

PLANNING COMMITTEE – 11 NOVEMBER 2021**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

| | | |
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| 2.1 REFERENCE NO - 21/504415/FULL | | |
| APPLICATION PROPOSAL Retrospective application to convert existing flat roof to external terrace. | | |
| ADDRESS 32 The Broadway Minster-on-sea Sheerness Kent ME12 2RR | | |
| RECOMMENDATION – That Planning Permission is Granted | | |
| REASON FOR REFERRAL TO COMMITTEE Parish Council objection | | |
| WARD Minster Cliffs | PARISH/TOWN COUNCIL Minster-On-Sea | APPLICANT Mr & Mrs Raggett AGENT Oakwell Design Ltd. |
| DECISION DUE DATE 07/10/21 | | PUBLICITY EXPIRY DATE 24/09/21 |

Planning History

19/502999/FULL

Demolition of existing garages and erection of one dwelling within sub divided plot (Resubmission 18/502184/FULL). Approved . Decision Date: 31.07.2019

1. DESCRIPTION OF SITE

- 1.1 The site is a semi-detached house located on the corner of The Broadway with Abbeyview Drive. The position of the property is such that its rear boundary is contiguous with part of the side boundary of a chalet style house at 1 Abbeyview Drive.
- 1.2 The house has a flat roofed single storey extension on the flank elevation facing Abbeyview Drive.
- 1.3 The land rises to the east on Abbeyview Drive, and the ground floor of the house and side extension sit below the level of the road. The ground floor of the neighbouring property at 1 Abbeyview Drive is considerably higher than the application property.

2. PROPOSAL

- 2.1 The application seeks retrospective planning permission for a terrace / balcony area which has been created on the roof of the single storey side extension.
- 2.2 The balcony area is accessed by an external staircase from the rear garden.

2.3 The balcony area is enclosed by a balustrade some 1m in height relative to the surface of the sitting out area and has been constructed using timber boarding and metal poles.

3. PLANNING CONSTRAINTS

3.1 Within the built confines of Minster

4. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant in that they generally encourage good design and seek to minimise serious amenity concerns.

Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST1 - Delivering Sustainable Development in Swale

Policy CP4 - Requiring Good Design

Policy DM14 - General Development Criteria

Policy DM16 - Alterations and Extensions

Supplementary Planning Guidance (SPG) titled “Designing an Extension” A guide for householders

5. LOCAL REPRESENTATIONS

| | COMMENTS RECEIVED | OFFICER RESPONSE |
|--|---|-------------------------------|
| Parish Council | This retrospective planning application for a balcony albeit already constructed is accessed from steps from the garden with no access to the dwelling. Its close proximity to the footpath and road which it directly overlooks means the location is completely inappropriate. Seemingly built for social use, it will cause a distraction to motorists approaching the busy road junction and a loss of public amenity to nearby residents and passing pedestrians hence this objection. | Issues raised discussed below |
| Residential Objections Number received: 1 | Occupier of 1 Abbeyview Drive objects <ul style="list-style-type: none"> • Use of balcony could distract motorists leading to accidents • Overlooking • Permitting would set a precedent for other balconies • Roof forming floor of balcony may not take weight safely | |
| Residential Support Number received: 0 | | |

6. CONSULTATIONS

6.1 None.

7. APPRAISAL

The key issues are whether the balcony causes a material loss of privacy and impact of the visual appearance of the balcony on the building itself and the surrounding area. Further comments raised by objectors are also addressed below.

Visual Impact

- 7.1 The balcony / terrace is set back from Abbeyview Road behind a 1.8m high close boarded fence. Due to the difference in levels between the site and Abbeyview Road, the balcony has a limited visual impact. It is also set well back from The Broadway and is not prominent in views from this road. The materials used are not offensive and do not detract from the street scene. In my opinion, the visual impact is acceptable and compliant with policies CP4, DM14 and DM16 of the Local Plan.

Residential amenity

- 7.2 When in use, the terrace / balcony would enable elevated views, most directly to the north, east and west. Views to the north would be towards No 34 The Broadway, across a road and with a separation distance of some 22 metres between buildings. Taking this into account, together with boundary treatment at No 34 and topography, I do not consider that any undue loss of privacy or amenity would occur to No 34.
- 7.3 The balcony / terrace is sited approximately 15m from the boundary with 1 Abbeyview. Given the location of the structure, any views are across the front garden of No 1 which is already readily visible in the street, and not into the private garden space to the rear. In addition, the difference in levels between the two properties is such that the balcony / terrace is approximately at ground floor level of No 1 Abbeyview. As such, I consider the impact of the structure and its use to be limited.
- 7.4 I also note that permission exists for a new bungalow where the existing garage to No 32 is sited. If constructed, the terrace / balcony would again look across the front of this property and not the private space to the rear.
- 7.5 The balcony / terrace is located more than 30 metres from the closest properties on the west side of The Broadway and I do not consider there to be any adverse impacts on the amenities of these properties.
- 7.6 The structure includes an external staircase to the rear for access. When using this, it would be possible to gain some views south over the garden to No 28. However such views would be limited and at an acute angle, and set 8.5m from the shared boundary. Overall, I consider this impact to be acceptable.
- 7.7 Taking the above into account, I consider the proposal would not cause any undue loss of amenity to surrounding residential properties, and would accord with Policy DM14 of the Local Plan.

Other matters

- 7.8 The comment of the Parish Council regarding the balcony area being likely to distract motorists is noted but given the set back of the balcony from the road, this view is not supported.

- 7.9 The concern regarding precedent is noted. In this instance, the balcony is not considered to be prominent or harmful, which is largely due to topography and its specific relationship with neighbouring properties. Other similar applications, if submitted, would also be considered on their own merits. I do not consider this sets a precedent, although I do note that another property on Abbeyview Drive also benefits from a front balcony.
- 7.10 The structural stability of the existing flat roof to take a terrace / balcony is not a planning matter.

8. CONCLUSION

- 8.1 Although the application is retrospective, this is not in itself reason to refuse the application. In my opinion, the development is not harmful and does not conflict with any policies in the Local Plan.

9. RECOMMENDATION

GRANT Planning Permission. As this is a retrospective application, I do not consider that any conditions are required.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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 and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.

