

Date: 6 July 2020
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PLANNING COMMITTEE

15 JULY 2020

A meeting of the Planning Committee will be held at **2.00 pm on Wednesday, 15 July 2020** Online: <https://youtu.be/js3yK2JFMno>

Membership:

Councillor Tomlinson (Chairman); Councillors: Coleman-Cooke (Vice-Chairman), Albon, J Bayford, Currie, Dennis, Duckworth, Garner, Hart, Keen, Moore, Scott, Taylor and Wright

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 18)

To approve the Minutes of the Planning Committee meeting held on 17 June 2020, copy attached.

4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 19 - 22)

To consider the report of the Director of Community Services, copy attached for Members of the Committee.

Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.

For Approval

4a **A01 - FH/TH/20/0441 - 65 DOWNS ROAD, RAMSGATE** (Pages 23 - 30)

Item
No

Subject

For Refusal

- 4b **R02 - FH/TH/20/0379 - 91 BOTANY ROAD, BROADSTAIRS** (Pages 31 - 38)
5. **APPLICATION FOR A PROPOSED CERTIFICATE OF LAWFUL DEVELOPMENT – CD/TH/20/0563 - 24 OLD CROSSING ROAD MARGATE**
(Pages 39 - 44)
6. **APPLICATION FOR A PROPOSED CERTIFICATE OF LAWFUL DEVELOPMENT – CD/TH/20/0782 - 3 UPTON GRANGE, BROADSTAIRS**
(Pages 45 - 50)
7. **APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION - F/TH/19/0803 – 9 EDMANSON AVENUE, MARGATE** (Pages 51 - 54)



Please scan this barcode for an electronic copy of this agenda.

THANET DISTRICT COUNCIL DECLARATIONS OF INTEREST

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.
4. **Complete the declaration of interest form and submit it to Democratic Services.**

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.
4. **Complete the declaration of interest form and submit it to Democratic Services.**

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

Public Document Pack Agenda Item 3

Planning Committee

Minutes of the meeting held on 17 June 2020 at 2.00 pm in Online.

Present: Councillor Michael Tomlinson (Chairman); Councillors Coleman-Cooke, Albon, J Bayford, Currie, Duckworth, Garner, Hart, Keen, Moore, Scott and Wright

585. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Taylor and Councillor Dennis, for whom Councillor Rusiecki was present.

586. DECLARATIONS OF INTEREST

There were no declarations of interest.

587. MINUTES OF PREVIOUS MEETINGS

588. MINUTES OF PLANNING COMMITTEE HELD ON 20 MAY 2020

Councillor Hart proposed, Councillor Rusiecki seconded and Members AGREED that the minutes of the Planning Committee held on 20 May 2020 be approved and signed by the Chairman.

589. MINUTES OF THE EXTRAORDINARY PLANNING COMMITTEE MEETING HELD ON 3 JUNE 2020

Councillor Hart proposed, Councillor Rusiecki seconded and Members AGREED that the minutes of the Extraordinary Planning Committee held on 3 June 2020 be approved and signed by the Chairman.

590. SCHEDULE OF PLANNING APPLICATIONS

591. A01 - A/TH/19/1138 - THE DAVID COPPERFIELD, WESTWOOD ROAD, BROADSTAIRS

PROPOSAL: Erection and display of 1no. internally illuminated 6.5m high totem sign

It was proposed by the Chairman and seconded by Councillor Wright:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

2 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

3 Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

4 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

5 No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

6 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 7762-SA-8046-P022 H received 04 March 2020 and the submitted signage details entitled 'Drive Totem 1 : 6.5 meter' received 20 August 2020.

GROUND;

To secure the proper development of the area.

7 The intensity of the illumination of the advertisement hereby approved by this consent shall at no time exceed 400cd/sq.m as annotated on the approved plan numbered 7762-SA-8046-P022 H received 04 March 2020.

GROUND;

In the interest of the visual amenity of the area in accordance with Policies D1 and D5 of the Thanet local Plan.”

Following debate, the motion was put to the vote and declared CARRIED.

592. A02 - A/TH/19/1139 - THE DAVID COPPERFIELD WESTWOOD ROAD, BROADSTAIRS

PROPOSAL: Erection and display of 5no. internally illuminated fascia signs

It was proposed by the Chairman and seconded by Councillor Rusiecki:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

2 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

3 Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

4 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

5 No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

6 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 7762-SA-8046-P009 F and 7762-SA-8046-P027 F received 04 March 2020 and the submitted signage details entitled 'McDonalds 800mm Alfresco Roof Letters', 'McDonalds 1400mm Alfresco Roof Arch' and 'McDonalds 900mm Alfresco Roof Arch' (however not including the proposed level illumination annotated) received 20 August 2019.

GROUND;

To secure the proper development of the area.

7 The intensity of the illumination of the advertisement hereby approved by this consent shall at no time exceed 400 cd/sq.m as annotated on the approved plans numbered 7762-SA-8046-P009 F and 7762-SA-8046-P027 F received 04 March 2020.

GROUND;

In the interest of the visual amenity of the area in accordance with Policies D1 and D5 of the Thanet local Plan.”

Following debate, the motion was put to the vote and declared CARRIED.

593. A03 - A/TH/19/1140 - THE DAVID COPPERFIELD, WESTWOOD ROAD, BROADSTAIRS

PROPOSAL: Erection and display of 3no. internally illuminated menu signs, 1no. internally illuminated information sign, 1no. non illuminated banner sign and 8No. non illuminated information signs

It was proposed by Councillor Rusiecki, seconded by Councillor Albon and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

1 Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

2 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

3 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

4 No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

5 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered 7762-SA-8046-P008 J received 04 March 2020 and the submitted signage details entitled 'Double Digital Menu Board', 'Single Digital Menus Board', 'Dot Signage Litter Sign', 'Dot Signage Noise Sign', 'Dot Signage Pedestrian Crossing', 'Dot Signage Give Way', 'Caution Look Right', 'Caution Look Both Ways', 'Erdds Banner Unit' received 20 August 2020.

GROUND;

To secure the proper development of the area.

6 The intensity of the illumination of the advertisement hereby approved by this consent shall at no time exceed 400 cd/sq.m as annotated on the approved plan numbered 7762-SA-8046-P008 J received 04 March 2020.

GROUND;

In the interest of the visual amenity of the area in accordance with Policies D1 and D5 of the Thanet local Plan.”

594. A04 F/TH/20/0384 - LAND REAR OF PINKS CORNER LODGE, BRAMWELL COURT, MINSTER

PROPOSAL: Erection of 2no. 3-bed two storey dwellings together with double garage, cycle, bin store and associated parking

It was proposed by Councillor Rusiecki, seconded by Councillor Albon and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

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 324-002 Rev A and 324-003 received March 2020.

GROUND;

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used 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

4 The windows identified as high level windows on drawing number 324-003 shall be provided and maintained with a cill height of not less than 1.73 metres above the finished internal floor level.

GROUND;

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

5 The area shown on the approved plan numbered 324-002 Rev A for vehicle parking and manoeuvring 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 vehicles 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 first occupation of the dwelling hereby approved, visibility sight lines as shown on drawing number 324-002 Rev A, shall be provided and thereafter maintained with no obstruction above 1m in height.

