

REFERENCE NO - 18/502184/FULL			
APPLICATION PROPOSAL Demolition of existing garages and erection of 1 no. new dwelling within sub divided plot(s).			
ADDRESS 32 The Broadway Minster-on-sea Sheerness Kent ME12 2RR			
RECOMMENDATION REFUSE			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal, by virtue of its scale, and the size and location of the application site would result in the loss of adequate private amenity space for the neighbouring dwellings at nos.28 and.32 The Broadway. The design and location of the building would result in an unacceptable loss of privacy for future occupiers of the new dwelling as a result of overlooking from no.28 The Broadway and would also have an overbearing impact on the rear gardens of nos. 28 and 32 The Broadway.			
REASON FOR REFERRAL TO COMMITTEE Parish Council support the application.			
WARD Minster Cliffs	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mr & Mrs Raggett AGENT Oakwell Design Ltd
DECISION DUE DATE 29/06/18	PUBLICITY EXPIRY DATE 30/05/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/501767/FULL	New vehicle access	APPROVED	16/06/18

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 32 The Broadway is one half of a semi-detached pair of two storey dwellings located within the built up area of Minster. There is a large section of hardstanding to the front of the dwelling and its adjoined neighbour no.28 which provides sufficient off road parking for several vehicles.
- 1.02 Both dwellings have existing private amenity space, no. 28 measures 14.6m in depth and 10.7m in width whereas no. 32 measures 12.8m in width by 14.2m in depth.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the demolition of existing garages to the rear of 32 The Broadway and the erection of a new dwelling positioned in the rear gardens of 32 and 28 The Broadway. The dwelling would have the same building line as development on adjacent Abbeyview Drive and this would also be where access to the dwelling is gained.
- 2.02 As a result of discussions regarding the application the agent submitted amended plans attempting to overcome issues that were identified. The plans propose the

dwelling would measure 6.3m in width, 13.6m in length which is stepped to 9.7m on the eastern side and will have an eaves height of 2.6m and a maximum height of 4.5m. The addition of a single storey rear protrusion to the western shared boundary attempts to restrict overlooking and would have a smaller overall height of 3.5m. The design proposed attempts to mimic development on Abbeyview Drive and follows a similar building line to dwellings observed on this road. The materials proposed are dark grey slate roof tiles, red/brown facing brickwork and white UPVC windows.

- 2.03 The new dwelling would provide two bedrooms, kitchen, living/dining room and bathroom, with access to the dwelling being on the west elevation.

3.0 PLANNING CONSTRAINTS

- 3.01 None relevant.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 4.02 Development Plan: CP3, CP4, DM7 and DM14 of “Bearing Fruits 2031: The Swale Borough Local Plan 2017”

5.0 LOCAL REPRESENTATIONS

- 5.01 No comments have been received from local residents.

6.0 CONSULTATIONS

- 6.01 Minster Parish Council support the application. No reasons for support were given.
- 6.02 KCC Highways commented as follows “*development proposal does not meet the criteria to warrant involvement from the Highway Authority*”
- 6.03 Natural England commented as follows: “*Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site(s) and that the proposal should not result in a likely significant effect.*”

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and drawings referring to application reference 18/502184/FULL.

8.0 APPRAISAL

Principle of Development

- 8.01 The application site is situated within the defined built up area boundary of Minster where the principle of development is acceptable subject to relevant policy considerations and local amenity impacts.

Visual Impact

- 8.02 Whilst the proposal is situated in the rear gardens of nos. 28 and 32 The Broadway due to this being a corner plot I do not consider this is to be harmful backland development. The proposal aligns with the general building line of Abbeyview Drive

and it is from this road that access to the property would also be gained. The design of the new dwelling resembles that of neighbouring 1 Abbeyview Drive with a pitched roof and facing red brickwork and brown tiles to match the surrounding dwellings visible in the streetscene. In terms of materials and design I do not consider that the proposal is harmful to visual amenities.

Residential Amenity

- 8.03 The new dwelling would have a close relationship with 1 Abbeyview Drive as it would be situated just 1m from the shared boundary. I do consider however, that this relationship does not significantly harm no. 1 Abbeyview Drive as there is a change in natural ground level that sees no. 1 situated considerably higher than the proposed dwelling and therefore I do not consider that there will be a loss of light or privacy or that the new dwelling would amount to an overbearing structure on this particular dwelling, nor, given the siting of the proposed dwelling would there be a significant impact on the proposed dwelling from no.1 Abbeyview Drive.
- 8.04 The proposed dwelling would be located approximately 7.5 metres from the rear elevations of nos.28 and 32 The Broadway, and due to the change in levels, would be significantly elevated above both dwellings. The Council normally seeks a flank to rear distance of at least 11 metres in normal circumstances, and this proposal falls well below this. As a consequence of this small distance and difference in levels between the proposed and existing dwellings, I am firmly of the view that the proposed dwelling would amount to a dominant and overbearing structure which would give rise to a significant degree of overshadowing and loss of outlook to the occupiers of these dwellings. Furthermore, due to the small distance between these dwellings, the existing dwellings would significantly and harmfully overlook the rear garden for the proposed dwelling, leaving it with minimal private amenity space. I note the addition of the single storey protrusion at the rear of the new dwelling, that attempts to overcome the privacy issue with nos 28 and 32 however I do not consider this to be sufficient and therefore believe that the issue of loss of privacy remains.
- 8.05 The proposed development would also significantly reduce the private amenity space to nos.28 and 32 The Broadway, leaving them with rear gardens of approximately 7m in depth, well below the Council's normal minimum depth of 10m. Both gardens would though be in excess of 10m in width and as such I do not consider that the proposal would result in harm to the amenities of the occupiers of these dwellings in that respect, although as set out above, both gardens but in particular that serving no.32 The Broadway, would be dominated by the proposed dwelling to a significant degree. Amended plans show additional designated amenity space proposed to the front and side of the dwellings 28 and 32 The Broadway but as lack of amenity is not a reason for refusal I will not be assessing this alteration.
- 8.06 The proposed dwelling would have a rear garden measuring approximately 7.8m x 8.5m. Whilst this again falls below the normal minimum depth for a rear garden, I am not persuaded that it is of such a small size that it would be inadequate for the dwelling proposed.

Parking

- 8.04 The proposal includes the addition of a 2 bedroom house which is required by Kent Parking Standards to provide at least one off road parking space, this requirement is met in this instance as there is parking for one car to the front of the proposed dwelling. All of the parking for the existing dwellings would be located to the front.

9.0 CONCLUSION

9.01 I consider that the proposal is unacceptable as it will give rise to cramped and overcrowded development harmful to the character and layout of the locality while having a dominating and overbearing effect on the outlook and amenities of properties overlooking and abutting the site as well as a poor outlook for future occupiers of the new dwelling.

10.0 RECOMMENDATION –REFUSE for the following reasons:

- (1) The proposed dwelling, by virtue of its scale, the location of the plot and the topography of the area, would amount to a prominent, imposing and overbearing structure which would give rise to significant harm to the residential amenities of the occupiers of the adjacent dwellings to the west, by virtue of loss of outlook and loss of daylight/sunlight. The proposal would therefore be harmful to residential amenity in a manner contrary to policies CP4 and DM14 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".
- (2) The design and location of the building would result in an unacceptable loss of privacy for future occupiers of the new dwelling as a result of overlooking from no.28 The Broadway. The proposal would therefore be harmful to residential amenity in a manner contrary to policies CP4 and DM14 of "Bearing Fruits'2031: The Swale Borough Local Plan 2017".

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.

