

PLANNING COMMITTEE – 14 SEPTEMBER 2023**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO – 23/502492/FULL		
PROPOSAL Erection of a replacement dwellinghouse with associated landscaping and parking.		
SITE LOCATION 170 Southsea Avenue, Private Street, Minster-on-sea, Sheerness, Kent, ME12 2LU		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Minor		
REASON FOR REFERRAL TO COMMITTEE Minster-on-Sea Parish Council objection		
CASE OFFICER Megan Harris		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr + Mrs Yvonne and Julian Olver AGENT Jdrm
DATE REGISTERED 30/05/23	TARGET DATE 18/09/23	CASE OFFICER Megan Harris
BACKGROUND PAPERS AND INFORMATION: https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RV7D1BTYGTI00		

1. SITE LOCATION AND DESCRIPTION

- 1.1 170 Southsea Avenue is a detached bungalow located within the built up area boundary of Minster. The property lies on the northern side of Southsea Avenue, along an unmade road. The property has an integral garage and driveway to the front of this, and private amenity space to the rear.
- 1.2 The surrounding area is characterised by residential development of various scale and design. A large two storey property lies immediately west of the application site with a shallow pitched roofed bungalow to the east, which fronts onto Seathorpe Avenue. To the north lies Minster Cliffs, a designated area of local green space, which also falls within a coastal change management area. To the east of the site next to the neighbouring bungalow is a public car park.

2. PLANNING HISTORY

- 2.1 **22/505204/FULL** Demolition of existing garage and side extension, front and rear single storey extensions, changes to roof and construction of a second storey. Approved - Decision Date: 23.12.2022 – Not implemented but remains extant and represents a material fallback position.

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling with associated landscaping and parking.
- 3.2 The new dwelling will measure 14.2m in depth and 9.5m in width and will be over two storeys with a gable roof. The roof will have an eaves height of 5.1m and a ridge height of 7.9m. Proposed materials include brickwork, timber cladding, aluminium fenestration and a standing seam metal roof.
- 3.3 Internally, four bedrooms, living space, a bathroom, utility room, WC and open plan kitchen and dining area will be provided in the property, along with balconies at the front and rear at first floor level which will be inset into the new roof.
- 3.4 The existing driveway will be retained and will provide parking for two cars.
- 3.5 This scheme is very similar in scale, height, siting and appearance to the extensions approved to the existing dwelling under application 22/505204/FULL. The following minor differences between the approved scheme and current application are set out below:
- The current application is to demolish and re-build the dwelling in its entirety, rather than to extend the existing dwelling as previously approved.
 - First floor bathroom window dimension changed and moved slightly;
 - First floor rear terrace door opening arrangement altered;
 - Front door design changed;
 - Existing render omitted for brickwork; and
 - Metal balustrades to terraces omitted for glass.

- 3.6 As the applicant now wishes to demolish and replace the existing bungalow rather than extend it, this represents a materially different development to that which benefits from permission, albeit that the resultant built form is effectively the same.

4. CONSULTATION

- 4.1 One round of consultation with neighbours has been undertaken, and notification letters were sent to immediately neighbouring occupiers. A site notice was also displayed at the site. The full representations are available to view online.
- 4.2 One letter of representation was received in relation to the consultation. Concerns were raised in relation to the following matter: -
- Side windows should be obscure glazed to avoid overlooking

- 4.3 Minster-on-Sea Parish Council support the application subject to the provision of adequate off-street parking and a condition being imposed that any windows facing 36 Seathorpe Avenue should be obscured/frosted glass to prevent overlooking of the neighbouring property.
- 4.4 As the development includes a side facing window that would not be obscure glazed, the Head of Planning considers that an objection is effectively raised. Officers have sought to clarify the position further with the Parish Council but have received no additional feedback to date.

5. REPRESENTATIONS

- 5.1 **SBC Environmental Health:** – As there are a number of residential properties in the locality, recommend a condition restricting the construction hours on site to protect the amenity of neighbours.
- 5.2 **Environment Agency:** - advise that Coastal change management areas (CCMAs) are set by the local planning authority and as such the Environment Agency have no comments to make on the position of the CCMA.
- 5.3 **SBC Planning Policy:** - advise that the CCMA in this location should follow the built up area boundary which runs around the boundary of the application site and neighbouring dwellings.

