

PLANNING COMMITTEE – 10 JANUARY 2019

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 18/505513/FULL			
APPLICATION PROPOSAL			
Reconstruction of bay window to front extending to first floor. Insertion of side window, replacement balustrade, along with internal alterations.			
ADDRESS 54 The Leas, Minster-on-Sea, Sheerness, Kent ME12 2NL			
RECOMMENDATION - Refuse			
SUMMARY OF REASONS FOR REFUSAL			
<p>The proposed first floor bedroom window, by virtue of its siting in the eastern flank wall of the house adjacent to the private open courtyard area of no. 55 The Leas, would have a detrimental impact on the residential amenity of this neighbouring property, contrary to Policies CP4, DM14 and DM16 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017" and to the advice of the Council's adopted Supplementary Planning Guidance entitled "Designing an Extension – A Guide for Householders".</p> <p>The design and siting of the proposed two storey front bay extension, by virtue of its projection towards and close proximity to The Leas, would create an overly conspicuous and dominant built structure in the street scene in a manner detrimental to the character and appearance of the area and visual amenities, contrary to Policies CP4, DM14 and DM16 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017" and to the advice of the Council's adopted Supplementary Planning Guidance entitled " Designing an Extension - A Guide for Householders".</p>			
REASON FOR REFERRAL TO COMMITTEE			
Application called in by Councillor Andy Booth			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Andrew Hill AGENT	
DECISION DUE DATE 24/12/18		PUBLICITY EXPIRY DATE 27/11/18	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/91/1301	Rear garden fence to eastern boundary, covered way and side gate	Approved	03/03/92
SW/91/0907	Rear garden fences, side gate and covered way	Refused	17/10/91
SW/90/0062	Two storey side extension and single storey rear extension	Approved	13/03/90
SW/81/0065	Bedroom extension	Approved	18/03/81
SW/80/0186	Lounge extension	Approved	19/03/80

SW/80/0146	Alteration to front elevation	Approved	17/03/80
SW/75/0930	Side extension to form additional living accommodation	Refused	17/11/75

1.0 DESCRIPTION OF SITE

- 1.01 54 The Leas is a two storey, detached house which fronts the beach and the sea. The front elevation of the property comprises a gable end, with a curved bay window on the ground floor. To the left of the elevation is the front entrance door and an integral garage; above this is a first floor balcony. To the front there is paved driveway providing off-street parking for several vehicles, and a generous garden to the rear.
- 1.02 The property has already been significantly extended. Permission was granted under application SW/90/0062 for a two storey side extension and a single storey rear extension.
- 1.03 The application site is located within the defined built up area boundary of Minster. The Leas has a mix of housing types and the host property occupies a prominent position in the street scene, located between a bungalow to the east, and a large chalet bungalow to the west.

2.0 PROPOSAL

- 2.01 The application seeks planning permission for a two storey bay window extension to the front elevation; the insertion of a first floor window in the eastern flank wall of the property; a replacement glass balustrade to the existing first floor balcony; and internal alterations.
- 2.02 The proposed two storey bay window would project 1.2m forwards of the main front wall of the house to the same building line as the existing front balcony, and it would measure 4.66m wide. It would have a square design, with picture windows to the front elevation, and side windows on the ground and first floor in both flank elevations. The proposed bay extension would measure 5.4m to the eaves, and 7.25m in overall height to the top of the proposed hipped gable roof. The materials would include brickwork to match the existing dwelling, render to the front elevation between the ground and first floor picture windows, and blue-black cement tiles to the bay roof.
- 2.03 The application proposes the formation of two additional bedrooms (4 in total) from the existing first floor office space. One side window would be introduced into the eastern flank wall of the house at first floor level to serve the proposed 4th bedroom.
- 2.04 To the front of the dwelling, the metal balustrade to the existing first floor balcony would be removed and replaced with glazed panels measuring 0.9m high.
- 2.05 The submitted drawings also show a proposed roof light to the single storey flat roof at the rear of the dwelling. However, as this would amount to permitted development I will make no assessment of this.

3.0 PLANNING CONSTRAINTS

- 3.01 None relevant.

4.0 POLICY AND CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and the National Planning Practice

Guidance (NPPG)

- 4.02 The Swale Borough Local Plan “Bearing Fruits 2031” (adopted 2017). Policies CP4 (good design), DM7 (parking), DM14 (general development criteria) and DM16 (alterations and extensions).
- 4.03 The Council’s adopted Supplementary Planning Guidance (SPG) titled “Designing an Extension” is also relevant, and remains a material planning consideration having been through a formal consultation and adoption process.
- 4.04 Kent Design Guide Review: Interim Guidance Note 3 – Residential Parking (November 2008).

5.0 LOCAL REPRESENTATIONS

- 5.01 None received.

6.0 CONSULTATIONS

- 6.01 Minster-on-Sea Parish Council initially supported the application. No reasons for support were given.

As I was inclined to refusal of the application I contacted the Parish Council to establish their specific material planning comments, in accordance with the Council’s Constitution.

