

2.4 REFERENCE NO - 15/505601/FULL			
APPLICATION PROPOSAL Demolition of existing dwelling, Erection of three detached dwellings with integral double garage and new access			
ADDRESS Glenlodge, Queenborough Drive, Minster-on-sea, Kent, ME12 2JN.			
RECOMMENDATION Grant – subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION Proposed development would provide three dwellings of an appropriate scale and design within a sustainable urban location, without giving rise to any serious harm to local amenity.			
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Councillor (Councillor Booth).			
WARD Minster Cliffs	PARISH/TOWN Minster On Sea	COUNCIL	APPLICANT Mr D Flannery AGENT Michael Gittings Associates
DECISION DUE DATE 10/09/15	PUBLICITY EXPIRY DATE 10/09/15	OFFICER SITE VISIT DATE 19/10/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/500703	Demolition of existing dwelling. Erection of three detached dwellings with integral garages and new access.	Refused.	23.04.15
The proposed dwellings were of a similar scale and design to those refused permission under the 2012 application (below). Whilst most of the previous reasons for refusal were overcome the dwellings included front balconies (as with the 2011 application), which would have given rise to serious overlooking of the neighbouring dwelling to the front (31 Glenwood Drive). The reason for refusal focused solely on the harm to residential amenity from these balconies.			
SW/12/1515	Demolition of existing dwelling. Erection of four detached dwellings with integral garages and new access.	Refused.	2012.
The proposed dwellings were considered unacceptable due to their scale, design, bulk and position. The siting of the fourth dwelling would also have given rise to serious amenity impacts for the adjacent neighbour (Larapinta) due to its considerable rear projection. The subsequent appeal was dismissed by the Inspector.			
SW/11/1288	Demolition of existing dwelling. Erection of four detached dwellings with integral garages and new access.	Refused.	2011.
There were several reasons for refusal on this, the original application for redevelopment of the site, including: scale, design, bulk and siting being harmful to the character of the area; overlooking from front balconies; lack of pedestrian visibility splays; inadequate parking; and potential for protected species.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Glenlodge is a large, modern detached house situated within the built up area of Minster. It is set back from the road within a generous plot, and is largely screened from view by a substantial hedgerow and mature planting along the front boundary. There is a large parking and turning area to the front of the house, and the property overlooks the junction of Queenborough Road and Glenwood Drive.
- 1.02 The area is predominantly residential and, as with many parts of the Island, the type, design and style of dwellings within the area varies considerably. Land levels within the area slope considerably downwards to the south, and the residential properties on the opposite side of Queenborough Road are at a substantially lower level than the application site and the other existing properties on the northern side of the road.
- 1.03 The planning history for the site is noted above. Members should be aware that the previous applications have primarily been refused on grounds of scale and design, impact on the amenity of neighbouring residents, or lack of information (regarding potential for protected species on the site) rather than on the principle of redeveloping the site. The Inspector's decision on the 2012 (attached as an appendix) refusal relates to matters of scale and design, and amenity, and does not question the principle of development.
- 1.04 The committee report for the 2014 application is attached as an appendix for reference.

2.0 PROPOSAL

- 2.01 The application seeks planning permission for demolition of the existing dwelling and erection of three detached houses.
- 2.02 The dwellings would be arranged in a line running east-west, and would be set back from the road by approximately 11m. Two parking spaces will be provided to the front of each property, with a third space provided within an integral garage. Landscaping areas are retained along the front site boundary.
- 2.03 Each dwelling will stand approximately 8.5m high (but due to sloping land levels the rear elevations will stand approximately 7m high when viewed from the rear) and will be of a similar height to Larapinta, adjacent. External materials will include facing stock brick, render, horizontal cladding and natural slate roofs.
- 2.04 Internally each dwelling will provide a garage, bedroom, en-suite, WC and two living rooms at ground floor; bedroom, en-suite, and lounge / kitchen / diner at first floor (ground level when viewed from the rear); and three bedrooms (total five bedrooms) and a bathroom within the roof space.
- 2.05 Rear gardens are of a good size (minimum 9m deep x 15m wide), and close-boarded fencing will be erected along the side and rear boundaries.