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Local Plan 2017**

ST 1 (Delivering sustainable development)
ST 3 (The Swale settlement strategy)
ST 6 (The Isle of Sheppey area strategy)
CP 3 (Delivering a wide choice of high quality homes)
CP 4 (Good design)
DM 6 (Managing transport demand and impact)
DM 7 (Vehicle parking)
DM 14 (General development criteria)
DM 19 (Sustainable design and construction)
DM 21 (Water, flooding and drainage)
DM 23 (Coastal change management)
DM 28 (Biodiversity and geological conservation)

6.2 **Supplementary Planning Guidance (SPG) / Supplementary Planning Document (SPD)**

Supplementary Planning Guidance – ‘Designing an Extension – A guide for Householders’

Supplementary Planning Document – ‘Swale Parking Standards’

7. ASSESSMENT

7.1 This application is reported to the Committee because a Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- The Principle of Development
- Character and Appearance
- Living Conditions
- Transport and Highways
- Coastal change management area

Principle

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.4 Policy ST 3 of the Swale Local Plan 2017 supports the principle of development within the built-up area boundary of established towns and villages within the borough.

7.5 The application site is located within the built-up area boundary of Minster, and the development proposes the replacement of the existing dwelling on the site. The development of a replacement dwelling would be consistent with policies ST 1, ST 3 and CP 3 of the Local Plan (2017) as adopted, subject to the considerations set out in further detail below.

Character and Appearance

7.6 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.

7.7 The proposal will result in a property that is very similar in scale and form to the permission to extend the property that has already been approved at the site.

7.8 The new dwelling will be a two-storey property, and as such is greater in bulk and scale than the existing bungalow on the site. The change to a two-storey property on this plot would not cause harm to visual amenities, given the mixture of dwelling types in the local streetscene and wider road, and notably the presence of a large two storey property immediately to the west of the site. The eaves and ridge height would be lower than this adjacent property, and as such the development would not cause any detriment to the streetscene when compared to the scale and form of surrounding properties.

- 7.9 The new dwelling will be set forward of the general building line along this stretch of Southsea Avenue, but taking into account the existing property already sits forward of the building line and there are examples of other dwellings elsewhere in the road on a similar building line, this is not considered to be harmful, despite the increased bulk and scale of the proposed dwelling.
- 7.10 Whilst the footprint of the new dwelling is larger than the existing bungalow, the width of the new property is smaller than the bungalow. The height of the dwelling will reduce the amount of openness currently present in this section of the streetscene, facilitated by the shallow pitched hipped roof on the existing bungalow. Again, due to the mixture of dwelling types and presence of large two storey properties to the west, this loss of openness is not considered to be harmful.
- 7.11 The design of the new dwelling is modern and represents a significant departure from the design of the existing bungalow. Whilst the surrounding dwellings are not overtly modern in design terms, there are a mixture of dwelling styles along Southsea Avenue, and as such the design proposed here would add to the variety of house types and would not appear out of place given there is no prevailing design in the streetscene. Proposed materials include brickwork, timber cladding, aluminium fenestration and a standing seam metal roof. Whilst most of these materials are not present on the existing bungalow, given the mixed streetscene, these would not cause harm to the character and appearance of the area. No specific details have been provided relating to the materials, so a condition is included below to ensure these are submitted for approval.
- 7.12 Taking the above factors into account together with the very close similarity to the scheme permitted under 22/505204/FULL, the visual impact of the development is considered acceptable and in accordance with the Local Plan.

Living Conditions

Existing residents

- 7.13 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.14 As set out above, the proposal will result in a property that is very similar to the development already approved at the site. The main properties which will be impacted by the development are those to either side of the site. No. 168 Southsea Avenue lies to the west and the new dwelling will sit approximately 5.5m forward of the two storey element of this neighbour, and roughly 2.6m forward of the single storey extension present at No. 168. There is a gap of 2.8m between the properties, and a difference in land levels, and due to these factors, it is not envisaged that there will be any significantly harmful impacts to the windows in the front elevation of No 168.
- 7.15 The new dwelling will not project rearwards of No. 168, and as such there would be limited impacts to the windows on the rear elevation of this neighbour or its rear garden. There are several windows in the side elevation of No. 168 at first floor level. These windows are either obscure glazed, or are secondary windows and as such, any overshadowing or impacts on these windows will not be significantly harmful to amenity. The side windows on the ground floor of No. 168 are located further rearwards than the

development, and therefore there will be limited impacts to these windows, which are also secondary windows.