GROUND:

In the interests of highway safety. Notes:

7 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND;

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

8 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND;

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.”

595. D05 - F/TH/19/1025 - THE ORB INN, 243 RAMSGATE ROAD, MARGATE

PROPOSAL: Erection of 10No 2 bed flats, 2No 3 bed maisonettes and 2No 1 bed flats with associated access, parking and landscaping following demolition of existing building

A statement from Mr Blythin in favour of the application was read out by an officer.

A statement from Mr Thompson raising points of concern was read out by an officer.

It was proposed by the Chairman and seconded by Councillor Rusiecki:

“THAT the officer’s recommendation be adopted, namely:

‘Defer and Delegate for approval subject to the satisfactory completion of Section 106 agreement within 6 months securing the required planning obligations as set out in the Heads of Terms and 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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered (P)002 rev D, (P)003 rev C, (P)004 rev C, (P)005 rev F, (P)006 rev E, received 5th March 2020; amended plan numbered (P)007 rev B, received 7th February 2020; and amended plans numbered (P)007 rev C and (P)1002 rev B, received 3rd December 2019.

GROUND:

To secure the proper development of the area.

3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded.

4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with

a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

GROUND:

To ensure that historic building features are properly examined and recorded.

5 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Surface/ Foul Water Strategy report by Abstract Consulting (September 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

GROUND:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

6 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

GROUND:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

7 No development shall take place until details of the means of foul drainage have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

8 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

9 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

10 Prior to the commencement of any development on site, details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures

GROUND:

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

11 Prior to the first use of the site hereby permitted the vehicular access approved and associated vehicle crossing point onto the highway, as shown on the approved plan numbered (P)1001 should be complete.

GROUND:

In the interests of highway safety.

12 Prior to the first occupation of the development hereby approved, the redundant vehicle crossing to shall be removed and the footway reinstated in accordance with the specifications set out in the Kent Design Guide.

GROUND:

In the interests of highway safety.

13 Prior to the first occupation of the development hereby approved, visibility splays shall be provided to the access on to Ramsgate Road as shown on the approved plan no.(P)1001, with no obstructions over 0.6m above carriageway level within the splays. The visibility splays shall thereafter be maintained.

GROUND:

In the interest of highway safety.

14 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers (P)002 rev D shall be provided and permanently retained.

GROUND:

In the interests of highway safety.

15 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. (P)004 rev C shall be provided and thereafter maintained.

GROUND:

In the interests of promoting increased cycling in accordance with policy TR12 of the Thanet Local Plan

16 The area shown on the approved plan numbered (P)002 rev D for vehicle parking and manoeuvring 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 vehicles 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.

17 Prior to the first occupation of the development hereby permitted, electric vehicle charging shall be provided within the site in the form of one per ten unallocated spaces, and one per allocated space. Details of the location and design details of the active electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.

GROUND:

To reduce the impact upon air quality, in accordance with the NPPF.

18 At least 10% of the development shall be built in compliance with building regulation part M4(2).

GROUND:

To meet a range of community needs, in accordance with the NPPF and Policy QD05 of the Draft Local Plan.

19 The refuse storage facilities as specified upon the approved drawing numbered (P)004 rev C shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

20 All new window and door openings shall be set within a reveal of not less than 100mm

GROUND:

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

21 Prior to the construction of the external surfaces of the development hereby approved, samples of the materials to be used 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

22 The panels to be used in the front bay projections and side elevation of the refuse store shall be reclaimed flints from the existing building.

GROUND:

In the interests of design and the historic character of the site, in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

23 The first floor southern side elevation windows serving flat 6 and the landing area, and the second floor side elevation dormer windows of the development hereby permitted, shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent, and fixed shut below an internal floor height of 1.7m. The obscure glazing shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

24 Prior to the installation of any external lighting, full details of the external lighting, including their fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

GROUND:

To ensure that light pollution is minimised in the interest of the visual and residential amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

25 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2005 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND:

To protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

26 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted.
- the treatment proposed for all hard surfaced areas beyond the limits of the highway.
- walls, fences, other means of enclosure proposed.
- ecological enhancements within the site,
- details of the refuse and cycle stores, including elevations and materials,

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

27 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 first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

28 Prior to the first occupation of the development hereby permitted, a 1.8m high fence shall be erected along the southern side boundary of the site, as shown on plan numbered (P)004 rev C. The fence shall thereafter be maintained.

GROUND:

In the interests of neighbouring privacy, in accordance with Policy D1 of the Thanet Local Plan.

29 The front boundary wall shall be retained, with the new wall to be erected in the location of the redundant access point to match the design, height and materials of the existing wall, as agreed in correspondence from the agent received 8th June 2020.

GROUND:

In the interests of the visual amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.”

Further to debate, the motion was put to the vote and declared CARRIED.

Meeting concluded : 3.15pm

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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

15 July 2020

BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

- (A) Standard Reference Documents - (available for inspection at the Council offices)
1. Thanet District Council Local Plan saved policies
 2. Cliftonville Development Plan Document
 3. Government Circulars and the National Planning Policy Framework issued by the Department of Communities and Local Government.

- (B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection at the Council offices and via the Council's website)

- (C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available for inspection at the Council offices and via the Council's website)

I certify that the above items are not exempt information.

- (D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:6 July 2020

THANET DISTRICT COUNCIL

REPORT OF THE DEPUTY CHIEF EXECUTIVE

PART A

TO: THE PLANNING COMMITTEE

DATE: 15 July 2020

Application Number	Address and Details	Recommendation
A01 FH/TH/20/0441	65 Downs Road RAMSGATE Kent CT11 0LU	Approve

Erection of single storey side and rear extensions, enlargement to existing roof, insertion of 2no. dormers to front roof slope and 1no. dormer to rear roof slope, together with erection of chimney stack, enlargement of front bay window, and alterations to fenestration

Ward: Cliffsend And Pegwell

THANET DISTRICT COUNCIL

REPORT OF THE DEPUTY CHIEF EXECUTIVE

PART B

TO: THE PLANNING COMMITTEE

DATE: 15 July 2020

Application Number	Address and Details	Recommendation
R02 FH/TH/20/0379	91 Botany Road BROADSTAIRS Kent CT10 3SB	Refuse Permission

Retrospective application for erection of single storey rear extension together with erection of dormer windows to front and both side elevations, installation of rooflights and alterations to roof to facilitate loft conversion, following demolition of existing conservatory

Ward: Kingsgate

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A01 **FH/TH/20/0441**

PROPOSAL: Erection of single storey side and rear extensions, enlargement to existing roof, insertion of 2no. dormers to front roof slope and
LOCATION: 1no. dormer to rear roof slope, together with erection of chimney stack, enlargement of front bay window, and alterations to fenestration

65 Downs Road RAMSGATE Kent CT11 0LU

WARD: Cliffsend And Pegwell

AGENT: Mrs Janet Tilley

APPLICANT: Mr G Hall

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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 20/243/PL03 Rev A, and 20/243/PL04 Rev A received 11/06/2020.