Minster-on-Sea Parish Council confirmed on 29 November 2018 that they would support the Case Officer’s position and support a refusal.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and drawings referring to application reference 18/505513/FULL.

8.0 APPRAISAL

Principle of Development

- 8.01 The site is situated within the defined built up area boundary of Minster in which the principle of development is acceptable subject to amenity and other relevant policy considerations.

Residential Amenity

- 8.02 In respect of the proposed two storey bay window, there would be a separating distance of approximately 1.5m from the proposed extension to the boundary with no. 53 The Leas, and I take into consideration that this neighbouring property is also set back approximately 1m from this boundary. The distance from the proposed bay window to the common boundary with no. 55 to the west is approximately 5m. Given the distance involved, I do not believe that the bay extension would detrimentally overbear or adversely impact the outlook of these neighbouring properties.
- 8.03 As the frontage of the property is made up of the highway, the beach and the sea, I do not believe that the front facing picture windows of the proposed two storey bay extension would give rise to any unacceptable overlooking impacts. The secondary side windows of the bay extension would not look directly into the windows of the adjacent properties either side of the host property, and any open areas that could potentially be overlooked by these windows are already visible from public vantage

points; therefore no objection on loss of privacy grounds could be justifiably sustained here. Overall, I have no serious concerns in terms of overlooking from this element of the application.

- 8.04 The proposal would introduce a first floor side window into the eastern flank wall of the house to serve the proposed 4th bedroom. The Council's adopted Supplementary Planning Guidance advises that side windows should be avoided to reduce overlooking and mutual loss of privacy. No. 55 The Leas has an open courtyard area located immediately adjacent to the eastern flank wall of the host property, and the position of the proposed first floor side window would overlook this private courtyard area that is clearly being used for the occupiers' enjoyment. I consider that the proposed development would result in an unacceptable increase in actual and perceived loss of privacy at no. 55 The Leas that would be contrary to policy advice. It should be noted that the use of an obscure-glazed, high level window here would not provide an acceptable solution, as such a window would provide the only light to a bedroom, resulting in a poor standard of amenity for the occupants of the host dwelling. In my opinion, the proposed first floor side window would result in harmful overlooking and perceived intrusion for the residents of no. 55 The Leas; and this would amount to a reason for refusal.

Parking

- 8.05 The number of bedrooms would increase from two to four as a result of the proposal. The parking requirements for a four bedroom property in the suburban area according to the Kent Design Guide Review – IGN3 is for two off-street parking spaces, and this would be comfortably met by the paved driveway to the front of the property. I therefore consider the parking arrangements to be acceptable.

Visual Impact

- 8.06 There are a number of properties along The Leas that have front facing balconies with a glazed balustrade design. I therefore take the view that that the proposed replacement of the existing ornate metal balustrade to the front balcony with a glazed balustrade would be in keeping with the surrounding dwellings, and would not have an unacceptable impact upon the appearance of the host property.
- 8.07 The existing property when viewed from the highway is already a prominent dwelling within the street, its front building line being one of the foremost along The Leas; this is amplified as a result of the property being located between a bungalow to the east, and a chalet bungalow to the west. The existing curved ground floor bay window projects by approximately 0.8m from the main front wall of the house, and the proposed ground floor bay window would project by an additional 0.4m; this would accord with the Council's adopted SPG which recommends that ground floor extensions should be limited to a 1.2m front projection. However, the addition of a 1.2m deep bay window at first floor, with its square design, and hipped gable roof above, would in my view materially increase the overall scale and bulk of the property relative to the other properties in this part of the street scene. This increased scale and bulk would be exacerbated by having brought the front elevation even closer to the road, when the dwelling is already visually prominent within the road, and in relation to the dwellings either side of it. As a result, I consider that the property would represent an overly conspicuous and dominant built structure in the street scene. In this respect the proposal would have an unacceptable impact on the street scene through its siting and design, conflicting with current policy and guidance. This would amount to a reason for refusal.

9.0 CONCLUSION

9.01 To conclude, I consider the proposal is unacceptable in relation to its harmful impact upon the residential amenity of neighbouring property no. 55 The Leas, and by virtue of its detrimental impact on the street scene. I therefore recommend that planning permission be refused.

10.0 RECOMMENDATION – REFUSE for the following reasons:

- (1) The proposed first floor bedroom window, by virtue of its siting in the eastern flank wall of the house adjacent to the private open courtyard area of no. 55 The Leas, would have a detrimental impact on the residential amenity of this neighbouring property, contrary to Policies CP4, DM14 and DM16 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017" and to the advice of the Council's adopted Supplementary Planning Guidance entitled "Designing an Extension - A Guide for Householders".
- (2) The design and siting of the proposed two storey front bay extension, by virtue of its projection towards and close proximity to The Leas, would create an overly conspicuous and dominant built structure in the street scene in a manner detrimental to the character and appearance of the area and visual amenities, contrary to Policies CP4, DM14 and DM16 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017" and to the advice of the Council's adopted Supplementary Planning Guidance entitled " Designing an Extension - A Guide for Householders".

The Council's approach to the application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by

- Offering a pre-application advice service.
- 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 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.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

