

PLANNING COMMITTEE – 22 JUNE 2017

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 17/502452/FULL			
APPLICATION PROPOSAL Erection of a two storey side and rear extension and pitched roof front porch (Resubmission).			
ADDRESS 8 Park Avenue, Sittingbourne, Kent, ME10 1QX.			
RECOMMENDATION - REFUSE			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would give rise to unacceptable harm to residential and visual amenity.			
REASON FOR REFERRAL TO COMMITTEE Called in by Councillor Conway.			
WARD Woodstock	PARISH/TOWN COUNCIL N/A	APPLICANT Mr D Hilden AGENT C & B Designs Ltd	
DECISION DUE DATE 03/07/17	PUBLICITY EXPIRY DATE 08/06/17	OFFICER SITE VISIT DATE 18/05/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/501944/PAMEET	Two storey side and rear extension to property	Advised unlikely to obtain support	27/04/17
16/501689/FULL	Two storey side and rear extension plus pitched roof front porch	Refused	10/05/16

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 8 Park Avenue is a two storey, detached house situated within the defined built up area boundary of Sittingbourne.
- 1.02 There is a large gravelled driveway and garden to the front, with private amenity space to the side leading to a long but narrowing garden to the rear.
- 1.03 The street scene is built in mainly detached and semi-detached dwellings, though of varying designs and sizes. In general, the pattern of development is open, spacious and creates a pleasant street scene.

2.0 PROPOSAL

- 2.01 The proposal seeks planning permission for the erection of a wrap around two storey side and rear extension, as well as a front porch.
- 2.02 The porch would measure approximately 2.4m in width x less than 1m in depth. It would have a pitched roof measuring 2.4m in height to the eaves with a ridge height of 3.2m.
- 2.03 The rearwards element of the two storey extension would have a depth of 4m at both ground and first floor level. It would measure 4.8m in width and approximately 7.1m in height with a flat topped roof.
- 2.04 The sideways element of the two storey extension would have a width of approximately 1.5m.

3.0 PLANNING CONSTRAINTS

- 3.01 Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and The National Planning Practice Guidance (NPPG): The NPPF and NPPG are relevant in that they encourage good design and seek to minimise serious amenity concerns.
- 4.02 Development Plan: Saved policies E1, E19, E24 and T3 of the adopted Swale Borough Council Local Plan 2008 and policies CP 4, DM 7, DM 14 and DM 16 of the emerging Swale Borough Council Local Plan Bearing Fruits 2031 are relevant in that they relate to general development criteria and design, alterations and extensions, and parking considerations.
- 4.03 Supplementary Planning Documents: The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and remains a material consideration having been through a formal review and adoption process. The 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.
- 4.04 National Planning Policy Framework (NPPF)
- 4.05 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."
- 4.06 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.
- 4.07 This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. Saved policies E1, E19, E24 and T3 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 None received.

6.0 CONSULTATIONS

6.01 Kent County Council Archaeology has confirmed that the site is within an area of potential archaeological importance, and has requested the standard archaeological condition. If Members should be minded to approve the application, this will need to be included with the standard conditions (time, materials and plans).

7.0 BACKGROUND PAPERS AND PLANS

7.01 A similar proposal was applied for through application 16/501689/FULL and was refused via delegated powers, for the same reasons outlined in the appraisal below.

7.02 Over the following months, correspondence was received from the agent, discussing whether a slight reduction in the width of the sideways element of the extension would overcome our objections. The agent was advised that this would be unlikely.

7.03 A request for pre-application advice was then made, in which it was further stated that the slight reduction in width would not overcome our objections (reference 17/501944/PAMEET).

8.0 APPRAISAL

8.01 The application site is located within the defined built up area boundary in which the principle of development is acceptable subject to the other relevant policy considerations outlined below. I would also note here that the proposed porch is compliant with the SPG and is considered acceptable. The main consideration is the impact of the two storey side and rear extension.

Residential Amenity

8.02 Firstly, I would note that the placement of the windows, when taking into account the surroundings, is considered acceptable, and that no significant overlooking would likely occur.

8.03 However, paragraph 5.7 of the SPG states that ground floor rear extensions should have a maximum projection of 3m, while first floor rear extensions should project no more than 1.8m. In this case, the rearwards projection of the extension would be 4m at both ground and first floor levels.

8.04 At ground floor level, there would remain an approximate 1.9m gap to the side boundary for most of the depth of the extension, and 10 Park Avenue itself has a ground floor rear extension. As such, I believe the 4m ground floor projection in this case would be acceptable.