GROUND;

To secure the proper development of the area.

3 The walls of the front face of the side extension hereby approved, and the area to the flank denoted on plan 20/243/PL04 Rev A as being rendered, shall be finished to match the existing property and shall thereafter be maintained.

GROUND;

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

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

SITE, LOCATION AND DESCRIPTION

Downs Road is a residential street in Ramsgate, with road levels rising to the east, close to a local primary school and a public house (the Chiltern Tavern). There are a mixture of bungalows and two storey dwellings along Downs Road, some forming small terraces, some being semi-detached, and others detached. Plot sizes also vary, from long rectangular plots to smaller square ones. There is no fixed building line in Downs Road with some properties set in close proximity to the highway, and others set back with longer front gardens. The mixed architectural style and material palette within the road is also noted.

Number 65 Downs Road is a detached bungalow to the western part of the street. It sits slightly forward of the neighbouring properties to the west, a semi-detached pair (No.s 67-69 Downs Road) and appears to be built up against the shared boundary in this area. To the east it sits roughly in line with the neighbouring property (No. 63 Downs Road), another but larger detached bungalow. In this instance, there is some separation from the boundary between these properties and a sense of open space created by the siting of No. 63 closer to the eastern boundary of its plot.

The application property is finished in a cream render and has a square front bay with white painted timber windows. It is set under a pitched roof with two end-facing gables with the roof finished in red tile. To the rear exists a single storey flat roof extension approximately half the width of the host building, and located to the eastern part of the dwelling. The rear extension has a brick finish, whilst the original dwelling non extended part of the dwelling is cream rendered.

RELEVANT PLANNING HISTORY

None.

PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of a single storey side and rear extension, the enlargement of the existing roof, the insertion of 2no. dormers to the front roof slope and 1no. dormer to the rear roof slope, together with the erection of a chimney stack, the enlargement of the front bay window, and alterations to fenestration.

A number of alterations to the front of the property would see an increased ridge height of approximately 0.7 m, to accommodate the addition of two hipped roof dormers in the front roof slope. These would serve a bedroom in the roof space together with a flat roof dormer to the rear.

An 'L-shaped' extension is proposed to the side and rear of the property to the eastern boundary and would be for the provision of a conservatory, that would wrap around the existing kitchen area. The current entrance would be relocated to the eastern flank, and the current window serving 'Bedroom 2' would be filled in with the enlargement of the front bay. This would extend the overall height, side and rear of the property to provide additional space within it.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Saved Policies 2006

D1 - Design Principles

SR5 - Play Space

TR12 - Cycling

TR16 - Parking

Draft Local Plan

QD02 – Design Principles

QD03 – Living Conditions

TP06 – Car Parking

TP03 - Cycling

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice posted close to the site.

No representations have been received.

COMMENTS

This application is reported to Planning Committee at the request of Councillor Albon, in order for Members to consider the size and nature of the proposed works.

Principle

The proposal relates to an existing residential dwelling and there is no in principle objection to its extension or alteration.

The main considerations are the impact on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers and highway safety.

Character and Appearance

Paragraph 127 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area particularly in scale, massing, rhythm and use of materials.

To the front of the site, it is proposed to enlarge the existing roof and raise the height of the eaves and increase the ridge height by approximately 0.7m. The existing ridge height appears lower than those of Nos. 63 and 67 Downs Road and any alterations to the roof would be seen against the context of these properties. The proposed increase is not considered by Officers to be out of keeping with the existing varied roofscapes in the area and would sit comfortably within the range that already exists within this part of Downs Road. Whilst the alterations would result in a larger roof, it is not considered to be visually harmful or out of keeping with other roofs in the surrounding area. The roof would be finished in black composite slate roof tiles. Black slate can be seen elsewhere in the street and is, therefore, considered acceptable.

Two single pitched roof dormers are proposed to the front roof slope. They would have casement openings and would be of a modest scale. There are a number of pitched roof projections, frontages and gabled frontages facing the street in this part of Downs Road as well as further to the east. As such, it is considered that the proposed dormers would be in keeping with the overall pattern of development in the area and, given their size and location within the roof, they would not dominate the front roof slope.

The existing chimney stack would be removed and a new one provided on the western boundary. It would be seen against the roof slope and chimney slopes are a common feature with Downs Road.

The enlargement of the front bay window would double the width of the existing, and create a central and balanced frontage. Although the bay would be larger than others within the street, the application property has its own unique character, and the enlargement of the bay is not considered to be harmful to, or out of keeping with, the character and appearance of the area.

An L-shaped single storey side and rear extension is proposed, that would extend the existing rear extension by approximately 2.5m more to the east and sit in close proximity to the boundary with No. 63 Downs Road. It would have a side return and sit just forward of the original rear building line. The extension would have a pitched roof finish, with half of the roof form being visible from the street. The extensions would be set back some 7.6m and appear from Downs Road as though it were one small mono-pitch side extension, the full amount of new built form unlikely to be perceived in full from the public realm. However, given the space between the area for development and No. 63 Downs Road, where this new built form would exist, it is considered important that it integrates with the host building and, as such, it was considered appropriate to ensure that the side areas visible from the road be finished in render, not brick as originally proposed. Amended plans have been received showing the proposed use of render to the areas visible from Downs Road and these are considered acceptable. The eaves height would match that of the host building and a single door would be placed fronting the street. The side extension would have a rendered frontage facing Downs Road, to match the host building, and the resultant built form would be finished in brickwork to match the rear.

To the rear roof slope, a flat roof dormer is proposed. It would be set down and set in and away from the apex of the rear extension. It would be finished in grey cladding. It is

considered unlikely that this dormer would be readily visible from Chilton Lane and would be read as part of the roof. Given the limited public views of the dormer, no objection is raised to the use of cladding to it.

The existing window to the second bedroom along the eastern flank is proposed to be filled in, with the room being served by the extended bay to the front. The area would be made good and finished in render to match the host building. A new entrance door would also be provided in this location, being repositioned from the existing front facade. This alteration is not uncommon on a domestic property in the urban area and where there such variety and inconsistency in house type in Downs Road, this is not considered to be harmful. A number of openings will be re-provided or changed from timber to uPVC as part of the application. These works could be undertaken without the need for planning permission and whilst it would be a shame to lose the inherent detail and quality of traditional timber windows, it is considered that this change is not objectionable in light of the permitted development fallback that exists.

Concern has been raised about potential overdevelopment in this location. Although the wrap around extension would reduce some of the available space to the rear and the roof enlargements would create cumulatively more development, the host building overall is considered to be capable of accommodating the proposed new built form without harm to the character and appearance of the area, with only a small amount of the new development publicly visible.

Given the above, the proposed works are considered to be acceptable and have no adverse impact on the character or appearance of the host dwelling or the surrounding area. Overall the works are therefore considered to comply with the aims of saved policy D1 of the Thanet Local Plan and QD02 of the Draft Local Plan and the guidance of the NPPF.

Living Conditions

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Saved policy D1 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure.

