage style dwelling and erection of garage was submitted and subsequently withdrawn.

3 Consultation

Filby Parish Council – Objects strongly to the application on the following grounds:

- (i) Overdevelopment in height of this building would have a visual impact and would be visually intrusive to neighbouring properties which would intrude on their privacy and light.
- (ii) There is no space within the site for the turning of vehicles which would ultimately result in numerous vehicles reversing onto a busy class 3 distributor road.
- (iii) The elevation onto Thrigby Road of existing study and entrance hall as shown is not correct in that the doors and windows shown do not exist.

District Councillor – No response received

Broad Society – No response received

Highways – No objection

4 Representations

One letter of objection from neighbouring property raising concerns relating to overlooking, loss of light and the impact of construction traffic.

5 Policy

- 5.1 The following policy has been assessed for consistency with the NPPF and has found to be fully consistent with the direction of the NPPF.

Adopted Broads Development Management DPD (2011)

DP4 – Design

- 5.2 The following policy has been assessed for consistency with the NPPF and has found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is considered within section 6 of this report.

DP28 - Amenity

- 5.3 Material Considerations

[NPPF](#)

6 Assessment

- 6.1 This application seeks consent for alterations of and additions to an existing dwelling and the construction of a new double garage within the curtilage of that dwelling.
- 6.2 The principle issues in the determination of this application are the design of the proposed extensions and additions, the impact of the proposed works on the amenity of neighbouring residents and the impact of the development on the safe functioning of the highway, both during the period of construction and subsequent to completion of the works.
- 6.3 Considering first the design of the proposal, Lek House is an old building which has clearly been added to and altered over a number of years. Some of these changes (such as the various extensions to the main house) have added to the character of the original structure, whilst others (such as the introduction of large, double glazed window units) have been less successful in terms of aesthetics, and are considered to erode the character of the property.
- 6.4 In the context of this rather unusual property it is not considered that the proposed extensions – either the lean-to on the western gable end or the first floor extensions – would have any detrimental impact on the character and appearance of the building. The single storey extension is modest in scale (30 square metres, compared to the 14 square metres of the existing lean to) and a form of development readily associated with dwellings of this type. The first floor extension would result in the loss of the large catslide roof plane, however the proposed twin gable solution echoes the gable ends of the existing building and remains subservient to the original form, with the ridge line of proposed extension set no higher than the existing ridge of the main house.

- 6.5 In terms of materials it is proposed to match those used elsewhere on the house, with cream painted render to the walls, upvc windows and interlocking tiles.
- 6.6 Whilst it is recognised that the materials proposed are not of the highest standard and it would, for example, be preferable to specify timber windows and clay pantiles, the materials proposed do exactly match those used elsewhere on the property and to require the specification of a different finish on those elements proposed in this application would be difficult to justify in planning terms and would appear incongruous when the building is considered as a whole.
- 6.7 In terms of the windows, it is also material to note that the new windows are all on the side or rear elevation of the property and, considering the limited public views of these elevations, it is not considered that refusal on the grounds of the specification of upvc windows could be justified in this instance.
- 6.8 Considering the proposed use of interlocking tiles, whilst the applicant proposes to use tiles to match the existing, and there is no objection to this, it is the case that there is some uncertainty as to the availability of matching tiles and, consequently, it is considered necessary to require details of roof tiles by condition to ensure that the tiles used are matching and/or appropriate.
- 6.9 With regards to the proposed garage, the building proposed is a simple 5.7m x 5.7m square building with a hipped roof, up and over door and a single personnel door. The building would measure 4.8m to the ridge and would be constructed from brick with an interlocking tile roof. Given this modest scale and simple design, there are no objections to the proposed garage.
- 6.10 Considering the Parish Council's concerns regarding visual impact and overdevelopment of the site, whilst it is true that the development proposed will have a impact on the appearance of the property (as, indeed, would all development), for the reasons set out in the paragraphs above it is not considered that this impact would be adverse. Addressing the issue of overdevelopment, the proposed extensions to the dwelling would create an additional 14 square metres of footprint at ground floor level (the difference in footprint between the existing lean-to and the proposed side extension), and a further 31 square metres of internal accommodation at first floor level. Having regards to this and the modest scale of the garage, it is not considered that the development proposed would represent an overdevelopment of the plot.
- 6.11 It is the case, however, that implementation of the proposed development would result in a site where the opportunity for future development is limited by both design and amenity considerations (see below for discussion of amenity impacts). Accordingly, it is considered appropriate in this instance to remove householder permitted development rights which would permit any further development at the site, in order to ensure the Local Planning

Authority retains control over any possible future development.

