

2.3 REFERENCE NO - 18/501862/FULL			
APPLICATION PROPOSAL Erection of a rear single storey extension and rear first floor extension. (Resubmission of 17/505728/FULL).			
ADDRESS 45 Lynmouth Drive Minster-on-sea Sheerness Kent ME12 2HT			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The site lies within the built area boundary and accords with the relevant policies of the Swale Borough Local Plan Bearing Fruits 2031 (adopted July 2017).			
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Member and Parish Council objection			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mrs C Randall AGENT Oakwell Design Ltd	
DECISION DUE DATE 03/07/18	PUBLICITY EXPIRY DATE 29/05/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/505728/FULL	Erection of a rear single storey extension and rear first floor extension. (Resubmission of 17/503602/FULL).	APPROVED	10.01.2018
The above application was approved at Planning Committee on 04.01.18 and remains unimplemented.			
17/503602/FULL	Rear single storey extension and rear first floor extension.	WITHDRAWN	12.07.2017
SW/86/1390	Proposed first floor extension.	APPROVED	17.02.1987

1.0 DESCRIPTION OF SITE

- 1.01 45 Lynmouth Drive is a two storey detached dwelling located within the built up area boundary of Minster-on-Sea.
- 1.02 The dwelling is set within quite large grounds, with hardstanding to the front of the property and private amenity space to the rear. The surrounding street scene is primarily residential in nature, although the dwellings are of varying scales and designs.
- 1.03 The property was originally a private dwelling but has recently been converted to a House in Multiple Occupation (HMO).

2.0 PROPOSAL

- 2.01 This application is a re-submission of 17/505728/FULL, which Members will recall was approved at Planning Committee on the 4th January 2018. The previous Committee Report is attached at Appendix 1. The only change between the

applications is this current application proposes an obscure glazed window beneath the high level window in the first floor of the gable end extension. It will measure 1.8m in width and 0.8m in height. A new application for planning permission is required for this additional window as the following condition was placed upon approved application 17/505728/FULL:

“Condition (4) The southeast facing gable windows and the rooflights in the first floor elevation to the extension shall be obscure glazed and incapable of being opened unless they are a minimum of 1.7m above the finished floor level. They shall be maintained as such and notwithstanding the provisions of Classes A, B or C of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 no windows, roof windows, dormer windows or doors shall be inserted or enlarged in the first floor of the extension hereby approved.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.”

2.02 All other aspects of the proposed rear single storey extension and the rear first floor extension remain the same as that approved under 17/505728/FULL.

3.0 PLANNING CONSTRAINTS

3.01 None

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

4.02 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP4, DM7, DM14 and DM16

4.03 The Council’s adopted Supplementary Planning Guidance (SPG) entitled ‘Designing an Extension – A Guide for Householders’.

5.0 LOCAL REPRESENTATIONS

5.01 Four objections were received from neighbours. Their comments are summarised below:

- The property is used as a HMO and is therefore a business.
- There is no car parking for the current tenants and cars end up parked in Scarborough Drive as there is no parking in Lynmouth Drive.
- There have been complaints made to the council about noise and rubbish etc. caused by the tenants.
- No other properties have been converted into bedsit type accommodation in the area and therefore it’s out of character for a residential area.
- The proposed window does not adhere to the condition restricting additional windows on approved application 17/505728/FULL.
- Was not made clear on the application forms that the property is a HMO.
- Since the applicant got denied planning permission for a balcony, she has now proposed a flat roof with a full length window leading out onto it, which will no doubt be used as access to the roof.

- The property has a high turnover of tenants who do not fit in with the area, i.e. make no effort with neighbouring properties, the extra room might lead to an even higher turnover of people who do not contribute to the community.
- Will the additional toilet affect the drainage?
- Concerned that at a later date, the obscure glazed window could be changed to clear glass that will totally overlook our property, giving us no privacy.

