

## **UTT/16/2607/HHF - (Saffron Walden)**

(Referred to Committee by Cllr Lodge. Reason: Loss of light, overshadowing and overbearing effect of proposed first floor extension)

**PROPOSAL:** Part single and part two storey rear extension. Alterations to front facade, including demolition of existing old garage roof.

**LOCATION:** 33 Audley Road, Saffron Walden

**APPLICANT:** Mr & Mrs Shakespeare

**AGENT:** Hibbs and Walsh Associates Ltd

**EXPIRY DATE:** 4 November 2016

**CASE OFFICER:** Mr C Theobald

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### **1. NOTATION**

1.1 Within Development Limits / Conservation Area.

### **2. DESCRIPTION OF SITE**

2.1 The site comprises a 1960's two storey brick, tiled and weatherboarded semi-detached dwelling with flat roofed single storey front projecting lobby with associated garden plot situated within a line of dwellings on the northern side of Audley Road on the edge of the town's conservation area. The property has the benefit of two frontage hardstanding spaces and two additional allocated parking spaces which exist within a resident garage block situated to the rear of the dwelling.

2.2 The adjacent semi (No.35) has the benefit of a single storey sloping roofed full width rear extension, whilst the detached dwelling to the immediate east (No.31) has the benefit of a brick and glazed rear conservatory designed in the period style which is now used as an extension of the existing dining room for every day purposes.

### **3. PROPOSAL**

3.1 This householder application relates to minor fenestration and roof changes to the front entrance lobby area to this dwelling and a part single storey, part first floor rear extension. A revised drawing has been received since receipt of the application showing the first floor element of the rear extension being moved away from the eastern flank boundary with No.31 Audley Road by a distance of 2m given expressed amenity concerns for the application – see main body of report (drawing 16-102-05 – Alternative Scheme).

3.2 The existing flat roof of the front lobby/study would be replaced with two sloping roofs across both areas, whilst the lobby would have a reduced sized front window and the study would have a flank window blocked up. The single storey rear extension (not subject to revision) would have a sloping roof, would be full width (7.2m) to physically join with the existing sloping roofed rear extension to No.35, a depth of 3.44m and height to the eaves of 2.2m, whilst the first floor gabled extension shown over part of the single storey extension would have a width of

4.3m, a depth of 3.0m and a height to the ridge from ground level of 6.8m. The ground floor extension would be externally clad in concrete tiles and yellow stock brick to match the existing ground floor extension at No.35, whilst the first floor extension would be clad in concrete tiles and contrasting weatherboarding, colour to be agreed.

#### **4. APPLICANT'S CASE**

4.1 The application is accompanied by a Design and Access Statement which states the following in support of the proposal:

- The extension at the back is not visible from the adopted road network and will not detract from the conservation area. The changes to the front façade will enhance the look of the dwelling and remove an unsightly and impractical concrete roof that is contributing to thermal bridging.
- The design of the extension is intended to be in a similar style to the existing. The addition of a sloping roof to the existing front extension disguises the fact that it was once a garage and is intentionally similar to the adjoining half of this semi-detached property (No.35).
- The site is a mature residential garden. The construction of an extension will leave more than adequate amenity space at the back of the property.
- The intention is to add one more bedroom and to enlarge the existing kitchen and dining area, whilst restoring the living room to its original proportions.
- The scale of the extension is deliberately subservient to that of the original house.
- The back of the existing property is not particularly distinguished. The addition of an extension will improve it and add to the interest.
- There is parking for two cars at the front of the property with a further two spaces available at the back within a rear resident parking block.
- The house is situated within easy walking distance of the town centre.

4.2 Email comments received 24 October 2016 from the applicant's agent with submission of revised drawing 16-102-05:

"We have prepared the attached drawing which moves the offending extension away from No.31. Subject to your comment, I think it complies with permitted development. With regard to your comments below, I think the existing bathroom window has more of an impact on the adjoining property. However, obscured glass and a condition requiring only the upper part to be openable should resolve that issue".

#### **5. RELEVANT SITE HISTORY**

5.1 None.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework (NPPF)

##### **6.2 Uttlesford Local Plan (2005)**

- ULP Policy S1 – Settlement boundaries for the Main Urban Areas

- ULP Policy ENV1 – Design of development in conservation areas
- ULP Policy GEN2 – Design
- ULP Policy GEN8 – Vehicle Parking Standards
  
- Supplementary Planning Guidance “Home extensions”
- ECC Highways “Parking Standards Design and Best Practice (Sept 2009)”

## **7. TOWN COUNCIL COMMENTS**

- 7.1 The proposed extension would have considerable environmental impact on neighbouring properties, including loss of light and would have an overbearing impact and overshadowing on the neighbouring property, No.31 Audley Road.

