

A01 **F/TH/16/1232**

PROPOSAL: Erection of two storey dwelling

LOCATION: Mizuri Norman Road BROADSTAIRS Kent CT10 3BZ

WARD: Beacon Road

AGENT: Mr Doug Brown

APPLICANT: Mr David Watts

RECOMMENDATION: Approve

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered DB/DW/16/9/2 and DB/DW/16/9/3, received 05 December 2016.

GROUND:

To secure the proper development of the area.

- 3 Prior to the first occupation of development hereby approved the means of access shown on drawing DB/DW/16/9/3 shall be completed and thereafter maintained.

GROUND:

In the interests of highway safety.

- 4 Prior to the first occupation of the development hereby permitted details of visibility splays provided with no obstructions over 0.9m above carriageway level shall be submitted to and approved in writing by the Local Planning Authority. The approved splays shall thereafter be implemented in full and maintained.

GROUND:

In the interest of highway safety

- 5 The area shown on the submitted plans as vehicle parking spaces and turning areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND:

Development without adequate provision for the parking or turning of cars is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

- 6 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

- 7 No further alterations to the building, or the erection of garden buildings or erection of boundary or internal fences or means of enclosure, whether approved by Classes A, B, C, D, or E of Part One or Class A of Part Two of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND:

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

- 8 Prior to the first occupation of the development hereby permitted, boundary treatment no less than 1.8m in height shall be erected along the south-west boundary of the site, in accordance with the approved plan.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties, and to provide secure doorstep play space, in accordance with Policies D1 and SR5 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The site is presently part of the rear garden of the two storey semi-detached property known as Mizuri. The site itself is relatively flat and defined at present by fencing with a garden shed to the rear.

The surrounding land use is residential with a block of single storey garages to the immediate north east leading into St Peter's recreation ground. Opposite the site on the southern side of Norman Road planning permission was approved for the redevelopment of the garage block opposite the application site (ref: F/TH/14/0093).

RELEVANT PLANNING HISTORY

This is a revised application following the refusal of an earlier scheme for a two storey dwelling on the basis of the following reason:

1. *The proposed dwelling, by virtue of its design, scale and location would represent a cramped and obtrusive form of development that is out of keeping with the prevailing character and appearance of development within the locality, representing overdevelopment of the site within its backland context, resulting in significant harm to the character and appearance of the area. The proposal is therefore contrary to Policy D1 of the Thanet Local Plan and paragraphs 58, 60, 61 and 64 of the National Planning Policy Framework.*

This application therefore seeks to address the previous reason for refusal

PROPOSED DEVELOPMENT

The proposed development seeks planning permission for a two storey dwelling with a single storey side addition. The proposed dwelling measures 11.5m wide in total, with 8.3m of the dwelling being 2-storey in height. The dwelling measures 4.5m deep. In terms of its location, the proposed dwelling is 1.5m from the side boundary with the neighbouring property Syringa, 1m from the rear boundary, 20m from the rear elevation of Mizuri, and 23m from the rear elevation of Mizuri at first floor level. Access to the site is proposed between what would be the new boundaries to Mizuri and the proposed development site. This would cross the current pavement area that runs along the southern boundary of the site. The proposed garden measures 7.5m wide by 7m deep.

The application has been amended since it was originally brought before members at the November planning committee, as it was discovered that the depth of the site was one metre less than what was shown on the submitted plans. The proposed development has been amended so that the single storey side extension has been reduced in width by one metre, however, the first floor element of the proposed dwelling remains of the same size, and as such the proposed dwelling is now 1m closer to the rear elevation of Mizuri and the neighboring property at first floor level.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

D1 - Design principles

D2 - Landscaping

H1 - Housing provision

H4 - Windfall sites

SR5 - Doorstep and local play space

TR12 - Cycling
TR16 - Car parking provision

NOTIFICATIONS

Letters were sent to occupiers of neighbouring premises in Norman Road and Cecilia Grove and a site notice was displayed. 5 letters of objection have been received raising the following matters:

- A large detached house would be out of character and over-bearing, detrimental to immediate neighbours;
- Concerns regarding blocking of access to the garage court;
- Proposal will block open views enjoyed by neighbours;
- Concerns over vehicular access to the site across the pavement area;
- Design would be overbearing, particularly due to no windows on the rear of flank;
- Proposed development has increased in footprint;
- Impacts regarding loss of daylight and sunlight to neighbours

In addition to the objections a single letter of support stating that they consider the proposal as representing positive development in the area next to a row of derelict garages that results in anti-social behaviour.