3.0 SUMMARY INFORMATION

	Proposed
Site Area	0.18ha
Approximate Ridge Height	8.5m
Approximate Eaves Height	5.3m (2.5m at rear)
Approximate Depth	13m
Approximate Width	14.5m
Parking Spaces	3 per unit
No. of Residential Units	3

4.0 PLANNING CONSTRAINTS

4.01 None.

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Policies E1, E10, E11, E19, H2 and T3 of the adopted Swale Borough Local Plan 2008 are relevant, and encourage the provision of well-designed new residential developments within existing built up areas of the Borough, subject to provision of appropriate levels of parking and no serious impacts to local amenity or protected species.

5.02 This is supported by the general thrust of the National Planning Policy Framework and the National Planning Policy Guidance, which encourage sustainable development as a priority.

6.0 LOCAL REPRESENTATIONS

6.01 The application was advertised by letters to neighbouring residents and display of a site notice (closing date 26.11.2015).

6.02 9 letters of objection have been received from local residents, raising the following summarised concerns:

- Overlooking and loss of privacy;
- Extra vehicles adding to local congestion, parking pressure, and highway safety concerns;
- Scale and design out of character with the area;
- Three houses of matching design is contrary to mixed character of the street;
- Noise and disturbance during construction; and
- Conduct at the Parish Council meeting.

7.0 CONSULTATIONS

7.01 Minster Parish Council supports the application, commenting:

“Although Members said they were sympathetic to residents views, they believed the reduction from four to three houses on reasonable sized plots presents no material considerations that could be objected to. However Members ask that the materials used for the three houses to be of high quality and variety so that each houses would present as an individual property that compliment the street scene. Members also emphasised the need for substantial landscaping i.e. reasonably tall trees to be put in.”

- 7.02 Kent Highway Services have no objection subject to standard conditions as below.
- 7.03 Southern Water has no objection subject to standard informatives, as set out below.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The planning history for the site is noted above.

9.0 APPRAISAL

Principle of Development

- 9.01 The application site lies within the built up area boundary, and close to local shops, services and public transport links. Residential development is normally acceptable as a matter of principle in such areas, subject to matters of detail as set out in the following paragraphs.
- 9.02 I would also note that the Council currently does not have an identified five-year housing supply, and in such instances the NPPF advises that little weight can be placed on adopted housing allocation policies. This issue does not have a serious impact on the bearing of this proposal however, given the sites location within an identified built up area, and an otherwise sustainable location – sustainable development being at the forefront of the NPPF.
- 9.03 The development of windfall sites (such as this) does, however, contribute to the Council's five-year supply and reduces reliance upon development of fresh sites, potentially within the countryside.
- 9.04 I would also reiterate that, as above, previous refusals for redevelopment of this site – including the Inspector's dismissal of the appeal for SW/12/1515 – have not taken issue with the principle of development, only the form of the proposed buildings and the amenity issues arising therefrom.

Visual Impact

- 9.05 I consider the proposed dwellings to be of an appropriate scale and design. I note local objections in regards to four-storey development, but do not consider this to be the case. The properties would (from the front) appear as three storey with rooms in the roof, and would have a ridge height approximately the same as the existing neighbouring houses. In this regard they would not appear incongruous within the street scene, and frontage planting would help to screen the lowest level in views from the highway.
- 9.06 I also do not consider the fact that the three dwellings are matching to be a justifiable reason for refusal. This is not uncommon on modern housing developments – particularly smaller ones such as this – and the Council would be in a very weak position to refuse permission on this basis. The proposed external materials are good, in my opinion, but a standard materials condition (as below) would allow officers to ensure a varied palette of materials across the three units to add some variety to the scheme, whilst still ensuring a high quality finish.

