

<b>2.6 REFERENCE NO - 17/501888/FULL</b>			
<b>APPLICATION PROPOSAL</b> Variation of condition 19 (garage roof) to previous application: 15/501604/FULL (Erection of 1 four bedroom house (detached) and garage/storage building).			
<b>ADDRESS</b> R/o 95 Borden Lane Sittingbourne Kent ME10 1BX			
<b>RECOMMENDATION</b> Grant subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed garage would not give rise to any serious harm to residential amenity or to the character and appearance of the area.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Councillor Truelove.			
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Guy Mills <b>AGENT</b> A N Ghosh Architects	
<b>DECISION DUE DATE</b> 08/06/17	<b>PUBLICITY EXPIRY DATE</b> 12/05/17		
<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>
15/501604/FULL	Erection of 1 detached four-bed house and garage/store.	Granted.	06.07.15
Members requested that the height of the garage be reduced to 3.5m, resulting in the currently-approved flat roof design. Otherwise the scheme was considered to be acceptable, further to the Inspector's decision as below.			
SW/11/0409	Erection of two dwellings.	Refused, and appeal dismissed.	2011
Refused on the grounds that the scale and design of the dwellings would represent over-development of the site, and that their siting and relationship with 95 and 97 Borden Lane would give rise to unacceptable overlooking of those existing properties. The Inspector agreed with the Council in respect of the proposed dwelling closest to the rear of 95 and 97 Borden Lane, but held that the proposed unit at the foot of the site was acceptable in principle.			
SW/09/0111	Erection of six dwellings (on adjacent land)	Refused, but appeal allowed.	2009
The Inspector's decision was clear and unambiguous in stating that, as the site lies within the built up area of Sittingbourne, best use of land should be made in terms of providing new housing.			

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site comprises a parcel of land to the rear of 95 Borden Lane, formerly comprising part of its garden but separated off several years ago to form a separate plot. It is generally level, and the house approved under 15/501604/FULL is nearing completion at the bottom of the plot. A base has been laid for the garage as approved.
- 1.02 Land levels drop down from Borden Lane so that the location of the garage is roughly 1.5m below the garden of no.95, and roughly 3.5m from the top of that property’s rear boundary fence.
- 1.03 The houses on the neighbouring parcel, approved under SW/09/0111, are complete and have been occupied for a few years now.

**2.0 PROPOSAL**

- 2.01 The application seeks to vary the conditions attached to 15/501604/FULL to substitute a revised drawing and increase the height of the approved garage from 3.5m to 5.1m.
- 2.02 However whilst this would be an increase of 1.6m above the approved height members should note that the base of the garage (already completed as per the approved drawing) has been set 600mm down from original site level, and thus the height of the proposed garage would be 4.5m above the original ground level of the site. It should also be noted that the new floor level of the garage would now almost be at a similar level to that of the ground floor of the main dwelling. The proposed garage features a pitched roof with barn hips, and three bays – two for vehicles and one for storage. The proposed dimensions of the garage would therefore be 4.5m at the ridge (as measured from the original ground level) x 8m wide x 6m deep, with facing brick and roof tiles. The garage will be positioned 2m away from the boundary with no.95, and the roof will pitch away from the boundary.
- 2.03 The approved garage, as per the amended drawings submitted at Member’s request, measured 3.5m tall with a partial flat roof x 8m wide x 6m deep, and would use the same external materials.

**3.0 SUMMARY INFORMATION**

	<b>Existing</b>	<b>Proposed</b>	<b>Change (+/-)</b>
Approximate Ridge Height (m)	3.5	4.5	1
Approximate Eaves Height (m)	1.8	2	0.2
Approximate Depth (m)	6	6	0
Approximate Width (m)	8	8	0
Parking Spaces	2	2	0

**4.0 PLANNING CONSTRAINTS**

- 4.01 Environment Agency Flood Zone 3

## **5.0 POLICY AND OTHER CONSIDERATIONS**

- 5.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) encourage good design standards and minimising the potential impacts of any development upon the amenity of neighbouring residents.
- 5.02 Policies E1, E19 and T3 of the adopted Swale Borough Local Plan 2008, and policies DM7 and DM14 of the emerging Local Plan "Bearing Fruits" are relevant.

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Two objection letters have been received from neighbours, raising the following summarised concerns:
- Will the building be for residential use only?
  - Can the Council guarantee that no roof lights will be added at a later date?
  - Large roof void unnecessary; and
  - Impact on character and appearance of the area.

