

## REPORT SUMMARY

<b>REFERENCE NO - 15/503342/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing garage and erection of two storey side extension and single storey rear extension.		
<b>ADDRESS</b> 16 Stiles Close Minster-on-sea Kent ME12 2TQ		
<b>RECOMMENDATION: APPROVE</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> Proposed development would not give rise to unacceptable harm to residential or visual amenity, or to highway safety or convenience. The proposal is acceptable in all other respects.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Parish Council objection		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster On Sea	<b>APPLICANT</b> Mr D Price <b>AGENT</b> Oast Architecture
<b>DECISION DUE DATE</b> 30/06/15	<b>PUBLICITY EXPIRY DATE</b> 2/2/16	

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site, 16 Stiles Close, is a two storey detached dwelling, located in a cul de sac in the built up area of Minster.
- 1.02 It is sited side-on to the road, with a driveway and garden to the front, and private garden to the rear. The closest dwellings to the west/southwest are nos.10, 12 and 14 Appleford Drive, which all lie 11m from the site boundary. 15 Stiles Close abuts the south east boundary of the site and lies approximately 9m from the dwelling the subject of this application.

### 2.0 PROPOSAL

- 2.01 The application proposes a two storey side and single storey rear extension.
- 2.02 The two storey side extension would match the depth and height of the dwelling, with a gable end, no first floor flank windows, and projecting approximately 3.6m to the side of the dwelling, abutting the side boundary of the site with rear boundaries of nos.10 and 12 Appleford Drive. The two storey extension would, at its closest point, be approximately 11.5 metres from the rear elevation of no.12 Appleford Drive, and 11 metres from the rear elevation of no.10 Appleford Drive. To the rear of the application site, the proposed two storey extension would be 14 metres from the flank elevation of no. 15 Stiles Close.
- 2.03 The single storey rear extension would project approximately 1.7m to the rear, and would be approximately 7m wide, with a pitched roof (maximum height 3.6m).
- 2.04 The plans have been amended since the application was submitted. The application originally sought consent for a two storey side and single storey front extension. The

front extension has been deleted and the single storey rear extension added in order to allow more parking to the front. As a result of this, parking for two vehicles is shown to the front of the dwelling.

### **3.0 PLANNING CONSTRAINTS**

The site is located in Flood Zone 3.

### **4.0 POLICY AND OTHER CONSIDERATIONS**

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

4.02 Development Plan: Policies E1, E19, E24 and T3 of the adopted Swale Borough Council Local Plan 2008 are relevant in that they relate to general development criteria and design, and parking consideration.

4.03 Supplementary Planning Documents: The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and remains a material consideration having been through a formal review and adoption process. The Adopted SPG entitled "Designing an Extension - A Guide for Householders", was adopted by the Council in 1993 after a period of consultation with the public, local and national consultees, and is specifically referred to in the supporting text for saved Policy E24 of the Local Plan. It therefore remains a material consideration to be afforded substantial weight in the decision making process.

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### **5.0 LOCAL REPRESENTATIONS**

5.01 Six representations were received objecting to the plans as originally submitted. A further five were received to the scheme as amended. A recent re-consultation has taken place relating to the description of the development, which due to an unfortunate error had not been amended to reflect the amended plans. Two further objections have been received. The objections raised are summarised as follows:

- Noise and disturbance during construction;
- Noise and disturbance as a result of the proposed extension;
- Dust during construction will have an impact on the health of the occupiers of several of the adjacent dwellings;
- Encroachment onto neighbouring properties during construction;
- Danger of building materials falling into neighbouring sites during construction;
- Vermin infestation during construction;
- Loss of day and sunlight and overshadowing to neighbouring gardens with resultant harm to trees, shrubs and plants in those gardens;
- Loss of day and sunlight to adjacent dwellings;
- Overlooking of neighbouring dwellings and gardens;
- Would result in loss of existing off street parking and give rise to insufficient off street parking at the site;
- Harm to visual amenity due to the cramped appearance of the proposed development;
- Would result in no access to the rear of the dwelling other than through the house. As a result, bins would be stored to the front, further reducing available parking spaces;