The proposed alterations to the roof would be modest, and unlikely to be perceived by neighbouring occupiers either side, given the lack of openings in the side roof slopes of No.s 63 and 67 Downs Road, and the fact that development would not move any closer to either neighbouring property. The two new dormers would be unlikely to result in any new harm given their intended position and the lack of openings to neighbouring properties in proximity to these. The dormers would sit more than 21m from the front of No. 16 Down Road, to the front (south) of the application property, and would therefore be unlikely to result in any new overlooking.

The new chimney stack proposed would not materially alter the existing arrangement with neighbouring occupiers. The pot would be upright and exceed the ridge height of the existing

property, therefore ensuring no new smoke or emissions at a height that would be likely to interfere with the amenities of neighbouring occupiers when compared with the existing arrangement.

The enlarged front bay would be set in from the side boundary with No. 63 Downs Road by around 2.6m and set behind an existing high boundary treatment. No. 63 has a large driveway extending along this side and the dwelling itself is set even further in from this area, with around 5m between the flank wall and the shared boundary. The works are not considered to result in any harm in terms of additional built form given the modest scale, nor any harmful overlooking given the separation retained between sites and existing boundary treatment arrangement. Again to the front with No. 16 Downs Road, the window would be more than 21m away and is not considered likely to materially alter the relationship with the neighboring property occupiers.

The proposed extension would be a wrap around, extending from the side of the property by around 1.5m, up to 2.5m beyond the existing rear extension, with a total length to the eastern boundary of around 7.9m. To the east (No. 63) a large garage/outbuilding appears to sit in the location for the proposed extension. The main dwelling at the neighbouring site is set in from this boundary by some 5m and given that the development would be single storey and pitch away from the boundary, it is not considered to result in any new overbearing, sense of enclosure, loss of light or loss of outlook. No new openings are proposed in the side elevation of the extension and no new overlooking would result. A single door is proposed that would look back along the side of the neighbouring property, however given the arrangement of the extension and the presence of boundary treatments between sites, plus the separation between them, this is not considered to result in any new harm.

To the west, development would not move any closer to the neighbouring property (no. 67), with a gap of approximately 3m retained between it and the boundary. Given the single storey nature and pitched roof finish, the works are not considered to result in any new harm in this location.

To the rear development would extend approximately 2.5m beyond the existing extension. The gardens of properties in the adjacent street along Chilton Lane, appear to have long rear gardens with properties set some distance from the rear boundary of No. 65 Downs Road. A number of outbuildings are visible along the rear of properties in Chilton Lane and the works are therefore not considered to result in new harm in this location.

A dormer is proposed in the rear roof slope. This would be set in on both sides and have two windows. There did not appear to be any openings in the roof spaces of either neighbouring properties at No.s 63 or 67 Downs Road at the time of the Officer site visit. The works are therefore unlikely to result in any new harm in terms of creating any sense of overbearing or overshadowing. In terms of the potential for overlooking, there would remain a good degree of separation between the application site and No. 63 as to prevent views across private rear amenity spaces to the east. To the west with No. 67, the application site sits forward of the neighbouring property. Given the arrangement of these dwellings and the presence of rear extensions across the adjacent site, the works are unlikely to result in any overlooking to private rear amenity areas. To the rear, properties in Chilton Lane are north-west facing and

at an angle to the application site. They have long gardens and as a result there is no considered to be any new harm in terms of the additional built form, or any new harmful overlooking in this location.

The works would result in a very small rear curtilage for the applicants and open space. The Council do not have any saved policies on garden space and it is noted that the application site is located in close proximity to both parks, the beach and coastal trails. As a result Officers raise no objection in relation to the loss of the garden space.

The blocking up of the existing window to bedroom 2 would not result in any material change.

The relocation of the entrance door to the eastern flank is not considered to result in any new harm. There is already a door in this location and around 7m of separation with No. 63 Downs Road. As a result the relocation is not considered to cause any new harm in terms of additional comings and goings or any kind of use that could not be undertaken without the need for planning permission.

Overall the works are considered to comply with the aims of saved policy D1 of the Thanet Local Plan 2006 and QD03 of the Draft Local Plan and the guidance of the NPPF.

Highways

Saved policy TR16 of the Thanet Local Plan sets out development proposals should make satisfactory provision for the parking of vehicles.

There are no proposed changes to parking arrangements across the site and therefore there would not be considered to be any adverse impact on highway safety or parking in the surrounding area.

Conclusion

The works to the front of the building would not be out of keeping with the overall mixed and varied pattern of development in this location. Some of the proposed elements have taken architectural cues from the existing host building and other nearby properties. The works to the rear are unlikely to be seen from the surrounding streets or within Downs Road itself, and are therefore considered to be acceptable.

No new harm is identified to the living conditions of neighbouring occupiers as to warrant refusal of this application and it is therefore recommended that planning permission be granted.

Case Officer

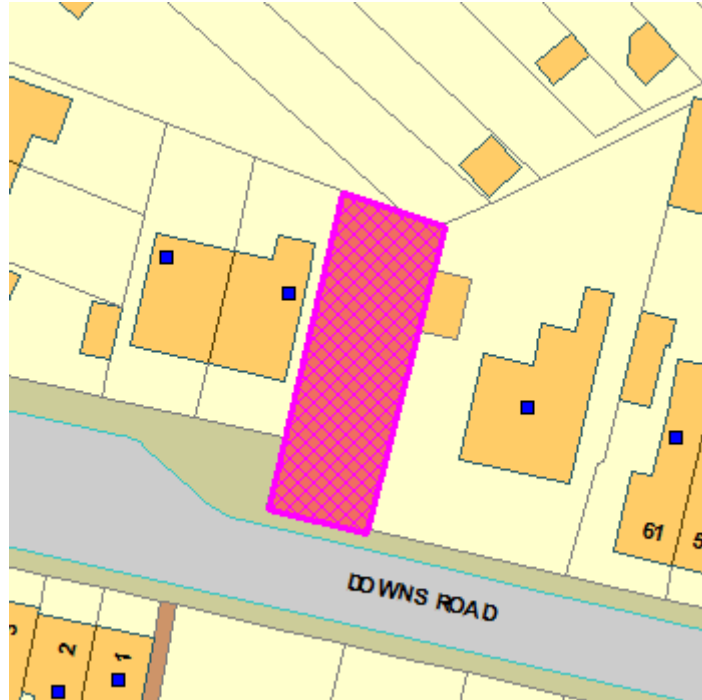
Vicky Kendell

TITLE:

FH/TH/20/0441

Project

65 Downs Road RAMSGATE Kent CT11 0LU



R02

FH/TH/20/0379

PROPOSAL: Retrospective application for erection of single storey rear extension together with erection of dormer windows to front and

LOCATION: both side elevations, installation of rooflights and alterations to roof to facilitate loft conversion, following demolition of existing conservatory

91 Botany Road BROADSTAIRS Kent CT10 3SB

WARD: Kingsgate

AGENT: Mr Matthew Gerlack

APPLICANT: Mr & Mrs Gibson

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The development, by virtue of the considerable size and prominent siting of the north-eastern dormer window, together with the colour and finish of the cladding to all dormers, results in a visually intrusive, incongruous and discordant form of development, which is architecturally unrelated to the application property, and unduly disrupts the consistency in terms of the scale, form, design and material finish to the row of bungalows within which the application property is sited, severely detrimental to the character and appearance of the area, and contrary to Policy D1 of the Thanet Local Plan, Policy QD02 of the Draft Thanet Local Plan, and paragraphs 127 and 130 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

Botany Road is a linear residential road characterised by detached bungalows of early to mid-20th century origin. Development is strongly characterised by hipped roof forms to the detached bungalows, and largely maintains consistency in terms of their form, scale, design and use of traditional materials (brick facing elevations and plain tiled roofs). Some bungalows have been altered and gabled to the rear and contain modest side dormer windows, with the hipped form of the roof retained to the side between adjacent properties.

91 Botany Road was formerly a traditional early 20th century detached bungalow set under a hipped pitched roof with an integral garage.

The building has been extended through extensions and alterations approved through planning permission FH/TH/17/1418 and some unauthorised extensions and alterations. The enlarged property now contains a rear extension with a gabled form, a front pitched roof dormer window and 2No. Flat roof side dormer windows. Several elements of the

development are unauthorised, and the north east dormer is subject to an enforcement notice for removal.

RELEVANT PLANNING HISTORY

EN/19/0073 - Enforcement notice served on 12th September 2019 which requires the removal of the unauthorised dormer window on the north east side of the property within 3 months of the date of the notice.

The Enforcement Notice was appealed under reference: APP/Z2260/C/19/3239318. It was directed that the enforcement notice be varied by: the deletion of 3 months and the substitution of 6 months as the period for compliance. Subject to variation, the enforcement notice is upheld - 09/03/2020.

F/TH/18/1606 - Variation of condition 2 of planning permission FH/TH/17/1418 for the erection of single storey rear extension following demolition of existing conservatory together with erection of dormer windows to both side elevations and rooflights with alterations to roof to facilitate loft conversion to allow for retrospective increase in size and alterations to fenestration of the side dormers together with alteration to material finish to the dormer windows and rear gable - Refused 06/03/2019 for the following reason:

'The development, by virtue of the considerable size and prominent siting of the north-eastern dormer window, together with the colour and finish of the cladding to all dormers, results in a visually intrusive, incongruous and discordant form of development, which is architecturally unrelated to the application property, and unduly disrupts the consistency in terms of the scale, form, design and material finish to the row of bungalows within which the application property is sited, severely detrimental to the character and appearance of the area, and contrary to Policy D1 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.'

FH/TH/17/1418 - Erection of single storey rear extension following demolition of existing conservatory together with erection of dormer windows to both side elevations and rooflights with alterations to roof to facilitate loft conversion - Granted 26/01/18

PROPOSED DEVELOPMENT

The application is in retrospective form and seeks the retention of a single storey rear extension, dormer windows to both the front and side elevations finished in blue/grey horizontal cladding, rooflights to the rear roof slope, and an alteration to the rear roof slope to create a gable end.

Planning permission for similar works were originally applied for in 2017 under reference FH/TH/17/1418. During the course of this planning application the proposed side dormer windows were amended to a reduced size to be set comfortably within the roof slope and avoid an unduly bulky, boxy appearance. The approved side dormer windows were set up from the eaves by 1m, set down from the ridge by 0.3m and projected a maximum depth of approximately 2.3m from the roof plane. The approved material finish of the dormers was tile hanging to match the existing roof.

Following this planning permission, works were carried out to the property which did not accord with the approved scheme. The side dormer windows were constructed larger than approved, and all dormers were finished in blue-grey horizontal weatherboarding. In addition the window arrangement of the rear extension differed from the approved scheme.

An application to regularise the existing unauthorised extensions and alterations has previously been submitted and refused under reference F/TH/18/1606. This application was refused due to the scale and form of the north-eastern side dormer and the colour and finish of the blue-grey weatherboarding to the exterior of all dormers.

Following this refusal of planning permission, an enforcement notice was served requiring the removal of the unauthorised dormer window on the north east side of the property within 3 months of the date of the notice. The enforcement notice was appealed and upheld, with a revision to the time period of compliance from 3 months to 6 months.

This application seeks the re-consideration of the refused scheme under reference F/TH/18/1606 and contains some minor changes to this scheme. These changes comprise the reduction in rooflights to the rear, from 2No. rooflights each side, to 1No. rooflight each side and the alteration of the design of one of the windows to the north-east dormer.

The north east dormer projects an additional 1.4m in depth at the largest point when compared to the approved north east dormer window under reference FH/TH/17/1418. The proposed dormer is set up from the eaves by approximately 0.2m, set down from the ridge by approximately 0.3m and projects a maximum of approximately 3.7m in depth from the roof plane. This dormer extends an additional width of 1.7m to the rear, resulting in a total width of approximately 7.5m and contains an additional window opening, when compared to the previously approved scheme. This dormer is the same size as the previously refused scheme reference F/TH/18/1606 which was refused due to its scale and form.

The dormer to the rear of the south-western side roofslope extends an additional width of 1.5m of an overall width of 3.5m and contains an additional window opening when compared to the previously approved scheme. The size of this enlarged dormer was considered to be acceptable within the previously refused scheme.

All of the dormer windows forming part of this application are finished in blue/grey horizontal weatherboarding cladding. This formed part of the reason for refusal for the refused planning permission reference F/TH/18/1606.

The front dormer window and rear extension are the same size and form as previously approved through the previous planning permission, however the front dormer window is finished in blue-grey horizontal cladding, as opposed to tile hanging to match approved through the approved planning permission. The rear extension being considered through this application now contains 1No. Roof light to each side roofslope and has omitted the rear elevation windows.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

D1 - Design Principles

Draft Thanet Local Plan

QD02 – General Design Principles

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. One letter of support has been received from the general public. The letter states the neighbours have no objection to the development of the property in its existing form.

Broadstairs and St Peters Town Council - No comment.

Broadstairs Amenity Society - The Broadstairs Society takes a neutral stance on this retrospective application, wondering how this extensive (claimed on the drawings to be already built) improvement works could have progressed so far without thought that perhaps TDC Planning might have an interest. We might make the observation that the side elevations show the roof rooms with windows in abundance overlooking the adjacent properties. There is no indication of what the next door properties have in way of privacy issues impacted by this work. The Society's inclination is to object but in this instance as stated will take a neutral stance, instead monitoring TDC Planning progression of this application.

CONSULTATIONS

None received.

COMMENTS

This application has been called to Planning Committee by Councillor Bayford to allow members to consider the impact of the development upon the character and appearance of the area.

The main consideration with regard to this application is the consideration of the impact of the proposed development on the character and appearance of the area and the residential amenity of neighbouring property occupiers.

Character and Appearance

The National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment, establish and maintain a strong sense of place, and that permission should be refused for development of poor design which fails to take the opportunities available to improve the character and quality of an area. 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 approved side dormer windows through planning permission FH/TH/17/1418 were considered to be relatively moderate, proportional additions to the roof, which by virtue of their size, siting and use of materials to match were not considered to appear unduly prominent or harmful within the street scene, and did not unduly alter the hipped roof form of the application property.