## **8. CONSULTATIONS**

- 8.1 None.

## **9. REPRESENTATIONS**

- 9.1 2 representations received (Object / Neutral). Notification period expires 4 October 2016 (re-notification expires 11 December 2016 on revised drawing).

- 9.2 31 Audley Road, Saffron Walden, Essex, CB11 3HW

### Letter dated 19 September 2016:

“Our main objection is that the proposed two storey extension would cause significant loss of both sunlight and daylight light into the conservatory and dining room of our house by overshadowing it. This room is the main feature of our Victorian house and has been in existence with unobstructed daylight for 15 years. It is the main room which we use for family life during the day. The sun enters it from the west where the new extension is proposed, while the room faces north, so the proposed development would cut out all the sunlight from this room.

The proposed extension would also reduce the amount of natural light which comes into one of our bedrooms. This is a north-facing room which gets no sunlight at all. The proposed extension would be to the left of this window. This room, which has relied on the window for light for over a hundred years, would be significantly darker if the proposed extension was allowed to be built.

The loss of light would greatly affect our garden, which is very small and north-facing. It relies on light from the west side, No.33. The photo below shows our garden in the afternoon in maximum sun. For most of the year the west is the only route for sunlight into our garden. The red line shows where No.33 ends at the moment. All the remaining sunlight would be completely blocked by the proposed extension, leaving us with a garden which would always be in shade.

Additionally, due to the extension recently built next door at No.29, a two-storey extension at No. 33 would mean that our very small garden would be built-up on both sides making it feel more enclosed, dominated by brick walls either side. This is the view now to the east of the garden.

An additional window in the upper storey of the house is also proposed, which would directly overlook our conservatory. While it is suggested in the plans that this would be of obscured glass, we would point out that if it could be opened, the neighbours could see directly into our house, causing a loss of privacy.

We believe that the proposed extension would be overly large compared to the size of the existing house. The other half of the semi-detached house, No. 35, has had a recent single storey rear extension and the proposed extension at No.33 would be much bigger than this. We do not consider this proposed extension to be "subservient to that of the original house" as was stated on the planning application. A single-storey extension such as at No. 35 would be more appropriate both to the building and to the location.

We have shown that the proposed extension would both overlook and overshadow our house and garden, causing loss of daylight and privacy, which would have an extremely adverse effect on the occupation and enjoyment of our home".

Further comments received on neighbour notification of revised drawings (email dated 9 December 2016):

"We have looked at the new plans on the Uttlesford website. While we can see that the proposed second floor at 33 Audley Road has been reduced in length by 50cm, and moved in slightly towards the centre of the building, these are minimal changes, and the same issues of overshadowing, overbearing and overlooking remain. We have calculated that the proposed second floor would overshadow 67% of our glass-roofed sitting room. Because the proposed extension being to the west, it would block all of the sunlight and the majority of the daylight, which would have a negative impact on our room throughout the year. The only part of the room not overshadowed would be the far third of the room, which the sun would not reach at all. The proposed second floor would also have an overbearing impact on our house and garden".

35 Audley Road, Saffron Walden, Essex:

- How would the joining up of our single storey extension and the proposed single storey extension be practically dealt with (soffit board/guttering etc.)
- How does the Council's 45 degree rule work?

## **10. APPRAISAL**

The issues to consider in the determination of the application are:

- A Design (ULP Policies GEN2 and ENV1)
- B Impact on residential amenity (ULP Policy GEN2)
- C Whether parking arrangements would be satisfactory (ULP Policy GEN8)

### **A Design (ULP Policies GEN2 and ENV1)**

- 10.1 The proposed changes to the front of the dwelling are considered to be acceptable where the existing flat roof to the front lobby/study area would be replaced with sloping roofs which would enhance the principal elevation of the dwelling and enhance to a small extent the character and appearance of the conservation area in which the property is situated. No objections are therefore raised to this element of the submitted proposal.

- 10.2 The originally submitted drawings for the rear extension element of the proposal showed the first storey gable extension extending off the flank wall of the dwelling onto the boundary with No.31. However, given the concerns expressed by the occupiers of the adjacent dwelling, No.31 Audley Road, the extension has been moved in 2 metres in from the flank boundary. Whilst the preferred positioning for the extension would have been as originally shown (i.e. off the flank wall), it is considered that the revised positioning for the extension as now shown is acceptable in terms of design where it would represent a subservient addition to the host dwelling in terms of proportions. The use of contrasting weatherboarding for the extension would also be acceptable given its repositioning away from the flank wall where matching brick would not be appropriate in the circumstances). No design objections are raised to the ground floor element of the rear extension which would read as a continuum of the single storey rear extension for the adjacent semi, No.35. The proposed rear extensions would not have a significant impact on the character and appearance of the conservation area where the most important visual impact would be on the Audley End streetscene and no design objections are therefore raised under ULP Policies GEN2 and ENV1.

