

**PLANNING COMMITTEE – 12 OCTOBER 2023****PART 2**

Report of the Head of Planning

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

<b>2.1 REFERENCE NO – 23/502632/FULL</b>		
<b>PROPOSAL</b> Increase roof height of existing garage, creating a first floor link extension with insertion of front and side dormers. Erection of 2.5m high retractable pool roof enclosure.		
<b>SITE LOCATION</b> 8 Oak Tree Close Eastchurch Sheerness Kent ME12 4JY		
<b>RECOMMENDATION</b> 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.		
<b>APPLICATION TYPE</b> Householder		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Eastchurch Parish Council have raised objections to the proposal on relevant planning considerations in the view of the Interim Head of Planning.		
<b>Case Officer</b> Megan Harris		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Eastchurch	<b>APPLICANT</b> Mr & Mrs Oyenyi Oyelade <b>AGENT</b> JAT-Surv Ltd
<b>DATE REGISTERED</b> 14/06/23	<b>TARGET DATE</b> 18/09/23	
<b>BACKGROUND PAPERS AND INFORMATION:</b> <a href="https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RVRQEVTYIFX00">https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RVRQEVTYIFX00</a>		

**1. SITE LOCATION AND DESCRIPTION**

- 1.1 8 Oak Tree Close is a large detached two storey property located within the built up area boundary of Eastchurch. The property has a single storey extension to the eastern side of the property, which contains a double garage which has been partially converted to a utility room. A large driveway is located to the front of this. On the rear elevation of the property is a conservatory. The rear garden contains a swimming pool and associated outbuilding.

- 1.2 The property is located on a modern housing estate, surrounded by large detached dwellings of various designs. The site also lies within an area of Potential Archaeological Importance. The site is set on slightly higher ground than No. 7 Oak Tree Close to the east and Oak Tree Close itself.

## 2. PLANNING HISTORY

- 2.1 **SW/11/1529** – Planning permission granted on 20.01.2012 for a ‘Single storey side extension.’

## 3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission to raise the height of the garage roof to create a first floor, including a first floor link extension above the single storey side extension at the property. The first floor would be largely contained within the enlarged roof space. To facilitate this, the eaves of the extension will be raised to 3.7m, whilst the ridge height will be raised to 6.6m. Three pitched roof dormer windows are proposed on the first floor extension, one on the north west elevation and two on the north east elevation. Five rooflights are also proposed on the rear facing roof slopes of the extension. A large glazed window is proposed in the apex of the roof of the extension. The development will facilitate the creation of an additional bedroom with en-suite within the roof space of the extension.
- 3.2 The erection of a 2.5m high retractable swimming pool roof enclosure is also proposed. It will connect to the existing outbuilding to the side of the pool, and will have a footprint of 14.6m x 7.7m.

## 4. CONSULTATION

- 4.1 The application was advertised via a site notice and neighbour notification letters. Two rounds of consultation were undertaken, one of which was following amendments to the block plan to show the proposed rooflights in the link extension. One neighbour letter objection was received, raising the following summarised concerns. The representations are available to view in full online.

- Overlooking concerns from dormer windows.
- Increase in height of garage will be imposing to No. 7, especially when taking into account the existing garage is 1m higher than neighbour.
- Concerned additional bathroom will put additional pressure on drains.

- 4.2 **Eastchurch Parish Council** object to the application for the following reason:

- Proposal represents an overdevelopment of the area.
- Note they have no objection to the retractable pool roof enclosures.

## 5. REPRESENTATIONS

- 5.1 **KCC Archaeology** – Advise that given the limited ground excavations involved, no archaeological measures are required.

## 6. DEVELOPMENT PLAN POLICIES

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

**ST 3** The Swale settlement strategy

**CP 4** Requiring good design

**DM 7** Vehicle parking

**DM 14** General development criteria

**DM 16** Alterations and extensions

**DM 34** Scheduled Monuments and archaeological sites

### 6.2 **Supplementary Planning Guidance/Documents**

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 planning committee because the 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

### **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 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 site lies within built confines of Eastchurch and therefore the principle of development is considered acceptable subject to the consideration of other material planning considerations.