Residential Amenity

- 9.07 I note local concern in regards to overlooking and loss of privacy and Members will note that this has been a primary factor in refusing the previous applications. However, it must be noted that the previous reasons for refusal related to overlooking of 31 Glenwood Drive (opposite) from the proposed balconies to the front of the proposed dwellings and not from their windows in general.
- 9.08 It must be noted that the garden for 31 Glenwood Drive is already open to views from the road. It is enclosed by a chain link fence and there are clear and unobstructed views across the garden and the rear of the property for anyone passing along Queenborough Drive either on foot or by car, and from the front windows of existing houses on the northern side of Queenborough Drive. If the planting to the front of the site were trimmed there would also be clear views of no.31 from the existing house.
- 9.09 Therefore, whilst the previously-proposed balconies would have provided a platform for prolonged overlooking of no.31's garden, that area is already significantly overlooked and the erection of the proposed dwellings would not add to that so seriously as to justify refusal of planning permission. Overlooking from front windows would be less severe than from balconies as the sill height would provide some obstruction of views downwards, in my opinion – if sitting in a chair inside the new houses your view would largely be outwards across the general area rather than directly down into no.31's garden, in my opinion.
- 9.10 Therefore whilst I recognise that the erection of two additional dwellings on the site will add to sense of perceived overlooking experienced by the resident of 31 Glenwood Drive, and I note that the Council has historically resisted development here on the basis of overlooking from balconies, I consider that the current proposal would not seriously increase overlooking so as to justify refusal of this scheme.
- 9.11 I have no serious concerns in regards to the impact of the proposed development upon the amenity of the residents of the adjacent dwelling, Larapinta. Plot 3, closest to Larapinta, will not project significantly beyond the rear of that dwelling (maximum 3m, which will be set approximately 8m from the boundary common due to L-shaped rear elevation), and ridge heights of the two properties will be roughly the same. The development is therefore unlikely to give rise to any serious overshadowing or loss of light to Larapinta, in my opinion.
- 9.12 Residential amenity for occupants of the proposed dwellings would be of a good standard – each property has generous internal proportions and good-sized rear gardens.

Highways

- 9.13 Each property will have three parking spaces – one integral garage space and two off-street spaces to the front – in accordance with current adopted Kent Parking Standards. Turning space is also available within the driveway areas. I also note that KHS raise no objection, and therefore have no serious concerns in regards to parking or highway safety and amenity.

Landscaping

- 9.14 The submitted drawings show large areas of soft landscaping / planting to the front of the proposed dwellings. Planting here could include appropriately-sized trees to help obscure views of properties across the road, and can be secured by the conditions below.

10.0 CONCLUSION

- 10.01 The proposed development would provide three dwellings (two additional units overall) within a sustainable urban location close to local shops and services, and would contribute towards the Council's five-year supply of housing. The development is considered to be acceptable in terms of scale, design, parking and amenity. Whilst I have some sympathy for neighbouring residents, based on the circumstances of this particular case, I do not consider that overlooking would be sufficient to justify refusal.

- 10.02 Taking the above into account I recommend that planning permission should be granted.

11.0 RECOMMENDATION – GRANT Subject to the following 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.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reasons: In the interest of promoting energy efficiency and sustainable development and to ensure that such matters are agreed prior to the commencement of development.

- (3) No development 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 shall thereafter be implemented in accordance with the approved details.

Reasons: In the interest of visual amenity and to ensure that such matters are agreed prior to the commencement of development.

- (4) No development shall take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Reasons: In the interests of residential amenity and to ensure that such matters are agreed prior to the commencement of development.

- (5) No development 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, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. The scheme shall include the provision of appropriate native-species trees within the front landscaping areas of the dwellings hereby approved.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- (6) 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.

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

- (7) 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.

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

- (8) Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.

Reasons: In the interests of amenity and road safety.

- (9) 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 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (10) During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reasons: In the interests of highway safety and convenience.

- (11) Adequate precautions shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reasons: In the interests of highway safety and convenience.

- (12) The area shown on the submitted layout as vehicle parking, turning space and garages shall be provided, surfaced and drained before the dwellings hereby permitted are first occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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.

Reasons: 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.

- (13) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Reasons: In the interests of highway safety and convenience.

- (14) Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the carriageway level shall be provided at the vehicle access behind the carriageway edge prior to the commencement of any other development in this application and shall be subsequently maintained.

Reasons: In the interests of highway safety.

- (15) Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

Reasons: In the interests of highway safety and convenience.

- (16) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the south facing walls or roof slopes of the dwellings hereby permitted unless agreed in writing with the Local Planning Authority.

Reasons: To minimise opportunities for the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

INFORMATIVES

1. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterborne, Hampshire, SO21 2SW (tel. 0330 3030119) or www.southernwater.co.uk.
2. Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer found during construction works, an investigation of the sewer will be required to ascertain its condition, the

number of properties served, and potential means of access before any further works commence on site. The applicant is therefore advised to contact Southern Water on the above details.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 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 acceptable as submitted and no further assistance was required.

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.

