

**PLANNING COMMITTEE – 11<sup>TH</sup> OCTOBER 2018**

**PART 3**

Report of the Head of Planning

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Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 18/503008/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a new detached bungalow on garden site to the side of existing dwelling.			
<b>ADDRESS</b> 2 Sunnyside Avenue Minster-on-sea Sheerness Kent ME12 2EN			
<b>RECOMMENDATION</b> Refuse			
<b>SUMMARY OF REASONS FOR REFUSAL</b> The proposed dwelling, by virtue of its scale and location on the plot, would have an overbearing impact and would create a sense of enclosure, giving rise to loss of outlook, harmful to the residential amenities of the occupiers of no. 2 Sunnyside Avenue. The proposal would therefore be contrary to policies CP4 and DM14 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".  The proposed development and the subdivision of the site, result in a substandard provision of private amenity space to the existing dwelling, harmful to the residential amenities of the occupants 2 Sunnyside Avenue. The proposal would therefore be contrary to policies CP 4 and DM 14 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council support the application.			
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Roach <b>AGENT</b> Architecnique Architects
<b>DECISION DUE DATE</b> 27/08/18	<b>PUBLICITY EXPIRY DATE</b> 14/08/18		
<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>
17/505973/FULL	Retrospective - demolish metal frame workshop and replace with outdoor timber office with change of use from outbuilding to B1 business use.	APPROVED	29/05/18

## **1.0 DESCRIPTION OF SITE**

- 1.01 2 Sunnyside Avenue is a detached bungalow located within the built up area boundary of Minster. The property has a large open frontage with a hardstanding driveway and a wooden office located to the front as well as a garage.
- 1.02 The site is located at a junction on a corner plot and has a frontage that faces onto Sunnyside Avenue but with amenity space that extends along Scrapsgate Road. A large hedge extends along the boundary of the property, enclosing the private amenity space to the side of the dwelling and obscuring the majority of the existing dwelling from Scrapsgate Road.
- 1.03 The existing dwelling is irregular in its orientation in the streetscene as it is set back from the building line of Sunnyside Avenue and has its private amenity space extending to the side of the dwelling as opposed to the rear.

## **2.0 PROPOSAL**

- 2.01 This planning application seeks permission for the erection of a new three bedroom detached dwelling located in the private amenity space of the existing bungalow.
- 2.02 Whilst access to the existing bungalow is gained from Sunnyside Avenue, access to this new dwelling would be gained from Scrapsgate Road via the creation of a new access.
- 2.03 The new dwelling would provide three bedrooms and a bathroom on the first floor with a living room, kitchen/dining room and toilet on the ground floor. There would be an irregular section of private amenity space to the south side of the new dwelling which would extend towards Sunnyside Avenue. There would also be hardstanding to the front of the new dwelling, facing Scrapsgate Road, which would accommodate the off road parking of two cars.
- 2.04 The dwelling would measure 11m in width by 9.2m in depth, with a height to eaves of 2.4m and an overall height of 6m.
- 2.05 The existing bungalow, 2 Sunnyside Avenue, would remain and would maintain its existing parking arrangement but would lose a section of its amenity space to the side.

## **3.0 PLANNING CONSTRAINTS**

- 3.01 Environment Agency Flood Zone 3

## **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. However the following comments in relation to the application were submitted on the original consultation:

*“Minster-on-Sea Parish Council's support is subject to the revision of parking and access arrangements to obviate the need to reverse into the road. Bearing this in mind, the Parish Council asks the Case Officer to share this information with the Highways Authority (HA) and ask for it to review its position to ensure there are no material highway safety risks” (27/07/18)*

The applicant submitted amended plans and the Parish Council responded with the following comments:

*“Minster-on-Sea Parish Council is pleased the revisions resolve the parking issues” (17/08/18)*

When contacted for the reason that support was given for the application as the planning department were seeking refusal, the Parish Council responded with the following comments:

*“Minster-on-Sea Parish Council's position submitted 17 August 2018 remains unchanged.” (07/09/18)*

6.02 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.”*

6.03 KCC Highways commented as follows *“development proposal does not meet the criteria to warrant involvement from the Highway Authority”*

6.04 I am awaiting the comments of the Environment Agency and will update Members at the Meeting.

**7.0 BACKGROUND PAPERS AND PLANS**

7.01 Application papers and drawings referring to application reference 18/503008/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 Sunnyside Avenue is characterised by a mixture of detached and semi-detached properties consisting of bungalows and two storey dwellings. I therefore do not

consider that the addition of a two storey dwelling would be out of place in the streetscene. I have no concerns over the proposed materials as there is a variety of design also present.

