

2.2 REFERENCE NO - 15/508727/FULL			
APPLICATION PROPOSAL Erection of a rear extension including a hydrotherapy pool with associated raised decking. (Retrospective)			
ADDRESS 5 Clovelly Drive Minster-On-Sea Kent ME12 2SF			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION The application site lies within the built up area boundary where the principle of development is accepted and would not unacceptably harm residential or visual amenities.			
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to Parish Council view			
WARD Minster Cliffs	PARISH/TOWN Minster On Sea	COUNCIL	APPLICANT Mr & Mrs Mark Stalley AGENT Nigel Sands & Associates
DECISION DUE DATE 25/12/15	PUBLICITY EXPIRY DATE 11/12/15		

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a detached bungalow located within the built up area. The property has parking to the front and private amenity space to the rear.
- 1.02 The site slopes significantly from front to back and the area is characterised by a mix of dwelling types and designs.

2.0 PROPOSAL

- 2.01 This application seeks retrospective planning permission for the construction of rear extensions together with raised decking.
- 2.02 The extended part of the dwelling comprises two elements on each flank of the dwelling. The extension on the flank wall closest to No.7 projects by 4.1m at a width of 3.7m. Due to the change in site levels this element measures 2.5m from the finished floor level and 4.5m in height from the lowest ground level adjacent to the extension. This extension incorporates an enlarged dining area.
- 2.03 On the opposite side of the dwelling, closest to No.3, the extension will project by 4.1m and be 4.8m in width at its widest point and 3.5m in width at its narrowest. It will have a flat roof, measuring 2.3m from the floor level of the property and 5.1m in total height from the lowest ground level. This extension includes a hydrotherapy pool.
- 2.04 The two elements of the extension as described above will be linked by a section of decking approximately 8m in width and depth of 4m.. Steps are then provided giving access to a second, lower level of decking which ranges between 0.9m and 1.1m in height above ground level with a maximum depth of 5.6m

3.0 PLANNING CONSTRAINTS

3.01 Environment Agency Flood Zone 2

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant in terms of encouraging good design standards and minimising the potential impacts of any development upon the amenity of neighbouring residents.

4.02 The adopted Swale Borough Local Plan 2008 echoes a similar sentiment, and policies E1, E19, E24 in particular encourage the provision of high-quality development and minimising potential amenity impacts for local residents.

4.03 The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and provides general design guidance. The SPG remains a material consideration, having been through a formal review and adoption process.

5.0 LOCAL REPRESENTATIONS

5.01 2 letters of objection were received raising the following summarised points:

- The extension closest to No.7 restricts light and overshadows this property and the rear garden;
- The decking area causes a loss of privacy;
- The bricks used in the construction of the external surface of the extension facing No.7 do not match those on the existing dwelling;
- The proposal includes a gate onto a private driveway over which the applicants do not have rights of access;
- The structure is ugly;
- The structure could be dangerous, there appears to be little keeping it up and the wall leans outwards;
- There is an error on the application form – the works commenced in early 2014 rather than on 1st October 2014 as stated;
- The proposal will cause a loss of views.

5.02 2 further letters have been received raised the following points:

- *"I have no objections at all, I am nearest to the said building at NO 5 These people do a great job looking after severely disabled children. I wish them well"*
- *"I understand this pool is to give better quality of life to the young girl who will use it. God bless her! If it is to be used by others, will that increase the traffic on an already inadequate road? We support this application, but urge the council to adapt the road."*

6.0 CONSULTATIONS

6.01 **Minster-on-Sea Parish Council** objects to this application and considers the proposal overbearing and detrimental to the visual amenities of neighbouring properties.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and correspondence relating to planning reference 15/508727/FULL.

8.0 APPLICANT'S SUPPORTING DOCUMENTS

- 8.01 I have received a covering email from the applicant regarding the need for the proposal which relates to the special needs of the applicant's daughters. The element of the proposal which includes a hydrotherapy pool also operates as a therapy room and includes various related equipment. The decking area between the two elements of the extension allows the disabled occupants to have access to outside amenity space. The dining room extension allows the family to have meal times together. I have also received confirmation from relevant medical specialists regarding the conditions of the occupants of the dwelling.