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ITEM 3.3

3.3 REFERENCE NO - 14/500703/FULL			
APPLICATION PROPOSAL Demolition of existing dwelling, Erection of three detached dwellings with integral double garage and new access			
ADDRESS Glen Lodge Queenborough Drive Minster-on-sea Kent ME12 2JN			
RECOMMENDATION REFUSAL			
SUMMARY OF REASONS FOR REFUSAL The proposed dwellings by virtue of their siting and the provision of front balconies on the site would afford direct overlooking, loss of privacy and consequent harm to the residential amenities of the occupiers of the dwelling on the opposite side of the highway. The proposal is therefore contrary to policy E1 of the Swale Borough Local Plan.			
REASON FOR REFERRAL TO COMMITTEE: Parish Council support the application			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster	APPLICANT Mr D Flannery AGENT Michael Gittings Associates	
DECISION DUE DATE 16/09/14	PUBLICITY EXPIRY DATE 16.09.14	OFFICER SITE VISIT DATE 14.10.14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/08/1173	Single dwelling	Withdrawn	2008
SW/11/1288	Redevelopment of the site for 4 dwellings	Refused	05.12.11
SW/12/1515	Redevelopment of the site for 4 dwellings & dismissed at appeal	Refused	22.01.13

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 "Glen Lodge" is a large, modern detached house which is situated within the built up area of Minster. It is set back from the road frontage within a large plot, which is largely screened by a substantial hedgerow and mature tree planting along the frontage of the site. There is a large parking and turning area to the front of the house and the site overlooks the junction of Queenborough Road and Glenwood Drive.

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- 1.02 The site is situated within a predominantly residential area and there is a wide variation in the type and design of dwellings in the immediate vicinity.
- 1.03 Ground levels within the area slope considerably downwards to the south and the residential properties on the other side of Queenborough Road are at a substantially lower level than the application site.
- 1.04 Planning permission was refused for the development of the site with 4 x 3 storey houses with rooms in the roof space with front facing balconies under application SW/11/1288. Permission was refused, amongst other things, due to overlooking of properties opposite from the balconies.
- 1.05 Planning permission was refused for development of the site with 4 x three storey houses with rooms in the roof space under application SW/12/1515, for reasons relating to harm to the amenities of the occupiers of the adjacent dwelling, and on harm to the character and appearance of the streetscene.

2.0 PROPOSAL

- 2.01 The application seeks planning permission for the demolition of the existing dwelling at "Glen Lodge", Queenborough Drive, Minster and the redevelopment of the site for the construction of three detached houses
- 2.02 The dwellings will be set in an east – west alignment across the width of the plot and would be staggered marginally backwards in a line from each other. Each dwelling would measure approximately 14.2m by 12.5m deep. The depth includes a full-height front projection and a single storey rear projection. The houses would stand approximately 13m high when viewed from Queenborough Drive. It should be noted that the site slopes upwards towards the rear of the units and the houses would appear as single storey units with rooms in the roof from the rear.
- 2.03 The plots incorporate parking and turning spaces to the front, with front and rear gardens of between 8m and 14m deep by 13m wide.

3.0 POLICY AND OTHER CONSIDERATIONS

Saved Policies E1, E10, E11, E19, H2, T3 and T4 of the Swale Borough Local Plan 2008 are relevant.

The Council's adopted Supplementary Planning Guidance (SPG) entitled "Designing an Extension; A Guide for Householders" is also relevant in this instance, although the application is for new dwellings.

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4.0 LOCAL REPRESENTATIONS

4.1 Minster Parish Council support the application, stating that it raises no objection to the application and commends the applicant's efforts to address the previous concerns it had expressed.

4.2 12 representations raising objection have been received, summarised as follows:

- There is no doubt that this development will cause noise nuisance and when finished loss of privacy to some extent for us but other neighbours will have a complete loss of privacy, particularly our elderly next door neighbour at no. 31 Glenwood Drive whose garden is actually on Queenborough Drive directly opposite the proposed development;
- The 3 dwellings will not only be overlooking they will be invading the privacy of the occupier of 31 Glenwood Drive for the simple reason the balconies on these dwellings will be occupied by people that can then see straight into the conservatory, and garden at no.31
- The houses have a considerable amount of bedrooms, meaning more than 2 cars would be needed. This will lead to the occupants trying to park anywhere in the surrounding area;
- Loss of soft landscaping, including very large trees. This will leave the area looking like a concrete jungle;
- Dwellings oversized for their plot;
- The existing dwelling does not directly overlook no.31 Glenwood Drive. These proposed dwellings would;
- This application for taller dwellings, which will directly face Queenborough Drive. with front balconies, will severely impair my privacy and quality of life. This impairment would in fact be tripled by the 3 proposed houses
- Lack of parking for dwellings will lead to blocking access of property opposite
- Dispensing of one balcony from the central house within the row of three houses will make no difference to the overall lack of privacy and in particular the occupier of 31, Glenwood Drive.
- There will be insufficient space on the site for the parking of vehicles that will be generated by these proposals.
- An arboricultural assessment should have accompanied the application