- 7.16 The development will be sited roughly 14.5m from the rear elevation of No. 36 Seathorpe Avenue to the east. The Council would normally seek to apply a minimum distance of 11m between flank and rear elevations of neighbouring properties. Given the distance here is in excess of this amount, the proposal would be unlikely to cause any substantial harm to No. 36 by virtue of loss of light, overshadowing or overbearing impacts.
- 7.17 There are windows proposed in the ground floor side elevations of the development, serving bathrooms, a utility room and a secondary window to the dining space. Concern has been raised by a neighbour and the Parish Council regarding overlooking of No. 36 Seathorpe Avenue from these windows. The agent has provided amended plans showing the windows serving the bathrooms and utility room will be obscure glazed with a high-level opening fanlight. However, the applicant wishes to retain the dining space window as being clear glazed. Due to land level changes, this would provide views over the fence line into the garden of the dwelling at No 36. However, there is an existing window in the side elevation of the bungalow in a very similar position which serves the living room. On this basis, whilst the comments from the neighbour and the Parish Council are noted, the window in the replacement dwelling would not cause a level of overlooking beyond that already experienced from the existing window in the bungalow. On this basis, it is not considered reasonable to impose a condition requiring this window to be obscure glazed, as the development would not make this existing overlooking relationship worse and would cause no greater harm to the living conditions of No. 36.
- 7.18 It should be noted that in approving the extensions to the property under 22/505204/FULL, a condition was imposed to require windows in the side elevation to be obscure glazed. However for the reasons set out above, it is considered that this was not reasonable in the case of the dining room window, given that it would be sited in the same location as the existing living room window. If any application to remove or vary this condition was submitted, officers would be unable to defend the requirement of this condition to obscure glaze the dining room window on the basis that the overlooking would be of no greater harm than experienced from the window in the existing dwelling.
- 7.19 First floor terraces are proposed in the front and rear elevations. These terraces would not give rise to any harmful overlooking of the properties to either side of the site, as the terraces will be inset into the roof, and as such will provide views directly forwards rather than to the side.

Future residents

- 7.20 New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 7.21 The property would meet the National Space Standards and all habitable rooms are served by windows which will provide adequate outlook, light and ventilation. The rear garden is large in depth and will provide a good standard of outdoor amenity space. On this basis, the development will provide an acceptable standard of amenity for future occupiers.

7.22 Taking the above into account, the scheme is considered to be acceptable and would not cause any unacceptable impacts on living conditions. Although a side window would face across the garden towards No 36 Seathorpe Avenue, it would not cause any additional overlooking compared to the existing arrangement, and as such would not be harmful and would accord with Policy DM 14 of the Local Plan.

Transport and Highways

7.23 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver this. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

7.24 The NPPF also states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

7.25 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

7.26 The new dwelling will have four bedrooms. In line with the Council's Parking Standards SPD, a four bedroom property in this location should provide two to three spaces. Two spaces can be accommodated on the existing driveway at the property, and whilst this only satisfies the lower end of the provision, this is considered to be acceptable in this location, and in accordance with policies DM 7 and DM 14 of the Local Plan.

Coastal Change Management Area

7.27 The Council's Local Plan proposals map indicates that the eastern corner of the property is within a coastal change management area (CCMA), as defined by policy DM 23 of the Local Plan. However, following consultations with both the Environment Agency and the Council's own Planning Policy team, it has been established that there is an error with the CCMA mapping layer, and that this should not encroach onto the application site. As such, no part of the site falls within the CCMA and there are no concerns to be raised in relation to this.

8. CONCLUSION

8.1 On the basis of the above, the scheme is considered to be in compliance with policies CP 4, DM 7, DM 14 and DM 16 of the Local Plan and the SPG. It is also essentially of the same design and scale as the extended dwelling permitted under 22/505204/FULL and the small scale design changes between the two schemes are acceptable. As such, it is recommended that planning permission be granted.

9. 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 be carried out in accordance with the following approved drawings: 2201(11)010 Rev B, 2201(21)010, 2201(21)011 Rev A 2201(21)012 and 2201(31)010 Rev B.

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

- (3) The dwelling hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (4) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- (5) The area shown on approved plan numbered 2201(11)010 Rev B as vehicle parking shall be retained for the use of the occupiers of, and visitors to, the dwelling, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (7) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for the dwelling of the potential consumption of water per person per day

required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (8) Before the development hereby permitted is first occupied, the window openings on the east and west facing ground floor side elevations serving bathrooms and the utility room shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such in perpetuity. No further windows or openings shall be installed in the side elevations or roof slopes of the dwelling.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

- (9) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

- (10) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (12) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

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 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.