- 6.12 Having regards to all of the above, it is considered that the extensions proposed satisfy the design requirements of DP4 and there is no objection to the proposal on this basis.
- 6.13 Considering the impact on amenity, the neighbouring property to the west, 'Broad Lodge', raises concerns regarding overlooking from the proposed first floor extension, overbearing impact from the proposed garage and loss of light and overbearing impact from the proposed side extension. Similarly, the Parish Council express concern that the development would intrude on neighbouring properties privacy and light.
- 6.14 Addressing these concerns in turn, it is the case that there would be views into the neighbouring garden from the proposed first floor extension but, given the distance between the proposed new window and the boundary of the plot (circa 10m) and having regard to the fact that the view would be into a garden, rather than a habitable room (or even any part of the interior of the house itself), it is not considered that this development would result in an unacceptable loss of privacy for the occupiers of 'Broad Lodge'. Views directly south, towards another neighbouring property ('Topping') are limited by the existing and proposed garage buildings and substantial boundary planting. It is also relevant to note that it is a blank elevation which faces north, towards the application site, from the Topping plot.
- 6.15 In coming to this conclusion the distance and what space would be overlooked are both relevant factors to consider, however it is also pertinent to note that a degree of overlooking is not uncommon in residential settlements, particularly where the houses are tightly clustered such as is the case in this instance.
- 6.16 Furthermore it is the case that permitted development rights allow the creation of windows at first floor level and, considering the circumstances of this element of the application, taken on its own, the extension at first floor level falls within the permitted development rights and, consequently, would not require planning consent.
- 6.17 Having regards to this, it is not considered that the proposal would result in any unacceptable impact on the amenity of any neighbouring occupier, and refusal of the application on this ground could not be considered to accord with policy DP28.
- 6.18 Considering the potential for overbearing impact resulting from the proposed garage, it is the case that the garage would be situated at the southern end of the plot and lie immediately north of the single garage associated with Broad Lodge. The garage would be approximately 16.5m from Broad Lodge and would be situated the other side of a 1.8m high close boarded fence.
- 6.19 It is recognised that the siting of the garage would result in a sense of enclosure for the occupants of Broad Lodge, the roof of the single storey

extension off the south facing elevation of Lek House already providing a degree of visual enclosure to the Broad Lodge plot, and the proposed garage would fill some of the area visible between the end of this extension and the roof of Broad Lodge garage.

- 6.20 However a sense (or degree of) of enclosure is not uncommon in a village setting and it is noted that the applicants have specified a hipped roof to the garage, which reduces the visual mass of the roof. It is also the case that a sense of enclosure is not the same as an overbearing impact and, having regard to all of the above, it is not considered that the proposed new garage would result in any unacceptable impact on the amenity of any neighbouring occupier.
- 6.21 The final issue to consider regarding amenity relates again to a consideration of overbearing impact and concerns the proposed side extension. This extension would replace an existing lean to and would present a gable end to the neighbouring property of Broad Lodge.
- 6.22 In terms of the relationship of the proposed extension to Broad Lodge, the existing bungalow at Broad Lodge has a blank eastern gable end, so the proposed new single storey extension would not overlook any window and would, to a large extent, be screened by the existing 1.8m high close board fence which runs along the boundary between the two properties.
- 6.23 It is the case that whereas Lek House (and therefore the proposed extension) is sited immediately adjacent to the public highway, Broad Lodge is set back by approximately 1.8m. This staggered building line does mean that Lek House occupies a visually dominant position when viewed from Broad Lodge and, with regard to this relationship, it is the case that a two storey extension would not likely be acceptable in this location.
- 6.24 However, the proposed single storey extension, with a ridge height of 4m and a distance to the boundary of 1.5m is not considered to have any significant detrimental impact in respect of overshadowing or overbearing impact and, consequently, is not considered to have any unacceptable impact on the amenity of the occupiers of Broad Lodge.
- 6.25 With regard to any highways impacts related to the proposal, consent is sought for extensions and alterations to an existing dwellinghouse. The proposed extension would result in an increase in the number of bedrooms at the property from three to five, and would offer increased kitchen and living space. These proposed increases in accommodation are not considered to be sufficient to generate a significant level of additional traffic movements to and from the site directly related to the proposed development and, consequently, it is not clear that the development would, as stated by the Parish Council, result in increased traffic movements onto Thrigby Road. This view is supported by the Highways Authority, who have confirmed that the proposal satisfies the relevant parking standards and notes that the scheme proposes to use an existing access onto a c class route. Consequently, it is not considered that the proposal could be refused

on highways grounds.

6.26 It is noted that the Parish Council raise concerns regarding the impact of construction traffic on the safe functioning of the highway. Having regard to the relatively modest scale of building works proposed it is the case that a construction traffic management plan could only be justified if the highway adjacent to the site were to be considered particularly sensitive in terms of traffic flow.

6..27 Whilst it is recognised that there is a school close to the site and that access to the public highway from the site lies reasonably close to a junction (approximately 22m), it is the case that parking along both sides of the stretch of the highway close to the application site is prohibited by double yellow lines. Having regards to this existing control, and mindful of the area for parking within the site, it is not considered that a construction traffic management plan is necessary or proportionate in this instance.

7 Conclusion

7.1 This application seeks consent for the erection of a new double garage, the construction of a single storey side extension and the creation of an extension at first floor level.

7.2 It is considered that the proposed development is acceptable in terms of design, scale, layout and massing; would have no unacceptable impact on the amenity of any neighbouring occupier and would have no unacceptable impact on the safe functioning of the highway.

7.3 Consequently, the application is considered to be in accordance with policies DP4, DP11 and DP28 of the Broads DM DPD (2011).

8 Recommendation

8.1 Approve subject to the following conditions:

- (i) Time limit
- (ii) In accordance with approved plans
- (iii) Materials conditions
- (iv) Remove householder permitted development rights

Background papers: Planning File BA/2013/0311/FUL

Author: Fergus Bootman
Date of Report: 22 November 2013

List of Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2013/0311/FUL - Musicbank Ltd, Lek House, Main Road, Filby
Proposed first floor rear bedroom extension and detached double garage.