5.0 CONSULTATIONS

5.01 Kent Highway Services have no objections subject to standard conditions.

5.02 The County Ecologist has no objections subject to standard conditions to safeguard wildlife species on the site.

6.0 **BACKGROUND PAPERS** – The submitted forms, detailed plans, a Preliminary Ecological Appraisal and a Reptile Survey Report,

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7.0 APPRAISAL

Principle of Development

7.01 The site is located within the defined built-up area Minster-on-Sea and is within a sustainable location. The principle of residential development is therefore acceptable, subject to matters of detail.

Residential Amenity

7.02 The dwelling on the easternmost plot would lie broadly in line with the adjacent dwelling, and would not in my view give rise to significant overshadowing or loss of outlook. I do not envisage overlooking to this dwelling. In my view this scheme successfully overcomes the reason for refusal for SW/12/1255.

7.03 The provision of large glazed balconies at first floor level, which would afford a large amount of overlooking a number of adjoining properties at a lower level on the opposite side of Queenborough Drive, is a matter of concern from a planning point of view. The applicant has tried to address this concern by amending the scheme by deleting the front balcony from plot 2

7.04 However, the row of three detached houses would still feature large glazed balconies for plots 1 and 3. In my view, these balconies would give rise to harmful overlooking of 31 Glenwood Drive, on the opposite corner with Queenborough Drive, which is open to view from the road due to the open chain-link fence on the side boundary of the site. Planning permission has been previously refused (SW/11/1288) due to overlooking into the private amenity space for this dwelling. Although it is noted that this area is open from the highway and that passing pedestrians can see into the rear of the property and the private amenity space, the constant perception of overlooking from the proposed dwellings, and any actual overlooking that might occur amount in my opinion to a reason for refusal here.

Visual Amenity

7.05 The proposed dwellings would be of an acceptable design. In my view they would complement the existing mix of dwelling types and sizes in the vicinity. The reduction in number and in height from those previously proposed (four dwellings, each with three storeys fronting the highway) results in my view in a more spacious development, which would not cause harm to the character and appearance of the streetscene. The hardstanding to the front would not in my view be excessive.

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Highways

7.06 I note the objections of local residents on the basis of insufficient parking. However – each property would have two parking spaces (in accordance with parking standards) and a double garage. I do not consider that the parking layout proposed would result in a high level of on-street parking here, and I have no reason to suspect that parking would take place blocking a particular drive in the vicinity.

Other Matters

7.07 The application is supported by a Preliminary Ecological Appraisal, which indicates there is a low potential for any protected species on the site. The County Ecologist raise no objection and agrees the conclusion of the report.

8.0 CONCLUSION

8.01 It is considered that the balconies to the front of Plots 1 and 3 would give rise to serious overlooking of 31 Glenwood Drive, across the road.

9.0 RECOMMENDATION – REFUSE for the following reasons:

1. The proposed dwellings, by virtue of their location relative to the dwelling opposite and due to the proposed balconies to the front of Plots 1 and 3, give rise to serious overlooking for the dwelling opposite the site at 31 Glenwood Drive, Minster,. The proposal is therefore contrary to Policies E1, E19 and H2 of the Swale Borough Local Plan 2008

The Council's approach to this application:

In accordance with paragraphs 186 and 187 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 had the opportunity to speak to the Committee and promote the application.

INFORMATIVES

Case Officer: Harry Heywood

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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.

APPENDIX 2

UKP SCANNED
UKP

X



Appeal Decision

Site visit made on 10 December 2013

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 December 2013

Appeal Ref: APP/V2255/A/13/2199659

Glenlodge, Queenborough Drive, Minster, Sheerness, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Flannery against the decision of Swale Borough Council.
 - The application Ref SW/12/1515, dated 29 November 2012, was refused by notice dated 22 January 2013.
 - The development proposed is demolition of existing dwelling and garages, erection of four detached dwellings with new access and car parking.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Swale Borough Council against Mr D Flannery. This application is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area
 - the effect of plot 4 on the living conditions of 'Larapinta' with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal site is located on the north side of Queenborough Drive. The land in the area slopes down steadily from north to south, such that the properties on the north side of the road sit at a significantly higher level than those to the south. The dwelling which currently occupies the appeal site is typical of the large, detached and generously spaced properties further west along Queenborough Drive. To the east, the houses, whilst detached, tend to be somewhat smaller and more closely spaced. Built form varies to include bungalows, two storey and, exceptionally, two and a half storey houses.
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Appeal Decision APP/V2255/A/13/2199659