The north-eastern side dormer window as built, in contrast, comprises significant additional bulk of massing which spans nearly the whole depth of the roof slope, resulting in a bulky, box-like form of development which dominates the north-eastern roof slope. This dormer by virtue of its size and location is highly prominent within the street scene, and is considered to result in a visually intrusive form of development, which is significantly out of proportion with the application property and diminishes the hipped roof form and design of the application property. This is considered to disrupt the consistency in terms of the form, scale and design of the row of properties the application property is sited within. In addition, the greater depth and siting of this dormer in comparison to the dormer windows to the south-west has resulted in an unduly unbalanced form and appearance to the application property.

The dormers to the south-western roof slope have retained their previously approved siting within the roof plane with the same distance to the eaves and ridge levels maintained. As such, this element is not considered to be significantly harmful to the character and appearance of the area.

A blue/grey horizontal cladding material finish has been used on the dormer face and cheeks to all dormers, which significantly contrasts with the traditional plain brown tile finish of the roof and the row of bungalows to which the application property is sited within, and does not relate to the part brick, part cream render finish to the ground floor elevations. This results in a prominent and discordant finish to the dormers, which appears significantly out of keeping with the material finish to the host property, fails to provide a cohesive design and appearance to the application property, and does not reflect the identity of local surroundings and materials. In addition, this material finish is considered to further highlight the prominence and inappropriate scale of the north-east dormer.

The remaining alterations and extensions including the front dormer window (with the exception of its material finish), and the rear extension are the same size and form as the previously approved elements, with the rear extension containing minor alterations including the re-positioning of window openings. These extensions and alterations are modest alterations to the previously approved elements and are considered to be compatible with the application property and the surrounding built environment.

The agent has submitted additional information in a form of a planning statement to support the proposal. This planning statement includes examples of bungalows within Botany Road which contain dormer windows extensions. The examples given include dormers which are finished in materials which do not match the tile hanging finish of the existing roof, however in these cases the exterior of the dormer(s) comprise a colour and finish which integrates

with the colour and finish of the ground floor of the bungalow, providing a cohesive design and appearance. This is not the case for the application property which is finished in brick and cream render to the ground floor, with brown tile hanging to the roof and blue/grey horizontal cladding to the dormers, providing an assortment of colours and finishes which does not provide a cohesive design or appearance.

There are examples of large dormer windows to side roofslopes, however in these instances, there is just one dormer to the sides of the hipped roof bungalow, thereby comprising a reduced built form to the retrospective development, and/or the dormer is finished in tile hanging to match which reduces the prominence of the dormer.

As such, none of the examples of dormer extensions are considered to be directly comparable with the retrospective development which is the subject of this application, and therefore this additional information is not considered to provide justification or overcome our concerns with the retrospective development.

The size and location of the north-eastern side dormer window, and the material finish of all of the dormers windows have previously been refused, and no changes have been made through this application to overcome the previous refusal reason. As such Officers maintain the view that the development is severely detrimental to the character and appearance of the area, contrary to Policy D1 of the Thanet Local Plan, Policy QD02 of the Draft Thanet Local Plan, and paragraphs 127 and 130 of the National Planning Policy Framework.

Living Conditions

The size and form of the rear extension was previously considered and found to be acceptable, given its separation distance and relationship with the adjacent neighbouring properties. The built form of this element has not altered from the previous planning permission.

The built form of the dormer windows, given the lack of window openings to the side roof slopes of the adjacent neighbours and the separation to these neighbours is not considered to result in harm to the residential amenity of these neighbours.

In terms of overlooking, the front dormer window will face the street where there is no private amenity space. The windows to the side dormers are either serving non-habitable rooms, or are secondary windows. The agent has confirmed these windows are all obscure glazed and contain fire safety openings where necessary. The retention of this obscure glazing and opening arrangement could be secured by condition should planning permission be granted, which would prevent harmful overlooking to the adjacent neighbours. The rooflights by virtue of their position and angled siting within the roof slope are not considered to result in harmful overlooking.

The development is therefore considered to be acceptable in terms of the impact on living conditions of adjacent neighbours, according to Policy D1 of the Thanet Local Plan, Policy QD02 of the Draft Thanet Local Plan, and paragraph 127 of the National Planning Policy Framework.

CONCLUSION

Overall, the proposed development, by virtue of the considerable size and siting of the north-eastern dormer window, which dominates the north-eastern roofslope, together with the colour and finish of the cladding to all dormers, which significantly contrasts with the finish of materials to the existing dwelling, is considered to result in a visually intrusive, incongruous and discordant form of development which is architecturally unrelated to the application property, and unduly disrupts the consistency in terms of scale, form, design and material finish to the row of bungalows to which the application property is sited. The development is therefore considered to be severely detrimental to the character and appearance of the area, contrary to Thanet Local Plan Policy D1, Draft Thanet Local Plan QD02, and paragraphs 127 and 130 of the National Planning Policy Framework. It is therefore recommended that members refuse the application.

Case Officer

Jenny Suttle

TITLE: FH/TH/20/0379

Project 91 Botany Road BROADSTAIRS Kent CT10 3SB

Scale:



**Application for a proposed certificate of lawful development – 24 Old Crossing Road Margate
CD/TH/20/0563**

Planning Committee – 1st July 2020

Report Author **Duncan Fitt, Planning Officer**

Planning Reference: CD/TH/20/0563

Site Address: 24 Old Crossing Road, Margate

Applicant: Mr and Mrs Fibbens

Status **For Decision**

Classification: Unrestricted

Ward: **Westbrook**

Executive Summary:

This report concerns an application for a proposed certificate of lawful development.

The application is reported to members as the applicant is a member of staff.

The proposed development involves the alteration of the roof from hipped to gabled together with the erection of a flat roof rear dormer, 2No. rooflights to the front elevation and 1No. window to the second floor side elevation.

The purpose of this type of application is to establish if any proposed development would be lawful in this instance if it complies with permitted development as set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

Recommendation:

Members approve the application for a proposed certificate of lawful development under reference CD/TH/20/0563 as the proposed works fall within Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and are permitted development as a result.

CORPORATE IMPLICATIONS

Financial and Value for Money	No implications.
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Legal	<p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p>
Corporate	No implications
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

1.0 Background

- 1.1 The site comprises a two storey semi detached dwelling located towards the northern end of Old Crossing Road and close to the junction with Meadow Road.
- 1.2 The application for a proposed certificate of lawful development is reported to the Planning Committee as the applicant is a member of staff.

2.0 Outline of Process

- 2.1 Applications for proposed certificates of lawful development were introduced in 1991 as part of the Planning and Compensation Act 1991. The purpose of this type of application is to establish if any proposed use of buildings or other land or any operations proposed to be carried out in, on, over or under land, would be lawful. A use or operation can be lawful if it does not constitute development, or it complies with the permitted developments set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).
- 2.2 The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or

other land and the interpretation of any relevant planning law of judicial authority. The responsibility is on the applicant to provide evidence to support the application.

2.3 The decision for the Council is whether the proposed development complies with all parts of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended). If the proposed development is not considered to be lawful then a planning application would need to be submitted for the proposed works.