## **B Impact on residential amenity (ULP Policy GEN2)**

- 10.3 The first floor extension (as revised) would stand 2m away from the eastern flank boundary with No.31 Audley Road which as mentioned above has the benefit of a glazed roofed rear conservatory which is now used in conjunction with a dining room given its internal linkage. It is necessary, therefore, to assess whether the proposed development would have a material adverse effect on the reasonable occupation and enjoyment of this adjacent dwelling by reason of loss of privacy, loss of daylight, overbearing impact or overshadowing (or a combination of these factors).
- 10.4 The first floor rear extension as moved away from the boundary line with No.31 and its reduction in depth by 0.40m reduces the amenity impact that the extension would otherwise have had on No.31 where this would have been significant in terms of loss of light, overbearing impact and overshadowing on No.31 where the majority of the glazed roof to the extension would have been cast in shadow. However, when the 45 degree rule is applied from the Council's Supplementary Planning Document "Home Extensions", the 45 degree line would not carry across more than half of the conservatory in the horizontal plane as shown on the applicant's revised drawing 16-102-05, whilst the 45 degree line would not extend beyond the ridge line of the conservatory when viewed in the vertical plane when the conservatory is plotted on this drawing. Therefore, when this rule is applied, the level of light loss, overbearing effect and overshadowing onto the conservatory has been assessed as not being significant. Additionally, it has been calculated that the 45 degree line for the extension would not hit more than half of the first floor rear bedroom window centrally positioned above the conservatory when projected in both the horizontal and vertical planes.
- 10.5 It is accepted that the 45 degree rule is not the only tool for measuring extent of amenity loss caused by an extension and the applicant's agent has provided an online tool to show the orientation of the sun relative to the two properties where the sun moves around the south of the dwellings during the day. It is accepted that the first floor extension would cause some amenity loss to No.31 given that the rear elevations of the two respective dwellings face north, although the moving of the first floor extension across from the flank boundary with No.31 by 2m, its reduction in depth from 3.4m to 3.0m and the 45 degree rule conclusions is such that in your officers' considered opinion the level of amenity loss to No.31 would not be

significant and therefore not sufficient to warrant a refusal of the proposal on amenity grounds under ULP Policy GEN2.

- 10.6 The comments received from the occupiers of No.35 Audley Road regarding interpretation of the SPD 45 degree rule have been noted. However, the 45 degree calculation in both the horizontal and vertical planes show that this line would not exceed the middle of the adjacent first floor rear bedroom window on this side and loss of light to this window would not be significant from the proposed first floor extension. Light to the existing lounge patio doors to the ground floor extension for No.35 would not be compromised given the fact that this extension projects rearwards of the proposed first floor extension for No.33.
- 10.7 The applicant's agent has asserted for this application that the first floor extension in its relocated position not less than 2m from the boundary with No.31 as shown on the revised drawing would in normal circumstances qualify as permitted development under Part 1, Class A of the GPDO were it not for the fact that the ground floor extension element of the submitted proposal exceeds the permitted development depth allowance of 3m for a single storey rear extension by 0.44cm and the fact that the property is located within a conservation area. Whilst a strict comparison cannot therefore be made, this is still a material consideration which carries weight to this application where as previously stated the extension proposal would not be harmful to the character and appearance of the conservation area.
- 10.8 A first floor side bathroom window is proposed for the rear corner of the existing dwelling for No.33 Audley Road as part of the improvement and enlargement of this dwelling which would face onto the boundary with No.31 Audley Road as also shown on drawing 16-102-05. Concerns have been expressed by the occupiers of No.31 in this regard that the occupiers of No.33 would be able to look directly down into their rear conservatory as a result of this window being introduced. Condition A.3 (b) (ii) of the GPDO states that "any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed". This criterion applies to an existing dwelling as well as an extension to it.
- 10.9 The officer site visit for the application has shown that there would be material overlooking/loss of privacy to No.31 if the amenity requirements of condition A.3 (b) (ii) are not observed. The applicant's agent has stated that these requirements would be adhered to ensure that the introduction of this new window would qualify as permitted development. Were these requirements to be met, the window would be permitted development and could in fact be introduced to the existing dwelling regardless of the rear extension as jointly proposed.