Broadstairs & St Peter's Town Council - The planning committee has considered the application and has resolved to recommend that the application be refused due to the following concerns: Rear garden cramming; overdevelopment; overlooking; detrimental impact on neighbours; loss of amenities; overbearing; too close to boundary fencing; poor elevation design; no provision for vehicle access and loss of pedestrian route through to park.

Broadstairs Society - The society has looked at the revised application and are still of the view that despite cosmetic changes it is still overdevelopment. Vistas and views are important in a place like Broadstairs and this application, if approved, would block open views. Furthermore, the hardstanding would be in our opinion, a potential danger.

CONSULTATIONS

Southern Water - Southern water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW."

COMMENTS

This application is reported to planning committee as it is considered to be a departure from the saved Local Plan and was also called in by Councillor Matterface. The main considerations with regard to the planning application are the principle of development; the

impact upon the character and appearance of the local area; and the impact upon living conditions of neighbouring property occupiers and future occupiers.

Principle

The proposed dwelling would represent development on non-previously developed land, being private residential garden land, which would be contrary to policy H1 of the Thanet Local Plan. Policy H01 - Housing Development in the Draft Local Plan paragraph 3 states that permission for new housing development will be granted on residential gardens where not judged harmful to the local area in terms of the character and amenity considerations set out in Policy QD01 (Design principles).

The Draft Local Plan has weight in the decision making process following the Cabinet approval of the draft in December 2014. The National Planning Policy Framework (NPPF) states that Council's should set out policies in relation to garden land, and therefore the draft policy is considered relevant and has weight given the guidance in the NPPF. Regard must also be had for the fact that there is a current need for housing in Thanet and, on this basis, the NPPF indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development.

In this case the proposal is for one dwelling, at a site which lies within the urban confines with access to local amenities, and is considered to be sustainably located within the district. The development of this site for housing could therefore be accepted in principle subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area.

Character and Appearance

The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 58). Policy D1 of the Thanet Local Plan outlines that the design of all new proposals must respect or enhance the character or appearance of the area particularly in scale, massing, rhythm and use of materials.

The proposal seeks consent for a detached dwelling that is predominantly single aspect with windows looking south onto Norman Road. The design of the building has been revised from the previous scheme so that the frontage presents as a traditional two storey dwelling of similar height to neighbouring properties on Norman Road.

Neighbours have raised objection to the proposal on the basis that the design appears out of character with Norman Road due to the width of the dwelling in comparison to the terraced dwellings locally. This in itself is not a reason to determine that the proposal is harmful to the character and appearance. Furthermore, it should be noted that the approved scheme for redevelopment of the neighbouring garages to the south is the subject of an amendment application to alter the fenestration detailing. The relative proportions of those properties,

with the exception of the rear elevation, is broadly similar to that proposed for this scheme and therefore cannot by itself be deemed harmful to the character of the area.

Whilst the size of the site has been found to be one metre shallower than previously shown, which reduces the degree of separation at first floor level between development to 23m, this gap is considered to provide an adequate separation distance between development, and is not considered to significantly detract from the character and appearance of the area.

The rear elevation of the dwelling has a lower eaves level than the previously refused scheme in order to reduce the visual impacts to neighbouring properties. Whilst this is a different approach to the design it is not considered to be an unacceptable solution to address wider potential impacts.

The NPPF is clear in setting out that policies and decisions should not stifle innovation, originality or initiative but should seek to promote or reinforce local distinctiveness (paragraph 61). It goes on to state that permission should be refused for development of poor design where it fails to improve the character and quality of an area and the way in which it functions. The architectural approach to the development clearly seeks to reflect the traditional details within the local area in regards to eaves details and overall roof pitch. Whilst the scale of the building differs to its immediate neighbours by virtue of its width this is not considered to be unacceptable, particularly in light of the only relevant recent approved development to the south.