2.4 As the application is not an application for planning permission, there is no requirement for public consultation under the lawful development certificate procedure.

3.0 Analysis

3.1 The applicant has submitted elevations, floor and section plans showing the proposed development.

3.2 The proposed certificate of lawful development is for alteration of the roof from hipped to gabled together with the erection of a rear dormer, 2No. rooflights to the front elevation and 1No. window to the second floor side elevation.

3.3 The property in question appears to have been used as a single dwelling house, there being no planning history or other reason to believe that the site has been used for other uses. It is a semi-detached property and permitted development rights have not been removed. It is necessary to consider whether the proposed works fall within Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and are permitted as a result.

3.4 The property in question is not located within a Conservation Area, nor is the property a Listed Building.

3.5 Class B relates to the enlargement of a dwelling house consisting of an addition or alteration to its roof.

3.6 The proposed dormer does not exceed the height of the highest part of the existing roof and does not extend beyond the plane of any existing roofslope which forms the principle elevation of the property and fronts a highway, in line with paragraph B1 (b) and (c).

3.7 The alteration of the roof from hipped to gabled increases the cubic content of the roof by 21.75m³ and the proposed rear dormer increases the cubic content of the roof by 10.35m³. This is a total increase of 32.09m³ and therefore the increase in volume complies with paragraph B1(d), which outlines that the resulting roof space cannot exceed the cubic content of the original roof space by more than 50 cubic metres for a semi detached property.

- 3.8 The development does not consist of or include the provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue, or soil and vent pipe and therefore complies with paragraph B1(e).
- 3.9 The dormer and roof extension would be constructed from tiles to match the existing dwelling and would therefore comply with the conditions under paragraph B2(a).
- 3.10 The eaves of the original roof appear to be maintained or reinstated, the edge of the dormer is set back from the eaves by at least 0.2m and no development extends beyond the outside face of any external wall of the original dwellinghouse in line with paragraph B2(b). The proposed second floor side window would be obscure glazed and fixed shut to a height of 1.7m above the internal floor in accordance with paragraph B2(c).
- 3.11 Class C relates to any other alteration to the roof of a dwelling house.
- 3.12 Two rooflights are proposed in the front elevation. The rooflights will not protrude more than 0.15m beyond the plane of the slope of the original roof and will not result in the highest part of the alteration being higher than the highest point of the roof complying with parts C1 (b) and (d).
- 3.13 The rooflights are therefore permitted under Class C of schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.

4.0 Conclusion

- 4.1 Therefore it is the officer's view that a Certificate of Lawful development is issued on the following ground:

The proposed development involving the alteration of the roof from hipped to gabled, together with the erection of a rear dormer, 2No. rooflights to the front elevation and 1No. window to the second floor side elevation comprises works that are permitted under the Town and Country Planning (General Permitted development)(England) Order 2015.

5.0 Options

- 5.1 Members approve the application for a proposed certificate of lawful development under reference CD/TH/20/0563 as the proposed works fall within Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and are permitted development as a result.
- 5.2 Members propose an alternative motion.

6.0 Recommendations

- 6.1 Officers recommend that members of the Planning Committee agree option 5.1 for the reasons set out in this report.

Contact Officer:	Duncan Fitt, Planning Officer
Reporting to:	Iain Livingstone, Planning Applications Manager

Background Papers

Annex 1	Town and Country Planning (General Permitted Development) (England) Order 2015 http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf
Annex 2	Planning Practice Guidance https://www.gov.uk/guidance/lawful-development-certificates

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Application for a proposed certificate of lawful development – 3 Upton Grange Broadstairs CD/TH/20/0782

Planning Committee – 15th July 2020

Report Author **Gillian Richardson, Planning Officer**

Planning Reference: CD/TH/20/0782

Site Address: 3 Upton Grange Broadstairs

Applicant: Mr and Mrs Humber

Status **For Decision**

Classification: Unrestricted

Ward: **Viking**

Executive Summary:

This report concerns an application for a proposed certificate of lawful development.

The application is reported to members as the applicant is a member of staff.

The proposed development involves the erection of a single storey and two storey rear extension together with erection of a single storey side extension.

The purpose of this type of application is to establish if any proposed development would be lawful in this instance if it complies with permitted development as set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

Recommendation:

Members approve the application for a proposed certificate of lawful development under reference CD/TH/20/0782 as the proposed works fall within Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and are permitted development as a result.

CORPORATE IMPLICATIONS

Financial and Value for Money	No implications.
Legal	The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed,

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	<p>authorities will need to show reasonable planning grounds for taking a contrary decision.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p>
Corporate	No implications
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

1.0 Background

- 1.1 The application relates to a detached two storey dwelling on the eastern side of Upton Grange, a cul-de-sac off Vale Road, Broadstairs. The property has a hipped roof to the shared boundary with number 2 Upton Grange and a full two gable storey to the other side elevation, with a cat slide single storey element up to the chimney breast. A pitched roof garage (pitch parallel to the road) double garage abuts part of the shared boundary with number 2 Upton Grange.
- 1.2 The application for a proposed certificate of lawful development is reported to the Planning Committee as the applicant is a member of staff.

2.0 Outline of Process

- 2.1 Applications for proposed certificates of lawful development were introduced in 1991 as part of the Planning and Compensation Act 1991. The purpose of this type of application is to establish if any proposed use of buildings or other land or any operations proposed to be carried out in, on, over or under land, would be lawful. A use or operation can be lawful if it does not constitute development, or it complies with the permitted developments set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).
- 2.2 The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or

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other land and the interpretation of any relevant planning law of judicial authority. The responsibility is on the applicant to provide evidence to support the application.

- 2.3 The decision for the Council is whether the proposed development complies with all parts of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended). If the proposed development is not considered to be lawful then a planning application would need to be submitted for the proposed works.
- 2.4 As the application is not an application for planning permission, there is no requirement for public consultation under the lawful development certificate procedure.

3.0 Analysis

- 3.1 The applicant has submitted elevations and floor plans showing the proposed development.
- 3.2 The proposed certificate of lawful development is for the erection of two storey and single storey rear extension and a single storey side extension.
- 3.3 The property in question appears to have been used as a single dwelling house, there being no planning history or other reason to believe that the site has been used for other uses. It is a detached property and permitted development rights have not been removed. It is necessary to consider whether the proposed works fall within Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and are permitted as a result.
- 3.4 The property in question is not located within a Conservation Area, nor is the property a Listed Building.
- 3.5 Class A relates to development within the curtilage of a dwellinghouse for an enlargement, improvement or other alteration of a dwellinghouse.
- 3.6 The proposal would not result in more than 50% of the curtilage of the original dwellinghouse being covered by buildings in accordance with Class A1 (b).
- 3.7 The height of the extensions would not exceed the highest part of the dwellinghouse, nor would the eaves height exceed the height of eaves of the existing dwellinghouse. The enlarged part of the dwellinghouse would not extend beyond (i) a wall which forms the principal elevation of the original dwellinghouse, or (ii) fronts a highway and forms a side elevation of the property. The enlarged part of the dwellinghouse would have a single storey but (i) would not extend beyond the rear wall of the original dwellinghouse by more than 4m and would not exceed 4 metres in height. Therefore the proposal complies with Class A1 (c), (d), (e), (f).
- 3.8 In terms of paragraph Class A1 (h) which considers two storey extensions, the enlarged part of the dwellinghouse which is two storey would project out less than 4

metres beyond the rear wall of the original dwellinghouse and it would be a distance greater than 7 metres of any boundary which is opposite the rear wall of that dwellinghouse. For side extensions (Class A1 (j)), one of the single storey extensions would extend beyond a wall forming a side elevation of the original dwellinghouse. The side extension to facilitate a larger study has a catslide roof, and has a ridge height of less than 4 metres. This criteria is therefore met.