### **C Whether parking arrangements would be satisfactory (ULP Policy GEN8)**

- 10.10 No.33 Audley Road currently has the benefit of 4 no. parking spaces, namely two frontage hardstanding spaces and 2 no. garage compound spaces to the rear of the site. The proposal would provide a fourth bedroom for the dwelling and this would trigger the need for a third on-site parking space under ECC Highways parking standards. Given the fact that the property has four confirmed parking spaces when the two additional garage compound spaces are taken into account, the proposal would comply with these standards and no policy objections are raised under ULP Policy GEN8.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The application proposal would be acceptable in terms of design
- B The first floor rear extension element of the proposal would not have a significant amenity impact on neighbouring properties given the design revisions made.
- C The proposal would not compromise existing parking arrangements

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. Prior to commencement of development details of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policies GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

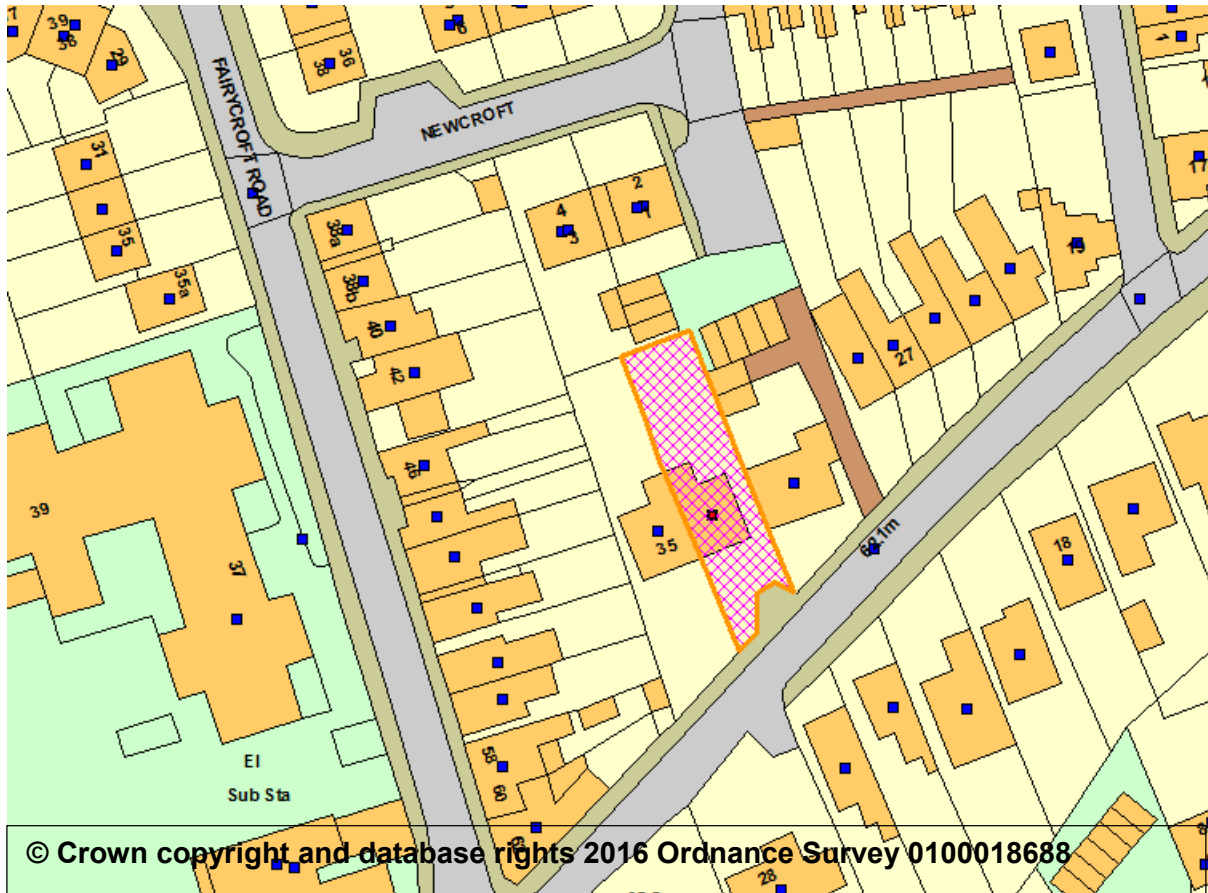
To ensure that the proposal represents an acceptable form of development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no windows or other form of opening shall be inserted into the side elevations/roof slopes of the first floor extension hereby approved without the prior written consent of the local planning authority.

REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application Number: UTT/16/2607/HHF

Address: 33 Audley Road, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 23 December 2016