5.02 One comment was received from a neighbour neither objecting nor supporting the application. Their comments are summarised below:

- We never have any problems parking outside our house due to the residents at No. 45. In fact there is ample parking for at least 5 cars on her driveway.
- The front of No. 45 is always kept clean and tidy.
- Noise has never been a problem even when No. 45 has had their windows open.

5.03 A comment was received from the daughter of the applicant, which attempts to address the concern raised by the objectors. Her comments are summarised below:

- The applicant has lived at No. 45 for 33 years and there has never been an issue with parking, noise, litter or neighbour disputes.
- No. 45 has 5 parking spaces, only 2 of the tenants drive, leaving plenty of room for the applicant and visitors.
- Noise has never been an issue, one of the tenants works nights shifts so the house is respectfully peaceful and mindful of this.
- The outside of No. 45 has always been clean, clear and well maintained.
- Drainage will not be impacted as the additional room is for the applicant, not a new tenant.
- Window will be obscure glazed to protect all neighbours and applicants own privacy, and will remain obscure glazed for this very reason.

5.04 Cllr Andy Booth, one of the Ward Members for Minster Cliffs called the application in to be heard at Planning Committee.

6.0 CONSULTATIONS

6.01 Minster-on-Sea Parish Council objects to the application, stating the following:

“Minster-on-Sea Parish Council can find no justification why the conditions applied the first-time round (under 17/505728/FULL) should be altered. This proposal despite the advice provided within the set conditions of that application will increase the impact of the House of Multiple Occupation on neighbours’ amenities not negate it particularly in respect of overlooking and loss of privacy.”

6.02 Natural England – No comments

7.0 BACKGROUND PAPERS AND PLANS

7.01 All plans and documents relating to 17/505728/FULL and 18/501862/FULL

8.0 APPRAISAL

Principle of Development

- 8.01 The principle of development was established under the previously approved application 17/505728/FULL. The attached Report at Appendix 1 sets out why the proposed extensions are acceptable. The only change to the approved plans, the addition of an obscure glazed window which will be situated underneath the approved high-level window on the first floor of the gable end extension will be considered with respect to the impact it may have upon residential and visual amenities.

Visual Impact

- 8.02 The proposed window will be situated on the rear of the property, so will not be visible in the street scene. It is of a standard design that will blend in with the existing windows on the property. As such, it will not harm the character or appearance of the existing dwelling or the wider street scene.

Residential Amenity

- 8.03 Regarding impact to residential amenity, I note the window will be obscure glazed, to prevent any overlooking of the neighbouring properties and associated gardens. As such, I do not consider the addition of the window to the extension will give rise to an unacceptable degree of overlooking. I include condition (4) below to ensure the window will be obscure glazed and non-opening below 1.7m from the floor, and will be maintained as such. I acknowledge the concern raised by neighbouring and the Parish Council regarding the potential overlooking and loss of privacy, however I consider the aforementioned condition will ensure any potential overlooking is minimal.

Other Matters

- 8.04 Concerns were raised by neighbours regarding the use of the house as a HMO; however this is a lawful use of the property and therefore is acceptable. Concern was also raised regarding the parking provision at the property, however this was deemed adequate under 17/505728/FULL. With regards to the flat roof being used as a balcony, condition (5) below will prevent this use.

9.0 CONCLUSION

- 9.01 On the basis of the above, I consider the addition of the obscure glazed window will not give rise to unacceptable overlooking at any neighbouring properties, nor will it impact visual amenities. As such, I recommend 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.

Reason: 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 permitted shall not be carried out otherwise than in complete accordance with the approved drawing no: PL01, PL04, PL05 Rev A and PL06.

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

- (3) The materials used in the extensions shall match exactly in type, colour and texture those of the existing property unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity.

- (4) The southeast facing gable windows and the rooflights in the first floor elevation to the extension shall be obscure glazed and incapable of being opened unless they are a minimum of 1.7m above the finished floor level. They shall be maintained as such and notwithstanding the provisions of Classes A, B or C of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 no windows, roof windows, dormer windows or doors shall be inserted or enlarged in the first floor of the extension hereby approved.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- (5) The flat roof area identified on approved drawing PL 04 shall not be used at any time as a terrace or balcony.

