

Tabled item – Application 17/504618/FULL - 6 Park Avenue, Sittingbourne (Planning Working Group)

The purpose of this tabled item is to provide Members with clarity regarding the measurements of the development now built (and those of the as yet unbuilt element of the proposals), to advise Members regarding some of the comments made by the applicant and interested parties at the site visit, and to set out a brief chronology of the development at the site.

The dimensions of the development are as follows (reflecting the amended plans received on the day of the last Committee Meeting):

	Approved (14/502055/FULL)	Proposed
Eastern two storey side extension (yet to be constructed)	5m wide, 8.8m deep, and 10.2m to ridge height	5m wide, 8.8m deep, 9.9m to ridge height
Main ridge height of dwelling	Increased from 9.7m to 10.2m	Increased from 9.7m to 9.9m
Western two storey side extension (as built)	7m wide, 9m deep and 8.6m to ridge height	7.1m wide, 13m deep (incorporating the additional rear extension), 9.2m to ridge height

Issues raised at the site meeting

- 1) Matters relating to whether the originally approved scheme could be constructed

That the development at the site may or may not have been able to be constructed is not a matter upon which Members are able to base their decision. The planning system does not consider such matters – they are dealt with under the Building Regulations, and there is no requirement in planning law for a scheme to be realistically able to be constructed in order to be acceptable. Members should therefore not give any weight to the applicant’s advice that the scheme was amended due to structural issues relating to the roof of the dwelling or the extension.

- 2) Matters relating to the fact that the development as built does not have planning permission

It is regrettable that the development has taken place without planning permission. Members are entitled to attach weight to the fact that development may be intentionally unauthorised. However – such weight is strictly limited and in my view Members would be ill advised to refuse permission solely, or even partly, on that basis here. Members may recall the recent appeal decision for the gypsy and traveller site at Spade Lane in Hartlip. The appellants at that site had flagrantly

breached high court injunctions – as blatant and serious an intentional breach of planning control as one could see. Nonetheless, the Inspector only attached moderate weight to this issue. This approach is in line with appeal decisions elsewhere, and given that the planning system is not designed to be punitive (i.e. it is not designed to punish applicants or appellants for carrying out unauthorised development) I would advise Members not to refuse planning permission on this basis here, and to attach limited weight to the issue.

3) Rooflights

Some of the local residents raised concern regarding light pollution from the site. In my view, the additional roof lights would not give rise to light pollution, and I suspect that some residents may have mistaken the term “roof lights” (or Velux windows) for some form of external illumination of the roof or building. If Members are minded to approve the application and remain concerned in this regard, a condition can be imposed requiring any external illumination to be submitted to and approved by the Council prior to installation.

4) Balcony

I do not consider that the provision of obscure panels to the flanks of the balcony need be required by condition – the distances to the adjacent dwellings visible from the balcony are substantial, as set out in the report. Nonetheless, if Members are concerned in this regard, this can be required by condition.

Chronology of development at the site

April 2017 – Complaint received that development is not proceeding in accordance with approved plans. Site visited by officers. Application requested.

June 2017 – Non material amendment application received relating to white render

July 2017 – Further non-material amendment application received relating to roof tiles

September 2017 – Current application submitted. It is though invalid.

September 2017 - Meeting between Development Manager, case officer and Ward Member

October 2017 – Meeting on neighbouring site between Area Planning Officer, Case Officer, local residents and Ward Member

November 2017 – Development reported to Planning Committee. Members resolve to take no action providing application is registered by end of November. Failing this, the matter would be reported back to Committee

November 2017 – Sufficient details submitted to make application valid. Application registered within the deadline set by the Planning Committee.