- One writer advises that he would not allow his boundary fence to be removed, nor any access to be taken from his property in order to allow any building works to go ahead;
- Digging foundations would give rise to an undermining of the garden of the adjacent site with consequent harm to trees, plants, shrubs and potential collapse of the garden;
- One writer advises that if one single nail falls onto his property, he will seek a court order stopping the build immediately. If anyone actually gets hurt, he will hold both the planning authority and the owners of the property personally responsible to the limit of the law;
- Risk of crime during construction as the result of boundary fences having to be removed;
- One writer likens the result of the development to be akin to living next to a gulag;
- Impact on property values;
- Will give rise to an increase in bird droppings in adjacent gardens; as a result of birds sitting on the roof of the extension;
- A formal flooding impact survey should be carried out;

## 7.0 CONSULTATIONS

7.01 Minster Parish Council object to the application and comment as follows:

*“The size of the garage suggests it is not fit for purpose. With insufficient length to house a car, there is a requirement for three parking spaces to be provided. On these grounds there is inadequate parking in place. There were also vociferous objections from neighbours objecting to the impact on the amenities they might reasonably be expected to enjoy. Having now considered the amended plan as it does not resolve the parking problem; the Parish Councils objection still stands.”*

## 8.0 BACKGROUND PAPERS AND PLANS

8.1 Application papers, plans and correspondence for application 15/503342/FULL

## 9.0 APPRAISAL

9.01 The key issues here are the principle of the development, its impact on visual and residential amenity, and on highway safety and convenience. Other matters raised in the representations received are addressed below.

### Principle of Development

9.02 The site lies in the built up area of Minster, and the development is acceptable as a matter of principle. The site does lie in Flood Zone 3. However – subject to the conditions below relating to flood resistance and resilience measures, and to the finished ground floor level of the extension being no lower than the existing, I do not envisage harm to human life or substantial damage to the property as the result of a flood.

### Visual Amenity

9.03 The site lies at right-angles to Stiles Close, which increases the prominence of the proposed two-storey side extension from public vantage points. However – it would be of traditional design, and whilst it would not have a ridgeline set down from that of

the original dwelling, it would be set rearwards of the existing front projecting gable. I am of the view that setting the ridgeline down as normally required by the SPG would give rise to an overly complicated front elevation that would not be an appropriate design solution. Reference is made by one of the objectors to the stark appearance of the flank elevation of the proposed extension. Whilst this is considered below in terms of its impact on residential amenity, I do not consider that the flank elevation of the extension would cause significant harm to the character and appearance of the area. The existing flank of the dwelling has a first floor window serving a stairwell. However – I do not consider that the lack of fenestration or other detail on the proposed flank elevation would give rise to a visually harmful scheme.

- 9.04 The single storey rear extension would not be prominent in views from public vantage points. Whilst it would have a part flat, part pitched roof (which is not an ideal design solution) it would not in my opinion be so harmful as to warrant refusal of planning permission.

### **Residential Amenity**

- 9.05 The proposed single storey rear extension would not in my opinion have any impact on residential amenity. It would not give rise to overshadowing or overlooking.
- 9.06 The key matter in this respect is the impact of the proposed two storey side extension on residential amenity.
- 9.07 The dwellings that the proposed two storey side extension may have an impact on are nos.10, 12 and 14 Appleford Drive, and no.15 Stiles Close. I will deal with each of these in turn.

#### 10 Appleford Drive

The extension would be located to the north of this dwelling and would not give rise to overshadowing or loss of sunlight. It would be located 11 metres from the dwelling, which is the normal minimum distance this authority seeks from the flank of one dwelling to the rear of an adjacent dwelling. Overlooking of the garden of no.10 would not be markedly worse than the existing, and no.10 would retain an area of private garden. Overlooking of the dwelling itself would be from an acute angle and would not in my opinion give rise to significant harm.