Reason: To safeguard the privacy of neighbouring occupiers.

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 has 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.

APPENDIX A

Planning Committee Report – 4 January 2018

ITEM 2.2

2.2 REFERENCE NO - 17/505728/FULL			
APPLICATION PROPOSAL Erection of a rear single storey extension and rear first floor extension. (Resubmission of 17/503602/FULL)			
ADDRESS 45 Lynmouth Drive Minster-on-sea Sheerness Kent ME12 2HT			
RECOMMENDATION - Approve			
SUMMARY OF REASONS FOR RECOMMENDATION The site lies within the built area boundary and accords with the relevant policies of the Swale Borough Local Plan Bearing Fruits 2031 (adopted July 2017).			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mrs C Randall AGENT Oakwell Design Ltd	
DECISION DUE DATE 27/12/17	PUBLICITY EXPIRY DATE 01/12/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/503602	Rear single storey extension and rear first floor extension	WITHDRAWN	12.10.17

1.0 DESCRIPTION OF SITE

- 1.01 45 Lynmouth Drive is a detached building situated within the built up area boundary of Minster.
- 1.02 The site is set within quite large grounds to rear. The street scene is primarily residential although the dwellings are of varying designs and sizes.
- 1.03 The property was originally a private dwelling but has recently been converted to a House in Multiple Occupation (HMO).

2.0 PROPOSAL

- 2.01 This application proposes a rear single storey extension measuring 2.05m in depth to extend the sun room, together with a rear first floor extension to provide an extra bedroom with en-suite facilities. This will be the same depth as the existing ground floor.

3.0 PLANNING CONSTRAINTS

None

APPENDIX A

Planning Committee Report – 4 January 2018

ITEM 2.2

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies DM7, DM14 and DM16

5.0 LOCAL REPRESENTATIONS

5.01 One letter from a neighbour states; *‘note that the balconies, has been removed from the plans, this was our only objection to the original plans, but the high windows are still in the plans, but at sometime in the future this could be changed to doors leading to the flat roof, that could be use for a balcony, this would cause us some concern, could the owners of the property need any permission to carry out such an event.’*

5.02 A second letter states *‘I have seen the changes to the above property plan and with my untrained eye, it looks to me the only difference is, there is no balcony. The only thing that worries me is, would it be possible and legal to add a balcony in the future? As that was the objection in the first place.’*

5.03 A third letter states *‘I have no objection to the re-submitted plans – provided they meet fully with the proposed development i.e. there are no alterations to the high level glazing to the rear gable and that at no time with the flat roof area outside of the bathroom, becomes a balcony area.’*

6.0 CONSULTATIONS

6.01 Minster-on-Sea Parish Council raises objection, commenting as follows:

Minster on Sea PC’s objection dated 9th October [to a previously withdrawn application] stands. Except for the removal of the balconies, the remainder of the issues have yet to be resolved. The Parish Council also asks that consideration to be given to neighbours’ comments to ensure that their concerns are taken it to consideration when determining the application.

The Parish Council previously raised objection on the following basis:

“[This is a commercial enterprise in a clearly residential area. There will be overlooking and loss of privacy issues for what is clearly a House of Multiple Occupation (HMO). The issue of parking will also need to be closely examined. Approval will be detrimental to the residential amenities of neighbours.] The revisions do not address these concerns. A HMO presents as totally out of character in this area and should not be permitted in this part of Minster-on-Sea.”

7.0 BACKGROUND PAPERS AND PLANS

7.01 All plans and documents relating to 17/505728/FULL and 17/503602/FULL

8.0 APPRAISAL

8.01 The main considerations in the determination of this planning application concern the impact of the rear single storey extension and the first floor extension on the visual amenities of the building and the surrounding area, and the impact on residential amenity.