The impact upon the character and appearance of the area is therefore considered to be acceptable.

Living Conditions

The previous application was not refused on grounds of its impact upon neighbouring living conditions.

This application is an improvement to the previous application in terms of the impact upon neighbouring living conditions, in that the dwelling has been moved further to the rear of the site, resulting in a greater separation distance between the neighbouring property and the proposed development. Even with the error identified in the site plan, which previously showed the site one metre deeper than the actual size, the separation distance between Mizuri and Syringa, and the proposed development, is 20m, and the separation distance at first floor level is 23m. Such a distance will not significantly impact upon the light to or outlook from the neighbouring property, or Mizuri, and whilst there may be some overshadowing of the garden area of Syringa, the impact would not be significant enough to warrant the refusal of the application. As such the impact upon light and outlook is considered to be acceptable.

The design of the proposed dwelling provides the main habitable windows facing south over the road, with no windows contained within the rear elevation, or at first floor level of the side elevation. As such, the impact upon neighbouring privacy, and the privacy of Mizuri, is considered to be acceptable.

The proposed development seeks to reduce the rear garden of the host property significantly to a depth of 9.5m, in order to provide space for the new dwelling. The resultant garden for the main dwelling would remain of suitable size to be in accordance with the aims of saved policy SR5 regarding doorstep play space.

Regarding the layout of the proposed new dwelling the garden area to the west of the property is accessible from the main living space, with additional space provided around the remaining boundaries of the dwelling and plot albeit that these do not function as usable amenity space. The main amenity space amounts to an area of approximately 52 square metres which would comply with the general requirements for play space. The parking is now located to the far west of the site ensuring that all of the amenity space can be securely fenced off to ensure compliance with the safe doorstep play space.

The impact upon the living conditions of neighbouring occupiers, the occupiers of Mizuri, and the future occupiers of the development, is considered to be acceptable.

Transportation

The wider application site already has hardstanding to the front of the property to provide off road parking for cars, although there is no dropped kerb provided and therefore the issue of parking may not be regularised. In addition there is unrestricted parking on the Norman Road for additional vehicles. The provision of a further single dwelling in this location is unlikely to result in any defensible highway grounds with regards to parking.

Issues have been raised regarding cars crossing the pavement area which is well used by pedestrians to access the neighbouring recreation ground and further afield. The principle of crossing a well-used pavement to access off-street parking is not in itself an uncommon feature within any residential area, indeed in this particular location there are numerous examples of this practice. In this particular location the pavement is wider and affords good visibility to ensure that there are no conflicts with cars entering or exiting the site and pedestrians using the pavement. With regards to impacts on accessing the recreation ground it should be recognised that at present the means of access is through the neighbouring garage block which, if in heavy use, would potentially result in much greater through traffic of cars noting that there are 20 separate garages in the area.

Other Matters

A number of residents and the Broadstairs society have raised objections regarding the impacts on views from this scheme. The planning system does not protect the individual's right to a view and only becomes a matter when a development is considered to result in an overbearing development or a loss of outlook. In this particular instance, due to the separation distances between neighbouring properties and the proposed development the scheme would not result in a detrimental impact on outlook. Furthermore, due to the separation distance and particularly the rear design of the proposed dwelling the scheme would not result in an overbearing impact from the neighbouring properties.

Conclusion

The site is non-previously developed land within the urban area and is therefore considered contrary to the aims of saved Policy H1. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is considered sustainable in its location and it is not considered that there are any detrimental impact of the scheme that need to be overcome in order for it to benefit from the presumption in favour of development.

It is therefore considered that the proposal can be delivered in a manner that is in keeping with the established character and pattern of the neighbouring residential development and will not result in unacceptable impacts. On balance the need for housing in sustainable locations such as this site outweighs the need set out in saved Policy H1 of protecting non previously developed land. It is therefore recommended to Members that this application is approved, subject to safeguarding conditions.

Case Officer

Emma Fibbens

TITLE: F/TH/16/1232

Project Mizuri Norman Road BROADSTAIRS Kent CT10 3BZ

Scale:



