



[RR/2019/256/P](#)**RYE 71 Military Road****Erection of single storey rear and side extension
(retrospective)**

Applicant: Mr Paul Young
Agent: Oast Architecture Ltd
Case Officer: Mr K. Deeprose
(Email: kevin.deeprose@rother.gov.uk)
Parish: RYE
Ward Members: Councillors Lord Ampthill and G.F. Stevens

**Reason for Committee consideration: Member referral: Councillor G.F. Stevens
– Inconsistencies with previous consent and impact on neighbours with
regards to loss of light**

**Statutory 8 week date: 15 March 2019
Extension of time agreed to: 24 April 2019**

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following 'saved' policy of the Rother District Local Plan (2006) is relevant to the proposal:
- HG8: Extensions and alterations to existing dwellings
- 1.2 The following policy of the Rother Local Plan Core Strategy (2014) is relevant to the proposal:
- OSS4: General Development Considerations
- 1.3 The following policy of the emerging Development and Site Allocations Local Plan (Proposed Submission – October 2018) is relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also relevant considerations.
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2.0 SITE

- 2.1 This application relates to an end of terrace dwelling which is located on the south-eastern side of Military Road, within the Development Boundary for Rye, outside of any Article 2(3) land. There are three adjoining terraced properties to the north, and to the south is a detached dwelling (No.69).

3.0 HISTORY

- 3.1 In July 2018, planning permission was granted under application ref: RR/2018/551/P for a single storey rear and side extension to the application dwelling.
- 3.2 In November 2018, approval was given under application ref: RR/2018/2727/MA for a non-material amendment to the above-mentioned permission RR/2018/551/P. This altered the previously approved scheme to extend the rear extension over to join the conservatory, and in relation to the side extension, to increase the depth of the side wall closest to the boundary by approximately 0.5m.
- 3.3 Following approval of the non-material amendment application, RR/2018/2727/MA, the Council were made aware that the extension had not been constructed in accordance with the plans approved under this application, with the height of the roof of the side and rear extensions being increased by approximately 0.8m and 0.4m respectively and the eaves height lowered slightly.

4.0 PROPOSAL

- 4.1 This application seeks retrospective planning permission to regularise the unauthorised increase in the height of the roof of the rear and side extensions and the lower eaves height as described above.

5.0 CONSULTATIONS

5.1 Town Council – **OBJECT**

- 5.1.1 Object: *'Not in accordance with amended plans associated with extant planning consent (RR/2018/551/P).'*

5.2 Planning Notice

- 5.2.1 Rye Conservation Society: No objection subject to neighbours.
- 5.2.2 Three letters of objection have been received raising concerns over the following:
- Obstruction of maintenance access for PVC cladding/brickwork.
 - Loss/obstruction of light to window.
 - Obstruction of view.
 - Loss of property value.
 - Not in accordance with approved plans.
 - Not in keeping with original development.
 - Height of extension excessive.
 - Unattractive addition.
- 5.2.3 Eight letters of support have been received.

6.0 APPRAISAL

6.1 The main issues for consideration are the impact of the development on the character and appearance of the existing building and surrounding area, and neighbouring amenities.

6.2 Character and Appearance

6.2.1 The originally submitted application, RR/2018/551/P, given the design, scale and siting of the extensions, was considered acceptable both in terms of its impact on the character and appearance of the existing dwelling and the surrounding area. The amendments sought under application reference RR/2018/2727/MA (as previously described) were also considered acceptable as they would not result in any material impact on the character and appearance of the property or locality.

6.2.2 Despite the increase in height of the roof to the side and rear, the extension still integrates well with the existing dwelling and remains visually discreet within the street scene.

6.3 Neighbouring Amenities

6.3.1 The originally submitted application, RR/2018/551/P, given the modest size and height of the extensions, was considered acceptable in terms of its impact on the adjacent property, No. 69 Military Road. The amendments sought under application reference RR/2018/2727/MA (as previously described) were also considered acceptable as they would not result in any material impact on the amenities of neighbouring properties.

6.3.2 The extension is within close proximity to the side wall of the adjacent neighbour (No. 69) which includes a single window opening at first floor level. The ridge of the side extension is set back from this window opening and lower than its centre point.

6.3.3 Despite the increase in height of the roof of the extensions, and in particular to the side extension, it is not considered that this increase results in any direct loss of light to the side window opening serving No. 69 Military Road as the side extension is set back in relation and lower than its centre point. In any case, due to the positioning of this window opening, its orientation and close proximity to the application dwelling, this window is already significantly restricted in terms of the level of light it receives.

6.3.4 The original application was amended lowering the roof of the extension from a height similar to what has now been built. Whilst this was done at the request of the previous officer, it appears to have been suggested in order to appease concerns raised at the time by the neighbour; however, if the applicant had declined to accept this request to lower the roof, this application would not have been refused.

6.4 Other Issues

6.4.1 An objection letter received has raised concerns regarding future maintenance of the side elevation belonging to No. 69 Military Road. The extension is wholly on land in the ownership of the applicant, and the issues

concerning maintenance of the side elevation are not a matter which the Local Planning Authority can consider in this instance and are a civil matter.

- 6.4.2 An objection has also been received raising concerns that the extension has resulted in a loss of value to No. 69 Military Road. Again this is not a matter which the Local Planning Authority can consider.
- 6.4.3 Concerns have also been raised by No. 69 Military Road over the increased obstruction of a view as a result of the extension. The window opening closest to the extension (serving No. 69) directly faces the blank wall of the application dwelling and does not allow any other direct views. If any views were to be had towards the area where the extension is, they would be towards the rear garden of the application site. In this sense it could be argued that the extension introduces a level of privacy for the applicant. Notwithstanding the above, a right to a private view is not a material planning consideration.
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7.0 SUMMARY

- 7.1 The development is considered acceptable in terms of its impact on the character and appearance of the existing dwelling, locality and neighbouring amenities.
- 7.2 The application is supported and retrospective planning permission should be granted.
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RECOMMENDATION: GRANT (FULL PLANNING)

CONDITION:

1. The development hereby permitted relates to the following approved drawings:
Drawing No. A105, dated 08/07/18
Drawing No. A103 B, dated 19/01/18
Drawing No. A104 B, dated 19/01/18
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in the "Planning Practice Guidance – Use of Planning Conditions – Paragraph: 022 Reference ID: 21a-022-20140306."

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.