APPENDIX A

Planning Committee Report – 4 January 2018

ITEM 2.2

Principle of Development

- 8.02 The application site is within the built up area boundary where the principle of extensions and alterations are acceptable subject to proposals meeting the Councils Policies.
- 8.03 Policy DM16 of the Local Plan specifies that development should be of appropriate design and quality which responds positively to the style and character of the building being extended. Development should be appropriately scaled in relation to the building and its surroundings, and protect residential amenity.

Visual Impact

- 8.04 The extensions are on the rear elevation of the dwelling so would not harm the character and appearance of the existing dwelling or the wider streetscene.

Residential Amenity

- 8.05 The proposed single storey rear extension is shown to project from the rear of the property by 2.05m. The depth of the first floor extension is 5.9m. However this part of the house does not have an immediate neighbouring dwelling next to it – it is located next to the end of gardens that back onto the application site. As such, I do not consider a projection beyond the guidance would necessarily be unacceptable.
- 8.06 The property to the rear of the site, 'Woodstock' is in excess of 21 metres from the proposed extension, and I do not consider there would be an unacceptable impact on this neighbour's amenity due to the distance involved.
- 8.07 The dwelling at 156 Scarborough Drive would face towards the side of the proposed first floor extension, with an intervening distance of around 10 metres. Whilst this would result in a greater mass of built form facing this property, it would comply with the 25° BRE light guidelines. I also note that the eaves and ridge of the first floor extension would be lower than the main house, and that the roof would pitch away from No 156. On this basis, I consider the impact on this property to be acceptable.
- 8.08 With regards overlooking, if the gable windows and the rooflights on the roof slopes of the first floor extension are obscure glazed and fixed shut, as shown on the submitted drawings, there is unlikely to be a significant degree of overlooking. These windows are proposed to serve a bedroom, and I would normally consider such an arrangement to be detrimental to the amenities of the occupiers of this dwelling. I am though mindful that the room is also served by a window looking out over the flat roof extension. I am therefore satisfied that the bedroom does have an adequate outlook..

Highways

- 8.08 There are approximately three car parking spaces to the front of the dwelling which accords with adopted Kent Council Highways and Transportation standards for a dwelling with 4+ bedrooms. There would be no resulting harm to highway safety and convenience.

Other Matters

- 8.09 The Parish Council raised concern on the withdrawn application 17/503602/FULL regarding the application site being a House in Multiple Occupation (HMO) and has raised the same concerns for this application. The agent/applicant has confirmed that

APPENDIX A

Planning Committee Report – 4 January 2018

ITEM 2.2

it is a small HMO. This is a permitted change of use and is not a material consideration here.

9.0 CONCLUSION

9.01 This application for a rear single storey extension and rear first floor extension to provide a bedroom with en-suite is considered acceptable and I therefore recommend that planning permission be granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions

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.

Reason: 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 permitted shall not be carried out otherwise than in complete accordance with the approved drawing nos: PL01, PL04, PL05 and PL06.

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

(3) The materials used in the extensions shall match exactly in type, colour and texture those of the existing property unless otherwise agreed, in writing, by the Local Planning Authority.

Grounds: In the interests of visual amenity.

(4) The southeast facing gable windows and the rooflights in the first floor elevation to the extension shall be obscure glazed and incapable of being opened unless they are a minimum of 1.7m above the finished floor level. They shall be maintained as such and notwithstanding the provisions of Classes A, B or C of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 no windows, roof windows or dormer windows shall be inserted or enlarged in the first floor of the extension hereby approved.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

(5) The flat roof area identified on the plan shall not be used at any time as a terrace or balcony.

Reason: To safeguard the privacy of neighbouring occupiers.

Council's approach to the 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:

- o Offering pre-application advice.
- o Where possible, suggesting solutions to secure a successful outcome.

APPENDIX A

Planning Committee Report – 4 January 2018

ITEM 2.2

o As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance

The application was acceptable after amended drawings were submitted and no further assistance was given.

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.