8.05 However, the 4m projection at first floor level would be considerably in excess of the 1.8m guidance, even when taken in context with the separating gap. Furthermore, the sideways element of the extension would project to within 1.1m of the side boundary with 10 Park Avenue. 10 Park Avenue has a number of windows in its flank

elevation, and in my view the proposal would be unacceptably overbearing upon, and give rise to the loss of outlook from, the side and rear of 10 Park Avenue.

- 8.06 As such, I consider the proposal to be unacceptable in terms of residential amenity. I note the lack of objection from the neighbour; however this does not overcome the harm identified.

Visual Amenity

- 8.07 In terms of visual amenity, the main issue is the impact of the sideways part of the extension upon the character and appearance of the street scene.
- 8.08 Paragraph 5.0 of the SPG states that first floor side extensions should retain a 2m gap to the side boundary in areas of mainly detached and semi-detached housing. This is to prevent a terracing effect in the street scene.
- 8.09 In this case, there would remain a 1.1m gap to the side boundary, increasing to 1.9m as you move rearwards. In my view there would not be a sufficiently sized retained gap at first floor level to prevent a significant erosion of the space between 8 and 10 Park Avenue. This would give rise to a terracing effect in a manner harmful to the character and appearance of the street scene, and contrary to the advice of the adopted SPG. Whilst I appreciate that the extension is set well back from the principal elevation, it would remain visible in the street scene and I do not believe this would mitigate the harm identified.
- 8.10 It is accepted that the building line in Park Avenue does not provide a consistent and significant gap between all the dwellings. However, there are a number of dwellings in which there has remained significant and spacious gaps between them. This, taken with the fact that most dwellings are set significantly back from the main road, does give rise to the impression of an open and spacious street scene, in my opinion. As such I believe that where there are such gaps, they should be protected.
- 8.11 In support of this view, an appeal has previously been dismissed for a two storey side and rear extension at 23 Park Avenue. Although this was for a larger scale proposal that would have extended all the way to the side boundary, the Inspector did agree that a characteristic of Park Avenue is the visual relief provided in the gaps between dwellings.
- 8.12 The application has provided a number of examples in which houses, at first floor level, have been built up to or close to the side boundary in nearby roads Park Drive and Woodstock Road. Whilst I acknowledge that the area as a whole has a somewhat similar character, I do not believe these are reasons to approve such development in Park Avenue. In my view, the decision in this regard should be based upon the context of Park Avenue.
- 8.13 I consider the proposal unacceptable in terms of visual amenity.

Parking

- 8.14 The remaining driveway to the front would be sufficiently sized for the parking of at least 2 cars. As such, the parking arrangements would meet with the standards set out in the Residential Parking Advice and would be acceptable.

9.0 CONCLUSION

9.01 Taking into account all of the above; I consider the proposal to be significantly harmful to both residential and visual amenity. It is appreciated that effort has been made to reduce the width of the extension since the 2016 submission, however this has not overcome the harm identified and I recommend that planning permission be refused.

10.0 RECOMMENDATION – Refuse for the following reasons:

- (1) The proposed two storey side and rear extension, by virtue of its projection rearwards of, and sideways towards 10 Park Avenue would be significantly overbearing and oppressive upon, and give rise to the loss of outlook from, the side and rear of 10 Park Avenue. The proposal would therefore be unacceptably harmful to residential amenity in a manner contrary to policies E1, E19 and E24 of the adopted Swale Borough Local Plan 2008, policies CP 4, DM 14 and DM 16 of the emerging Swale Borough Local Plan Bearing Fruits 2031 and the adopted Supplementary Planning Guidance entitled “Designing an Extension A Guide for Householders”.
- (2) The proposed two storey side extension, by virtue of its projection close to the side boundary of 10 Park Avenue at first floor level, would fail to preserve the sense of openness and generally spacious pattern of development which characterises Park Avenue. It would subsequently give rise to a terracing effect in a manner harmful to the character and appearance of the street scene and visual amenity. The proposal would therefore be contrary to policies E1, E19 and E24 of the adopted Swale Borough Local Plan 2008, policies CP 4, DM 14 and DM 16 of the emerging Swale Borough Local Plan Bearing Fruits 2031 and the adopted Supplementary Planning Guidance entitled “Designing an Extension A Guide for Householders”.

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 to be fundamentally contrary to the provisions of the Development Plan and NPPF
- the applicants/agent received pre-application advice stating that a proposal of this nature would unlikely be acceptable
- the application was considered by the Planning Committee where the applicants/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.