- 8.03 Whilst the new dwelling doesn't follow the building line of Sunnyside Avenue it would follow the general building line of Scrapsgate Road with dwellings fronting towards the west and being accessed via Scrapsgate Road.

### **Residential Amenity**

- 8.04 As the site is a corner plot there is no directly adjacent neighbour to the west of the property therefore it is the impact on the existing dwelling no. 2 Sunnyside Avenue that must be considered.
- 8.05 There is one window proposed to the rear elevation of the new dwelling, facing no. 2 Sunnyside Avenue, however this serves a toilet and therefore I consider that there are no overlooking concerns from this perspective as the window would be obscure glazed. I note that the windows proposed on the new dwelling to the front and side elevations are all in excess of 21m from other neighbouring dwellings and therefore I do not foresee any significant overlooking issues as a result of this development.
- 8.06 Although I do not have any concerns in relation to overlooking, I am concerned over the potential overbearing impact that the new dwelling will have on no. 2 Sunnyside Avenue. I consider that although the proposed dwelling would be 1.8m from the shared boundary that due to the orientation of the existing bungalow, with its narrow private amenity space being located to its western side, that the new dwelling will create a sense of enclosure and have a detrimental impact on the residential amenity of the occupiers of no. 2 Sunnyside Avenue. As a result the occupiers of 2 Sunnyside Avenue will essentially have a two storey dwelling just 5m away from what can be described as their "rear elevation". I consider that this would result in poor outlook, and would be overbearing for the occupiers of this dwelling and that this would amount to a reason for refusal.
- 8.07 Whilst in principle the erection of a dwelling of this nature in this setting is appropriate I do not believe that the irregular shaped plot is capable of accommodating both dwellings in the given arrangement as the plot is too small to maintain an acceptable standard of amenity for both dwellings and it would result in an overcrowded plot.
- 8.08 The proposed development would also significantly reduce the private amenity space of no. 2 Sunnyside Avenue, leaving the dwelling with private amenity space to the side measuring approximately 3.4-4m in depth by 21m in length, well below the Council's normal required minimum depth of 10m. I note that the applicant has submitted an additional document detailing the potential for the private amenity space to extend to the front of the dwelling. I do not consider that this overcomes the associated issues and would add that this amenity space would still be visible from the highway and would not be considered private. Furthermore the applicant's suggested alternative would result in a means of enclosure to the front of the dwelling, harmful to the character and appearance of the streetscene.

### **Parking**

- 8.09 The proposal includes the addition of a 3 bedroom house which is required by Kent Parking Standards to provide at least two off road parking space; this requirement is met in this instance as there is parking for two cars to the front of the proposed

dwelling. All of the parking for the existing dwelling would be located to the front of 2 Sunnyside Avenue.

### **Other matters**

8.10 The application site lies in Flood Zone 3 and I await the comments of the Environment Agency. I will update Members at the Meeting.

## **9.0 CONCLUSION**

9.01 I consider that the proposal is unacceptable as it will amount to an overdevelopment of the plot, giving rise to a poor outlook for the occupiers of 2 Sunnyside Avenue, would appear overbearing from this dwelling, and would result in a substandard provision of amenity space for no.2 Sunnyside Avenue. Subject to the comments of the Environment Agency, I therefore recommend refusal..

## **10.0 RECOMMENDATION –REFUSE for the following reasons:**

- (1) The proposed dwelling, by virtue of its scale and location on the plot, would have an overbearing impact and would create a sense of enclosure, giving rise to loss of outlook, harmful to the residential amenities of the occupiers of no. 2 Sunnyside Avenue. The proposal would therefore be contrary to policies CP4 and DM14 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".
- (2) The proposed development and the subdivision of the site, result in a substandard provision of private amenity space to the existing dwelling, harmful to the residential amenities of the occupants 2 Sunnyside Avenue. The proposal would therefore be contrary to policies CP 4 and DM 14 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".

### **The Council's approach to this application:**

In accordance with paragraph 38 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.