### **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 Policy DM16 of the Local Plan requires extension to be of appropriate scale, design and quality in relation to their surroundings. The Council's SPG entitled "*Designing an Extension – A Guide for Household*ers" sets out that extensions should be subservient to the main dwelling. Whilst the extension will increase the bulk of the property on its eastern side, it has been designed to appear subservient to the main dwelling, with both the eaves and ridge height of the extension set lower than the roof of the main house. The pitched roof dormers proposed on the eastern and western elevations of the extension would be modest in form and of appropriate pitched roof design, which accords with the SPG in design terms.
- 7.8 The proposed first floor extension will be set to the side of the property and as such will be visible in the streetscene. The SPG recommends that for two storey side extensions, a gap of at least 2 metres is normally maintained to a side boundary. In this case, the extension will lie approximately 2.6m from the eastern boundary of the site. In addition, the extension would not be closer to the road than the two storey dwellings on either side of the site. It therefore accords with the SPG and whilst it will increase the bulk and scale of the property, this would not be harmful taking into account the above factors and the considerable size of the application site. Whilst the application site is on a higher land level to the neighbouring dwelling, the extension would remain subservient to the existing main dwelling and it is not envisaged this will cause harm to the character and appearance of the area. It should also be noted that there are a number of examples of similar extensions within the Kingsborough Manor estate.
- 7.9 The pool enclosure is modest in height and will not be visible from public vantage points and as such has no wider visual impact on the character and appearance of the area. It is important to note that at 2.5 metres in height, the pool enclosure could be erected under permitted development rights without the need for planning permission.
- 7.10 The application forms sets out that the extension to the property will be constructed of materials that match the main dwelling, whilst the pool enclosure will be glazed. The use of matching materials will ensure the extension blends in with the main property, and the glazed structure will not be visible from public vantage points so no concerns are raised in that respect. A condition is imposed below to secure the use of these materials.
- 7.11 Taking the above into account, in respect of the character and appearance of the proposal the scheme is considered to comply with policies CP 4 and DM 16 of the Local Plan and the NPPF.

### **Living Conditions**

- 7.12 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.13 The proposed development will be located on the eastern side of the property, at least 21 metres distant from no 9 Oak Tree Close. As such it would not cause any harmful impacts to the living conditions of this neighbouring property.
- 7.14 No. 7 Oak Tree Close lies to the east of the site, and the side extension will be sited approximately 2.6m from the common boundary between the properties, and 12.6m from the property itself. No. 7 has a detached double garage which is located closer to the proposed extension, approximately 5.2m away. Whilst it is noted the site is on slightly higher ground than No. 7, due to the limited scale and height of the extension and the distance of 12.6m between No. 7 and the extension, the development will have no unacceptable overbearing or overshadowing impacts on No. 7.
- 7.15 The rooflights proposed in the rear facing roof slopes of the extension will be high level, serving the kitchen/diner on the ground floor and as such will not cause any overlooking issues. The two dormer windows proposed in the north east elevation of the extension would face towards the garage, driveway and front garden at No. 7. The garage would obscure views towards the dwelling, and it is noted that the front of the property (as with the rest of the estate) is open plan and visible from the street. Due to the orientation of the windows in relation to No. 7, views of the property itself or its rear garden will not be provided. As such, No. 7 will still be afforded a good standard of privacy.
- 7.16 The proposed pool enclosure is limited in height and will lie a minimum of approximately 18m from the closest neighbouring dwelling. Due to this, it is not considered that the enclosure will cause any harm to the living conditions of neighbours.
- 7.17 Taking the above into account the proposal is considered to have an acceptable impact upon the living conditions of surrounding dwellings in accordance with policies DM 14 and DM 16 of the Local Plan 2017 and the NPPF.

### **Transport and Highways**

- 7.18 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. 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.”*

- 7.19 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.”*

- 7.20 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.
- 7.21 In this case, the development will increase the number of bedrooms at the property to five. To accord with the adopted Parking Standards SPD, a five bedroom dwelling proposed in this location should provide three parking spaces. The large driveway is sufficient to comfortably park three vehicles and as such the proposal is acceptable in this regard, and in accordance with the Council’s Parking SPD and policy DM 7.

### **Archaeology**

- 7.22 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.23 Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.24 The site lies in an area of potential archaeological importance and KCC Archaeology have reviewed the scheme and confirmed no archaeological measures are required due to the limited groundworks involved in the development. As such, this matter has been adequately addressed.

### **Other Matters**

- 7.25 The majority of the concerns raised by the neighbour have been addressed by virtue of the discussion above. In respect of the matter that remains in relation to increased pressure on drainage, it is considered that one additional domestic bathroom would not have a material impact upon drainage capacity / infrastructure.

## **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 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed on the application form.

Reason: In the interests of visual amenity.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL02 Rev B, PL03 Rev A and PL04 Rev B.

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