- 3.9 The submitted plans state that the materials used would match those used in the construction of the exterior of the existing dwellinghouse, therefore condition A.3, requiring materials used in any exterior work (other than materials used in the construction of a conservatory) to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, is met. No new first floor side windows are proposed in the extension therefore Condition A.3 (b) does not apply.
- 3.10 The roof pitch on a two storey element is also required to be the same, as far as practicable, as the roof pitch of the original dwellinghouse under condition A.3 (c). This is shown on the proposed plans to be accorded with.
- 3.11 The extensions are therefore permitted under Class A of schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.

4.0 Conclusion

- 4.1 Therefore it is the officer's view that a Certificate of Lawful development is issued on the following ground:

The proposed development involving erection of a single storey and two storey rear extension together with erection of a single storey side extension comprises works that are permitted under the Town and Country Planning (General Permitted development)(England) Order 2015.

5.0 Options

- 5.1 Members approve the application for a proposed certificate of lawful development under reference CD/TH/20/0782 as the proposed works fall within Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and are permitted development as a result.
- 5.2 Members propose an alternative motion.

6.0 Recommendations

- 6.1 Officers recommend that members of the Planning Committee agree option 5.1 for the reasons set out in this report.

Contact Officer:	Gillian Richardson, Senior Planning Officer
Reporting to:	Iain Livingstone, Planning Applications Manager

Background Papers

Annex 1	Town and Country Planning (General Permitted Development) (England) Order 2015 http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf
Annex 2	Planning Practice Guidance https://www.gov.uk/guidance/lawful-development-certificates

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Application for a Non-material amendment to Planning Permission F/TH/19/0803 – 9 Edmanson Avenue Margate

Planning Committee – 15th July 2020

Report Author **Duncan Fitt, Planning Officer**

Planning Reference: F/TH/19/0803

Site Address: 9 Edmanson Avenue Margate

Applicant: Mr & Mrs S & T Ward

Status **For Decision**

Classification: Unrestricted

Ward: **Westbrook**

Executive Summary:

This report concerns an application for non-material amendments to a previous approved planning application FH/TH/19/0803 for the erection of a single storey rear extension following part demolition of existing conservatory and extension, together with alterations to roof to facilitate loft conversion and insertion of velux windows to front, rear and both side elevations.

The application is reported to Members as the applicant is a member of staff.

The proposed changes involve the reduction in the depth of the proposed rear extension, removal of a sun pipe and alterations to the internal layout. The report outlines the non-material procedure and the consideration for this application, concluding that the changes proposed are considered non-material to the original permission.

Recommendation:

Members approve the application for a non-material amendment to planning permission under reference F/TH/19/0803.

CORPORATE IMPLICATIONS

Financial and Value for Money	No implications.
Legal	The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.

	<p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p>
Corporate	No implications
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

1.0 Background

- 1.1 The site is located towards the southern end of Edmanson Avenue and comprises a detached bungalow.
- 1.2 Planning permission was originally granted in 2019 for the erection of a single storey rear extension following part demolition of existing conservatory and extension, together with alterations to roof to facilitate loft conversion and insertion of velux windows to front, rear and both side elevations by the Planning Committee in August 2019.
- 1.3 An application has subsequently been made to the Council under Section 96A of the Town and Country Planning Act 1990 to make a non-material amendment to the development as approved in 2019. The proposed changes involve a reduction in the depth of the rear extension, removal of a sun pipe and alterations to the internal layout.
- 1.4 The application for a non-material amendment is reported to the Planning Committee as the applicant is a member of staff.

2.0 Outline of Process

- 2.1 The non-material amendment procedure was introduced in 2009 as an addition to the Planning Act under Section 96A. This provided a mechanism to make non-material changes to existing planning permission through an application with a quicker decision time (28 days), to deal with new issues that may arise after permission has been granted (for example to resolve issues found during construction).

- 2.2 There is no statutory definition for what constitutes a ‘non-material’ change to a planning permission. The National Planning Practice Guidance (NPPG) states that the definition is dependent on the context of the overall scheme and “what may be non-material in one context may be material in another”. Section 96A of the Planning Act states that “in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.”.
- 2.3 The decision for the Council is whether the change is non-material or material to the planning permission. If the change is considered ‘material’ then a planning application would need to be submitted under Section 73 of the Planning Act for a variation of the plan condition to make the change (this is also known as a minor material amendment application).
- 2.4 As the application is not an application for planning permission, there is no requirement for public consultation under the non-material amendment procedure.

3.0 Analysis

- 3.1 The applicant has submitted elevations, floor and layout plans showing the amendments to the scheme.
- 3.2 The proposed amendment reduces the depth of the proposed single storey rear extension by 1m, removes a sun pipe that was approved from the southern side elevation and alterations to the internal layout.
- 3.3 The single storey rear extension does not extend beyond the proposed side elevations of the property and would therefore have limited visibility from the public realm. Due to the location of the extension and its reduced size the proposed amendment is not considered to result in any significant harm to the character and appearance of the area.
- 3.4 The impact of the approved extension upon the neighbouring property occupiers was considered acceptable in terms of loss of light, sense of enclosure and overlooking. By reducing the depth of the extension any impacts of the development would be reduced. The proposed amendment is therefore not considered to result in any significant harm to the living amenity of the neighbouring property occupiers.
- 3.5 The approved sunpipe was set back towards the rear of the southern side elevation and was limited in size. The removal of the sunpipe could be completed without the benefit of planning permission and would result in limited visual change to the appearance of the property.
- 3.7 It is no longer proposed to use the first floor as a bedroom. This space would now be used as storage accessed through a loft hatch. As a staircase is no longer required minor changes are proposed to the internal layout of the property, however these could be completed without the need for planning permission.

Conclusion

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3.6 The previously approved extension was larger than the amended extension that is proposed and therefore any impacts upon the character and appearance of the area or the living amenity of the neighbouring property occupiers would be reduced. The removal of the sunpipe and the internal changes could be completed without the benefit of planning permission. As such the proposed change is considered to be non-material.

4.0 Options

4.1 Members approve the application in accordance with the officer recommendation.

4.2 Members propose an alternative motion.

5.0 Recommendations

5.1 Officers recommend Members of the Planning Committee to agree option 4.1.

Contact Officer:	<i>Duncan Fitt, Planning Officer</i>
Reporting to:	<i>Annabel Hemmings, Principal Planning Officer</i>

Background Papers

MHCLG	https://www.gov.uk/guidance/flexible-options-for-planning-permissions
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