

**PLANNING COMMITTEE – 14 JANUARY 2016**

**PART 2**

Report of the Head of Planning

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 15/508479/FULL</b>			
<b>APPLICATION PROPOSAL</b> Proposed rear extension with external decking			
<b>ADDRESS</b> 75 Cliff Gardens Minster-On-Sea Kent ME12 3QZ			
<b>RECOMMENDATION</b> Approve			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The application site lies within the built up area boundary where the principle of development is acceptable and would not give rise to serious concerns regarding residential or visual amenities.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Councillor Andy Booth			
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster On Sea	<b>APPLICANT</b> Mr Barry Wiseman <b>AGENT</b>	
<b>DECISION DUE DATE</b> 17/12/15	<b>PUBLICITY EXPIRY DATE</b> 23/11/15		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
None			

**1.0 DESCRIPTION OF SITE**

- 1.01 No 75 Cliff Gardens is a detached chalet bungalow with a pitched roof and front and rear facing gables. Land levels fall from the front to the back of the site.
- 1.02 The streetscene is comprised of a mix of property types and includes bungalows, chalet bungalows and two storey dwellings.
- 1.03 The host property has hardstanding to the front and private amenity space to the rear.

**2.0 PROPOSAL**

- 2.01 This application seeks planning permission for a rear extension with an associated area of decking. There is currently a small projecting element on the rear of the

property with steps down to the garden which will be removed as part of the application.

- 2.02 The extension measures 4m in depth and 4m in width. Adjacent to the extension there is an area of decking measuring 5m in depth, the additional 1m projecting from the proposed extension accounts for the steps into the garden. The decking has a width of 2.1m.
- 2.03 Due to the change in site levels the extension would measure 4.3m in height at the highest ground level and 4.7m at the lowest ground level. The extension would have a flat roof. The site levels also allow for a small storage area accessed externally, below the finished floor level of the kitchen.
- 2.04 The floor level of the decking will be 1.4m above the highest ground level and 1.8m above the lowest ground level. An obscure glazed screen, 1.8m in height will be placed on the outer edge of the decking.

### **3.0 PLANNING CONSTRAINTS**

- 3.01 None

### **4.0 POLICY AND OTHER CONSIDERATIONS**

- 4.01 The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: E1, E19 and E24 of the Swale Borough Local Plan 2008  
Supplementary Planning Documents: Designing an Extension - A Guide for Householders
- 4.02 Adopted SPG entitled “Designing an Extension - A Guide for Householders”, was adopted by the Council in 1993 after a period of consultation with the public, local and national consultees, and is specifically referred to in the supporting text for saved Policy E24 of the Local Plan. It therefore remains a material consideration to be afforded substantial weight in the decision making process.
- 4.03 National Planning Policy Framework (NPPF)
- 4.04 The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states “that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”
- 4.05 The 12 month period noted above has now expired, as such, it is necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF.
- 4.06 This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. Policies E1, E19 and E24 are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

### **5.0 LOCAL REPRESENTATIONS**

- 5.01 One letter of objection was received from the adjacent neighbouring property, No.75A Cliff Gardens on the following grounds:

*“The application, at an elevated level, extends approximately 3 metres beyond the build line of 75A with the following impact:*

- *the garden would be severely overlooked (effectively first floor level) and significantly obscure sunlight from our garden*
- *the east facing window overlooks our property, denying our privacy.*
- *the platform and steps also overlook our property, and again create a further incursion into our privacy.”*

## **6.0 CONSULTATIONS**

6.01 Minster Parish Council did not object or support the application but commented that *“There is concern about the impact on the amenities neighbouring residents might reasonably be expected to enjoy in terms of possible overlooking.”*

6.02 Cllr Booth has called the application into Committee on the following grounds:  
 - *“Damage to the visual amenity;*  
 - *overdevelopment of the site;*  
 - *development that's out of character for the area”*

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 Application papers and correspondence relating to planning reference 15/508479/FULL.

## **8.0 APPRAISAL**

8.01 The application site lies within the built up area boundary where the principle of development is accepted. As such the main considerations in this case concern the impact that the proposal would have upon residential and visual amenities.

### **Residential Amenity**

8.02 Paragraph 5.7 of the SPG states that *“For single storey extensions close to your neighbour’s boundary, the Borough Council considers that a maximum projection of 3m will be allowed. A first floor extension should not exceed 1.8m.”* Paragraph 5.9 goes on to state that *“On well spaced detached properties or where an extension is to be built away from the boundary a larger extension may be acceptable”.*

8.03 In this case the host property is detached and the flank wall is 2.2m away from the side wall of the adjacent property, No.75A. On the opposite side there is a gap of 4.8m between the flank wall of the host property and No.73. The existing rear elevation of the host property sits forward of the rear wall of No.75A by approximately 1m and projects past the rear wall of No.73 by approximately 0.6m. The result is that, when taking into account the demolition of the existing lean to on the rear of the host property, the deepest point of the extension would project 1.4m past the rear wall of No.75A. The staircase which provides access from the decking to the garden would project 2.4m past the rear wall of No.75A but is located 4.5m away from the flank wall.

8.04 When the application was originally submitted the proposal included a side facing window in the proposed extension facing towards No.75A. This point was raised in the objection letter received from the neighbouring occupiers. I agreed that this window would give rise to a loss of privacy and after liaising with the agent I have

received amended drawings which shows the window has been deleted from the application. I also note the point that is raised regarding overlooking from the decking and steps towards No.75A and respond as follows. The view from the decking area towards No.75A would be blocked by the proposed extension. Although there would be some available views from the stairs this is not a part of the proposal where I consider any extended period of time would be spent and would be used for access to and from the garden. As such, in overall terms I do not consider that the proposal would overlook No.75A in a manner that would be significantly harmful.

- 8.05 Furthermore, although the extension is of a height of 4.7m (where the ground is at its lowest level), due to the limited distance that the proposal extends past this adjacent property and the distance between the dwellings I do not believe that the proposal would have a significantly overbearing impact or lead to an unacceptable loss of light for the occupiers of No.75A.
- 8.06 When the application was originally submitted I was of the opinion that the decking would allow the opportunity for direct views on the opposite side into the rear private amenity space of No.73. Due to this, after discussions with the agent an amended drawing has been received which shows an obscure glazed panel, 1.8m in height, running along the side of the decking, obscuring views towards no.73 from both the decking and the flank window. I have therefore included a condition which requires the proposal be constructed in accordance with the amended drawings which includes the obscure glazed screen. In light of this I consider that the proposal would not give rise to an unacceptable loss of privacy or overlooking of No.73.
- 8.07 In addition to the above, due to the distance between the proposal and No.73 I do not consider that the proposal would be unacceptably overbearing or cause a significant loss of light to this neighbouring property.

### **Visual Amenity**

- 8.08 Although the extension proposed is of flat roof design it is entirely contained on the rear of the property. As such, views towards the extension would be extremely limited from public vantage points. Furthermore, the application site is within a non designated area and the proposal is a typical design for rear extensions throughout the Borough. As such, I consider the design to be acceptable and one which would not impact unacceptably upon visual amenities.

## **9.0 CONCLUSION**

- 9.01 Overall I consider that the application has been amended to overcome the unacceptable elements of the scheme. As such, I take the view that the amended drawings show a development which would not give rise to harm to residential or visual amenities. I recommend that planning permission be granted.

## **10.0 RECOMMENDATION – GRANT** Subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be carried out in accordance with the following approved plans: 2000/04, Revision A; 2000/05, Revision B; 2000/06, Revision B.

Reasons: For the avoidance of doubt and in the interests of proper planning.

- (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reasons: In the interests of visual amenity.

- (4) The obscure glazed panels to the west elevation of the decking hereby approved shall be constructed prior to the first use of the development hereby approved, and shall be retained thereafter.

Reasons: In the interests of residential amenity.

**The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.