

PLANNING COMMITTEE – 20 JULY 2017

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 17/500104/FULL			
APPLICATION PROPOSAL Erection of a front and rear first floor extension.			
ADDRESS 49 Drake Avenue Minster-on-sea Kent ME12 3SA			
RECOMMENDATION - REFUSE			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL: Proposed rear extension would amount to an overbearing structure, harmful to residential amenity			
REASON FOR REFERRAL TO COMMITTEE The Parish Council support the application			
WARD Sheppey Central	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mr Craig Brawn AGENT Cre8room Limited
DECISION DUE DATE 25.07.17	PUBLICITY EXPIRY DATE 16/02/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/11/0777	Erection of a single storey rear extension - APPROVED		
SW/81/0512	Single storey rear extension - APPROVED		

1.0 DESCRIPTION OF SITE

1.01 No. 49 Drake Avenue is a detached chalet bungalow situated within the built up area. The property has an integral garage and a paved area to the front providing off road parking; and a generous garden to the rear. It has previously been extended towards the rear at single storey level.

2.0 PROPOSAL

2.01 This application seeks planning permission for a first floor extension to the front and rear of the property resulting in the appearance of a conventional two storey house. The proposed extension to the front would extend over the existing garage, and would not project any further than the garage footprint. The roof would be raised to create an enlarged area to provide an additional bedroom over the existing ground floor area.

- 2.02 The extension to the rear would extend over all of the existing ground floor rear projection, this it would extend an additional 3.5m rearwards and would include a Juliette balcony.
- 2.03 The roof height would be raised to a maximum height of 7.3m; 5m to eaves.
- 2.04 No additional windows are proposed at ground floor level. Two windows are proposed at first floor to the boundary with no.47; and four (two being high level) to the elevation with no. 51.
- 2.05 The gap between the application site and the boundary to no. 47 Drake Avenue remains at 1m; and 1m to the boundary with no. 51 Drake Avenue.
- 2.06 The application property projects beyond the rear of no. 47 Drake Avenue by 6m. No. 51 Drake Avenue has a single storey garage building on the boundary with the application site which extends beyond the rear elevation by 6.5m.

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) are relevant in terms of encouraging good design standards and minimising the potential impacts of any development upon the amenity of neighbouring residents.
- 4.02 The adopted Swale Borough Local Plan 2008 echoes a similar sentiment, and saved policies E1, E19, E24 in particular encourage the provision of high-quality development and minimising potential amenity impacts for local residents.
- 4.03 The Inspector's report concerning the emerging Local Plan, entitled Bearing Fruits 2031 has recently been published and, as such, the Policies of that plan now carry significant weight in the determination of planning applications. Policies DM14, DM16, DM19 are relevant in this instance.
- 4.04 The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and provides general design guidance. The SPG remains a material consideration, having been through a formal review and adoption process.

5.0 LOCAL REPRESENTATIONS

- 5.01 No local representations have been received.

6.0 CONSULTATIONS

- 6.01 Minster Parish Council supports the application, but without giving any reasons for so doing.
- 6.02 The County Archaeological Officer confirms that no archaeological measures would be required in connection with the proposal.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and drawings referring to the application reference 17/500104/FULL

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. The main consideration is the impact of the two storey rear extension would have on the neighbouring occupiers at no. 47 Drake Avenue.

Residential Amenity

- 9.02 The proposed first floor rear extension would project beyond the rear elevation of the neighbouring property at no. 47 Drake Avenue by an additional 3.5m. The Council's adopted supplementary planning guidance "Designing and extension: a guide for householders" states at paragraph 5.7 *"For single storey rear extensions close to your neighbour's common boundary, the Borough Council considers that a maximum projection of 3m will be allowed. A first floor extension should not exceed 1.8m."*
- 9.03 Even taking into account that a gap of 1m would remain to the common boundary with no. 47 Drake Avenue, I consider the proposal would be overbearing and give rise to overshadowing and loss of day and sunlight to the neighbouring property. I had requested that the plans be amended to address this issue. However, the applicant has chosen not to amend the proposal. Instead, he has suggested that a reduction in length of the first floor extension would make very little difference to what is proposed, either in terms of light or sunlight reaching the neighbouring property at no.47; and that the occupant of that property has no concerns over the proposal. In contrast, a reduction in length of the extension would not be aesthetically pleasing, and quite ugly compared to a "nice flush wall"; as well as increasing the cost of the extension by needing to reinforce the ground floor roof.
- 9.04 No additional windows are proposed at ground floor level. Two windows are proposed at first floor to the boundary with no.47; and four (two being high level) to the elevation with no. 51. These are to my mind acceptable as they mainly serve bathrooms.
- 9.05 The proposed extension to the front would extend over the existing garage, and would not project any further than the garage footprint. The roof would be raised to create an enlarged area to provide an additional bedroom over the existing ground floor area. This would not project beyond the front building line of the neighbouring property at no. 51 Drake Avenue. This extension is on the boundary with the driveway belonging to no. 51, with a gap of 4m (side elevation of no. 47 to side elevation of 51).
- 9.06 Due to the extent of the first floor extension, I consider the proposal to be unacceptable in terms of residential amenity.

Visual Amenity

- 9.07 In terms of visual amenity, the proposed development to the front of the property is acceptable, and, in my opinion, would not cause unacceptable harm to the streetscene. The area has a mix of detached, semi-detached houses and

bungalows of varying styles. I therefore consider the proposal to be acceptable in terms of visual amenity.

Parking

9.08 The existing parking arrangement would remain unaltered, providing off-road parking for several vehicles. I have no concerns in this regard.

10.0 CONCLUSION

10.01 The proposed development would cause demonstrable harm to residential amenity. I therefore recommend that planning permission be refused.

11.0 RECOMMENDATION – REFUSE

(1) The proposed two storey rear extension, by virtue of its rear projection would be a significantly overbearing presence for the occupiers of the adjoining property at no. 47 Drake Avenue, in a manner harmful to their residential amenity. The proposal would therefore be unacceptably harmful to residential amenity in a manner contrary to saved 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 applicant/agent was informed of any issues arising during the consideration of the application and how these could potentially be overcome but sufficient information was not forthcoming.
- 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.