9.0 APPRAISAL

Principle of Development

- 9.01 The application site lies within the built up area boundary where the principle of development is accepted. The main considerations in this case concern the impact that the proposal would have upon residential and visual amenities.

Residential Amenity

- 9.02 The application site is a detached property and separated from the adjacent property to the east, No.7 by a distance of 3.2m. I note that No.7 has an existing rear conservatory and as such the extension closest to this adjacent property projects past this conservatory by approximately 6m. However, due to the gap that exists between the properties I do not consider that this element of the proposal would have an unacceptable impact upon the neighbouring amenities of this property. I also take into account the shallow pitched roof that has been constructed which in my opinion limits any impact that this extension would have.
- 9.03 To the west, No.3 is set at a slight angle with the rear elevation turned towards the application site. The closest part of this adjacent dwelling is separated from the host property by 2m whilst the extension closest to No.3 would project past the rear wall of the adjacent property by 6.4m. I also note that No.3 has an outbuilding located close to the common boundary with the application site, projecting slightly further than the extension which limits the impact.
- 9.04 Concern has been raised from the occupant of No.7 in relation to loss of privacy caused by the proposal. I have conducted a site visit and paid particular attention to the available views from the areas of decking. The highest level of decking which matches the finished floor level of the property has both of its sideways views blocked by the location of the two extensions on either side of the property. The lowest level of decking only provides very limited views of both adjacent gardens with boundary treatments and existing planting heavily disrupting sightlines. In my opinion the development doesn't allow for unacceptable levels of overlooking and as such I do not consider that this would constitute a reason for refusal.
- 9.05 Based upon the above assessment I do not consider that the proposal would have an unacceptable impact upon neighbouring amenities.

Visual Amenity

- 9.06 Some concern has been raised regarding the appearance of the development. I note the comments regarding the development as a whole and am of the opinion that the appearance of the extensions, on the rear of the dwelling in an undesignated area are fairly typical of other developments in the Borough. The decking, located between the extensions is almost entirely hidden from public vantage points, regardless of this I consider the proposal as a whole would not to have an unacceptable impact upon visual amenities.
- 9.07 I also note that objections have been raised on the grounds that the brickwork on the flank wall of the extension (facing towards No.7) does not match the brickwork as is in situ on the remainder of the flank wall. In my view, the bricks do not exactly match, but I do not consider that the difference is so harmful to visual amenities that it is unacceptable and therefore consider this matter to have been dealt with.

Other Matters

- 9.08 In relation to the remainder of the points raised in the representations I respond as follows. The issue of access to the private driveway is not a planning matter but a private legal matter between property owners, as such I make no comment regarding this. The point regarding the structural soundness of the build is also not a planning matter and one which if necessary would be dealt with by Building Regulations. The statement regarding the alleged error in the application form is noted, however, there is no proof provided by the objector that the date the construction works started is incorrect and irrespective of this I do not consider that this has any impact upon the determination of this application. A further point has been raised regarding people not resident at the application site using the facilities. However, the applicant's have provided details relating to the use of these small scale facilities by their daughters and as such I do not consider this point requires further discussion. Lastly, loss of views is not a material planning consideration.
- 9.09 The site is located within Flood Zone 2 and as such the Environment Agency's Standing Advice for domestic extensions is relevant. Within this, it is generally considered acceptable if the finished floor level of the extension is no lower than that of the existing dwelling. Having conducted a site visit I could see that the finished floor level of the extensions matched the existing dwelling. As such I consider that this development is therefore acceptable from a flood risk perspective.

10.0 CONCLUSION

- 10.01 In overall terms I consider that the proposal would not impact unacceptably upon residential or visual amenities. I have taken into account the personal circumstances of the occupants of the dwelling and the benefit that they receive from the development however, regardless of this I am of the opinion that the proposal is acceptable in its own right. The development has already been carried out and I do not consider that any conditions are required. I recommend that planning permission be granted.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

NONE

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.