#### 12 Appleford Drive

This property would face the flank elevation of the proposed two storey extension. No overlooking would take place. The proposed extension would lie approximately 11.5 metres to the east-north east of no.12, such that any impact in terms of day/sunlight would be limited to early in the morning, and even then for a very short period of time. I do not consider the proposed development would have a harmful impact on the occupiers of this dwelling. That the proposed flank elevation would be blank and would not have any fenestration is unfortunate, but not harmful to residential amenity. It would not in my opinion appear particularly oppressive. Any windows in this flank elevation would potentially give rise to very significant overlooking of no.12 Appleford Drive, unless obscure glazed and fixed shut. I recommend imposing condition (no 3 below, which removes permitted development rights for the insertion of any windows on this elevation.

#### 14 Appleford Drive

The proposed extension would be sited approximately 11.5 metres from the rear elevation of this dwelling. It would lie to the east, and would be a sufficient distance from the dwelling to negate any significant impact in respect of loss of sun/daylight or overshadowing. Any overlooking would be at an angle, and would not in my opinion be significant. The proposed extension would not overlook the dwelling itself, and as with no.10 Appleford Drive, it would retain an area of private garden.

#### 15 Stiles Close

The proposed extension would face the flank of this dwelling, at a distance of approximately 14 metres. It would give rise to some overlooking of the rear garden of the property, but this would not be significantly worse than existing. It would not give rise to overlooking of the dwelling itself. The separation distance, and the fact that the extension would lie wholly to the north of 15 Stiles Close means that no significant loss of light and no harm to the outlook of this dwelling would occur.

- 9.08 Given the above, I am firmly of the view that the proposed two storey side extension would not give rise to significant harm to residential amenity to the surrounding dwellings. I do not consider that planning permission should be refused on this basis.

#### **Highways**

- 9.09 The plans as amended show two independently accessible parking spaces to the front of the dwelling. This is wholly in accordance with Kent County Council Vehicle Parking Standards (as set out in Interim Guidance Note 3), which sets out that, in suburban areas such as this, 2 spaces is the minimum requirement for a 4+ bedroom dwelling. Given that the parking provision would be in accordance with KCC standards, I do not consider this to amount to a reason for refusal. Whilst all of the parking would be provided to the front of the dwelling, due to the relationship of the site to Stiles Close, the parking would largely be screened from view on approach from the west. As such, I do not consider that the parking arrangement proposed would have a harmful visual impact.

#### **Other Matters**

- 9.10 I note the issues raised in respect of dust during construction. I do not consider that a comparatively small scale development such as this requires dust suppression measures to be submitted to and approved by the Council. The development is unlikely to generate a significant amount of dust.
- 9.11 Issues relating to health and safety during construction are not a matter for the Local Planning Authority, but rest instead with the Health and Safety Executive. Any damage to private property is a private legal matter between the relevant parties, as are matters relating to access to sites, trespassing, and the Party Wall Act.
- 9.12 Whilst I note the concerns raised in respect of vermin, I do not consider that the erection of an extension would give rise to an increase in vermin, and this is not a matter upon which the application can be determined.

#### **10.0 CONCLUSION**

- 10.01 Given the above, I am of the view that the proposed development would not harm visual or residential amenity to such an extent that permission could justifiably be

refused. The proposal would be in accordance with KCC vehicle parking standards, and is acceptable in all other respects. I therefore recommend that planning permission is granted.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions

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) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reasons: In the interests of visual amenity

- 3) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the flank wall of the two storey side extension hereby permitted.

Reasons: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers

- 4) The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided in full prior to the first use of the development hereby permitted.

Reasons: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity

- 5) The finished ground floor level of the development hereby approved shall not be set lower than that of the existing dwelling.

Reason: To prevent harm to human life in the event of a flood.

- 6) No development shall take place until details of flood resistance and resilience measures to be incorporated in the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm to human life and damage to property in the event of a flood.

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.

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.