5. Although the spacing of the proposed houses would be generally consistent with those to the east, the buildings would be considerably larger in scale. In views from the street, all four storeys would be apparent. Whilst the proposed eaves level would be similar to that of 'Larapinta' this would be achieved by lowering the existing ground level to create semi-basement garages at the expense of the sloping driveways which characterise other properties on the north side of Queenborough Drive. The height of the proposed houses would, therefore, be significantly greater than others in the area. The bulky roofs and large dormer windows would further add to the scale of the front elevations of the proposed houses.
6. This combination of close spacing, compared with the larger houses to the west, and increased scale would result in the built form of the proposal being out of keeping with its surroundings. By virtue of the height and siting of the proposed buildings, and the extent of hardsurfacing and retaining structures in the front gardens, the development would also be very prominent in the street scene. The variation in external materials suggested by the appellant would not adequately mitigate these effects.
7. Consequently, I consider that the proposal would be detrimental to the character and appearance of the area. As such, it would not comply with Swale Borough Local Plan (LP) policies E1 and E19 insofar as they require proposals to respond positively to the characteristics of the locality and reinforce local distinctiveness. Reason for refusal 1 also refers to LP policy H2. However this policy is primarily concerned with the location and type of residential development and adds little to my consideration of this issue.

Living Conditions

8. Plot 4 would be sited some 1.5m off the common boundary with the neighbouring house known as Larapinta. The flank wall of the proposed house would project some 5m beyond the rear wall of Larapinta at ground floor level and 2.5m at first floor level. Larapinta is also located close to the common boundary and, at the rear, is single storey in height. Its flank wall has a window facing the appeal site.
9. The extent and close proximity of the proposed rear projection would have an oppressive effect on the outlook from the side and rear windows of Larapinta. It would, therefore, have a harmful effect on the living conditions of the occupiers and be contrary to LP policy E1 which, among other things, requires proposals to cause no demonstrable harm to residential amenity.
10. I also note that the proposal would not accord with the advice in the Council's adopted *Supplementary Planning Guidance 'Designing an Extension: A Guide for Householders'* (SPG). It advises that rear extensions close to the common boundary should project no more than 3m at ground floor level and 1.8m at first floor level. Whilst the SPG is aimed at extensions, rather than new dwellings, the principle of limiting the extent of rear projections to protect the outlook of neighbouring occupiers is relevant in this case.

Other Matters

11. The appellant has referred to a planning permission (SW/06/0723) for alterations and extensions to Larapinta. I understand that, if implemented, this
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APPENDIX 2

UNP SCANNED

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scheme would result in the relative projection of plot 4 being reduced to a distance which would comply with the SPG advice. It would also raise the ridge height of Larapinta. However, that permission has now expired, the appellant has no control over Larapinta and the current occupants have indicated that they have no intention of renewing the permission. As such, regardless of whether permission would be granted if a fresh application was made, there seems no realistic prospect of Larapinta being extended as anticipated by the appellant and, therefore, I can give this consideration very little weight.

12. The appellant has also offered to amend the proposal to move the dwelling on plot 4 such that the rear projection beyond Larapinta would comply with the SPG advice. However, the Council and consultees did not have an opportunity to consider this amendment before the application was determined. No drawings showing the proposed change have been submitted, but it would be significant enough that neighbouring occupiers may reasonably expect to be consulted. Therefore, I cannot take into account the proposed amendment.
13. I have had regard to the other concerns expressed locally, but they have not led me to a different overall conclusion.
14. The scheme has also attracted support from nearby residents. I have already dealt with the points made regarding the effect of the proposal on the character and appearance of the area. The effect of the proposal on property values and questions of 'financial jealousy' on the part of objectors are not planning matters. I accept that the construction of the proposed houses could provide employment for local people. However, the scale and duration of that benefit would not outweigh the lasting harms identified above.
15. There is nothing to indicate that the development plan policies referred to above are in conflict with the Framework.

Conclusion

16. For the reasons outlined above, the appeal should be dismissed.

Simon Warder

INSPECTOR