

A02

FH/TH/19/1625

PROPOSAL: Retrospective application for the erection of a swimming pool enclosure to rear

LOCATION: 10 Convent Road BROADSTAIRS Kent CT10 3BE

WARD: Beacon Road

AGENT: Ms Sarah Lees

APPLICANT: Mr & Mrs Alistair Narraway

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall accord with the submitted plans numbered 296-001 and 296-002 received 27 November 2019.

GROUND;

To secure the proper development of the area.

SITE, LOCATION AND DESCRIPTION

10 Convent Road is a large two storey detached property which incorporates several extensions, set within a large plot with a large rectangular shaped rear garden.

The application site is located within a row of moderate and large single and two storey detached dwellings, set within large or moderate plots which front Convent Road and overlook the field beyond. Adjacent to the application site to the north east is an access road to 3No. Detached dwellings located to the rear of this row.

RELEVANT PLANNING HISTORY

None.

PROPOSED DEVELOPMENT

The application proposes the retrospective erection of a swimming pool enclosure within the rear garden. The swimming pool enclosure is located to the north east of the garden, adjacent to the access road and is set in from the north eastern boundary by approximately 0.7m.

The pool enclosure measures approximately 13m in depth, 7m in width and is 3m high above ground level at its highest point. The pool enclosure structure is curved in shape and comprises a metal frame with glazing to all elevations.

Other structures, including the boiler house, have been erected within the garden area, and paving has been laid, but these works are permitted development and are therefore not being considered through this application.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

D1 - Design Principles

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. Two letters of objection have been received. The letters raise the following concerns:

- Development has a significant overbearing impact.
- The dome is out of character with the surrounding area.
- The development results in increased noise and disturbance. The dome has created an echo effect and accentuated the level of noise and disturbance.
- Noise, disturbance and fumes from the swimming pool heater and flue.
- The development adversely affects the quiet enjoyment of properties and gardens.

Broadstairs and St Peters Town Council - The Planning Committee has considered this application and has resolved unanimously to recommend objection with the following concerns: Overbearing, TPO tree has paved over root area, TDC tree officer to undertake an independent check on the well-being of the tree, issue of the oil storage enclosure to be resolved by the Planning Authority and a condition to be imposed for maintaining screening.

CONSULTATIONS

None received.

COMMENTS

This application has been called to Planning Committee by Councillor Paul Moore, due to concerns over the noise and light pollution arising from the development.

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 surrounding area is characterised by moderate and large dwellings with good sized, predominantly landscaped rear gardens.

The swimming pool enclosure within the rear garden is a single store structure which modestly extends above the existing side boundary treatment and as such has limited visibility and prominence within the surrounding area. Soft landscaping has been planted along the north eastern boundary which further conceals the swimming pool enclosure.

The structure is predominantly glazed, and as such has a lightweight design and appearance, which further minimises its prominence. Whilst the structure comprises a relatively large footprint, given its single storey height and scale, lightweight appearance and materiality the swimming pool enclosure is considered to form a subservient and ancillary form of development which is characteristic of residential gardens, and is not highly prominent within the surrounding area.

The swimming pool enclosure is therefore considered to be acceptable in terms of the character and appearance of the area, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The swimming pool enclosure comprises a single storey height and scale and is located approximately 10m from the nearest adjacent neighbour. Given the modest height of the structure, its predominantly glazed materiality and its separation distance to the surrounding neighbours the structure is not considered to result in harm to the living conditions of adjacent neighbours deriving from its built form. Furthermore, given the single storey height of the swimming pool enclosure and the height and presence of the surrounding boundary treatment, the structure is not considered to result in harmful overlooking.

Concerns have been raised regarding noise and disturbance associated with the use of the pool and from the boiler room and heater. Noise deriving from the use of residential gardens is an established and expected feature of residential areas. It is not considered that the presence of a swimming pool and its enclosure will increase the level of noise and disturbance to a significant degree above that which is usually expected within a residential garden use.

The development is retrospective, and therefore a site visit to assess the impact of the development has taken place. The noise created by the boiler is at a low level, which together with its separation distance to adjacent neighbours and its position adjacent to an access road and the frontages of neighbouring properties, is not considered to be significantly harmful to neighbouring amenity.

The flue from the boiler room extracts water vapour at a single storey level, however this is a minimal amount, which appears to be similar to a standard domestic boiler. Given the position of the flue adjacent to the access road, and its separation distance to adjacent neighbours, this extraction is not considered to be significantly harmful to the living conditions of adjacent neighbours.

Concerns have been raised regarding light pollution from the swimming pool enclosure and other structures within the garden. From the photos provided within neighbour objections, the light from these structures appears to have a low level of luminance, which is not likely to result in significant levels of light pollution to the inside of neighbouring properties given the distance and single storey nature of the development.

The proposed development is therefore considered to be acceptable in terms of residential amenity, in accordance with Policy D1 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.

Impact upon Protected Tree

Concerns have been raised that the works associated with the erection of the swimming pool enclosure have resulted in harm to a protected tree (T1 of TPO 17 (1991)). An Arboricultural Impact Report has been submitted with the application.

The tree in question is located approximately 5.5m from the swimming pool and its enclosure. The swimming pool and its enclosure is located at the extremity of the root protection zone of the protected tree, and it is therefore considered that the works associated with the development have resulted in minimal impacts to the health and stability of the tree. Furthermore the swimming pool enclosure is a lightweight structure, with minimal excavations for the founding of its struts.

The block paving and boiler house structure are located within the spread of the trees, however given these are relatively lightweight structures and coverings, which form modest interventions and cover less than half of the root protection area, it is not considered that these works would have resulted in significant harm to the protected tree. Furthermore, these elements have a fallback position of being permitted development.

The arboricultural report concludes that the works would have not seriously affected the protected tree. Given the above, it is not considered that the works have resulted in significant harm to the health and stability of the protected tree.

Conclusion

The proposed development is considered to be acceptable in terms of the character and appearance of the area and the living conditions of adjacent neighbouring properties and is not considered to have resulted in significant harm to the health and stability of the protected tree. The proposed development will therefore accord with Policy D1 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework. It is therefore recommended that Members approve the application.

Case Officer

Jenny Suttle

TITLE: FH/TH/19/1625

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