## **7.0 CONSULTATIONS**

- 7.01 None.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 The historic applications noted above are relevant, particularly 15/501604/FULL, which granted planning permission for erection of the house and garage. Members may recall that officers recommended the application for approval, but the committee requested that the roof height be reduced.

## **9.0 APPRAISAL**

- 9.01 The principle of erecting a garage on this site has been squarely established by the previous planning permission reference 15/501604/FULL. Construction has begun on site in accordance with the approved drawings, and the general footprint of the building does not alter under the proposed revisions.
- 9.02 The garage is situated approximately 2m from the rear boundary fence of no.95, approximately 15m from the rear elevation of 95, and some 20m from the rear elevation of no.97. The increased height would therefore be very unlikely, in my opinion, to give rise to any serious overshadowing or overbearing impacts for those existing residents. I consider that other surrounding properties are equally as unlikely to be negatively harmed.
- 9.03 This, in combination with the step down in levels, would limit the potential for any serious amenity impacts on those neighbouring residents. I estimate that, at most, the top 1.5m of the proposed roof would be visible above the existing fence line from the garden of no.95, and as the ridge of the garage roof would be pitching away from the common boundary this would help to reduce its prominence even further. This is not an uncommon relationship and Members will be aware of the more constrained layouts often seen on new housing developments throughout the Borough.
- 9.04 The loft space could be used for purposes ancillary to the primary residential use of the main dwelling under normal permitted development rights. Condition 11, below,

restricts the insertion of roof lights or other openings into the roof so that an application would be required to do so, and officers could fully evaluate the potential impacts.

- 9.05 I consider the proposed garage to be of an appropriate scale and design in itself, and do not consider that the increased height would give rise to any additional harm to the character and appearance of the area. On the contrary, the current partial flat roof design is, in my opinion, awkward and ungainly, and a pitched roof would improve the visual appearance of the building. The height of the ridge is a function of the depth of the building, and tall roofs are a feature common to the houses on the surrounding new houses, so would tie in appropriately.
- 9.06 On a technical note: the effect of varying a condition means that an entirely new planning permission for the entire development, including the house, will be issued. I have therefore recommended the same conditions as the original permission, save for those that have already been agreed or discharged and thus don't require submission of any more details. A standard commencement condition is not required as the development has already commenced on site.

## 10.0 CONCLUSION

- 10.01 This application seeks to amend the design of the garage roof approved under 15/501604/FULL to remove the area of flat roof, and introduce a traditional pitched roof. I note local objections but do not consider that they would justify or sustain a reason for refusal given the gaps between existing houses and the proposed garage, and the step-down in site levels.
- 10.02 Taking the above into account I recommend that planning permission should be granted.

## 11.0 RECOMMENDATION – GRANT Subject to the following conditions:

- 1) No development shall take place other than in accordance with the details agreed under application reference 15/506356/SUB.

Reason: As such details have previously been agreed, and remain necessary.

- 2) Notwithstanding the submitted details, the finished floor level shall be a minimum of 22.25maODN; all flood resilience measures as outlined in Section 4.4 of the submitted Flood Risk Assessment are to be agreed in writing with the Local Planning Authority and subsequently incorporated into the finished dwellings; and a detailed surface water drainage scheme shall be submitted in writing to the Local Planning Authority for approval prior to the commencement of development and thereafter carried out in accordance with the approved details.

Reasons: To reduce the risk of flooding to the proposed development and its future occupants, and to reduce the risk of surface water flooding within the vicinity of the development.

- 3) Notwithstanding the submitted details, no infiltration or surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of groundwater, as the site lies within a highly sensitive area with regards to groundwater and is located within the Source Protection Zone 1 area for potable water abstractions in Sittingbourne.

- 4) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of groundwater, as the site lies within a highly sensitive area with regards to groundwater and is located within the Source Protection Zone 1 area for potable water abstractions in Sittingbourne.

- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 6) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 7) The parking/ turning area and garages shown on the approved drawings shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

- 8) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site without the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

- 9) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

- 10) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

- 11) No additional windows, roof lights, voids or other openings shall be inserted in the south-western flank elevation or roof slopes of the dwelling hereby approved, or in the roof of the garage hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the privacy and amenity of the neighbouring residents.

- 12) The development shall proceed in accordance with the following plans: GW/P.01A received on 21 April 2015, 02,03,04,05 (as shown on application reference 15/501604/FULL), and drawing GW/P.07.

Reason: For the sake of clarity

**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 acceptable as submitted and no further assistance was required.

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.