

A02

F/TH/21/1287

PROPOSAL: Variation of condition 2 and 5 and removal of condition 3 of planning permission F/TH/20/1756
LOCATION: Erection of two storey three bedroom detached dwelling with associated access, parking and landscaping following demolition of existing bungalow to allow alterations to materials, boundary wall and gates.

3 Viking Close BIRCHINGTON Kent CT7 9NH

WARD: Birchington North

AGENT: Mr Nic Smith

APPLICANT: Mr Manyweathers

RECOMMENDATION: Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A, 010 Rev A, and 012 Rev A received 22 September 2021.

GROUND;

To secure the proper development of the area.

2 The development hereby permitted shall be constructed using Lithium 45 Grey bricks and white, grey and sand coloured, render, in accordance with the details received 22 September 2021.

GROUND

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

3 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 and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

4 The first floor window in the northern side elevation of the dwelling hereby approved serving the ensuite for bedroom 2 shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and bottom hung; and shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

GROUND;

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

5 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND;

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

6 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND;

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

INFORMATIVES

Information on how to appeal this planning decision is available online at <https://www.gov.uk/appeal-planning-decision>

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

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

SITE, LOCATION AND DESCRIPTION

The application site is located at the southern end of Viking Close and fronts a large open grassed area to the west. The existing property is a single storey detached bungalow set at an angle to the road with a hipped roof which is set below the level of the adjacent open grassed area. To the north of the application site are two similar detached bungalows and to the south the open grassed area extends along the side boundary to Minnis Road. A large two storey detached dwelling is located further to the south and to the rear of the site are 3 flat roof detached dwellings fronting Minnis Road.

RELEVANT PLANNING HISTORY

F/TH/20/1756 - Erection of two storey three bedroom detached dwelling with associated access, parking and landscaping following demolition of existing bungalow. Granted 15 April 2021.

PROPOSED DEVELOPMENT

This is a part retrospective application for the variation of condition 2 and 5 and removal of condition 3 for the approved planning permission for F/TH/20/1756 for the erection of two storey three bedroom detached dwelling with associated access, parking and landscaping following demolition of existing bungalow to allow alterations to materials, boundary wall and gates.

This application requests a change in the approved materials from buff multi stock bricks to Lithium 45 bricks. The development has commenced using this proposed brick.

The height of the boundary wall is altered to 2.45m high along the north western side boundary and rear boundary and would be 2.2m along the south eastern side boundary.

The previous application requested details of the proposed cycle storage under condition 3. Space has been indicated on the proposed plan within the double garage for the cycle storage.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Size and Type of Dwellings
SP27 - Green Infrastructure
SP29 - Strategic Access Management and Monitoring Plan
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP44 - Accessible Locations
CC01 - Fluvial and Tidal Flooding

HO1 - Housing Development
GI06 - Landscaping and Green Infrastructure
SE05 - Air Quality
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

Five letters of objection have been received raising the following concerns:

- Conflict with local plan
- Development too high
- General dislike of proposal
- Loss of light
- Out of keeping with character of area
- Height of the boundary wall
- Appearance of the dwelling
- Brick colour
- Development is on Council property
- Development is on protected open space
- Overwhelming development
- Loss of light
- More open space needed on development
- Over development
- Addition of a summerhouse
- Development has proceeded without permission
- Precedent for future development

Nineteen letters of support have been received raising the following points:

- This development is an improvement upon the previous house
- Works have been completed to improve the road
- Quality of the development is high
- Modern style is in keeping with the area
- Height of the wall is not excessive
- Improved privacy and security to neighbouring properties
- There is a mix of styles in the area
- Adds to the diversity of the area

- Improved environmental benefits through darker brickwork

Birchington Parish Council - "The parish planning committee considered this application at its meeting on Thursday 30 September 2021 and decided unanimously to object to the proposals and requested that the following grounds be notified by letter:

1. It is usual for applications to construct boundary walls or fences above 1.8m to be accompanied by a detailed explanation of the justification; it is unacceptable for such proposals to be put forward retrospectively as an administrative adjustment to the approved drawings. This proposal to raise the permitted boundary wall heights from 1.8m to 2.45m is excessive, unjustified and out of character for the area.

2. The original application proposed the use of 'multi stock buff bricks' in construction, this was allowed in the planning permission conditions on the grounds of consistency with local character and compliance with Local Plan policy.

It seems a late notification of the Applicant's intention to use grey/black (Lithium 45) bricks was rejected by officers yet the

Applicant has proceeded with construction using these bricks which are totally out of character of the area, contrary to Local Plan policy and contrary to the planning condition.

Such action shows a blatant disregard for the planning process and for TDC as the planning authority, it should be dealt with firmly by rejecting this proposed amendment to the authorised drawings.

3. Part of the new building is constructed on land formerly owned by Birchington Parish Council and now belonging to TDC.

This land forms part of the protected Open Space at Minnis Bay, designated in the Local Plan. The Council is most concerned that TDC protects local assets and that designated Open Space is managed strictly according to Local Plan policy.

The Council is not aware of any application to occupy or build on protected Open Space at Minnis Bay and is of the opinion that even if permission had been granted in this case the building would not meet the necessary Local Plan criteria.

The Council regards these as serious and significant concerns and requests that they be reported in detail to the TDC planning committee when it convenes to discuss this application."

CONSULTATIONS

Southern Water - Southern Water has no objections to the variation of conditions 02, 03 and 05 submitted by the applicant. The comments in our response dated on 25/01/2021 on the previous application remain unchanged and valid.

KCC Highways - This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

COMMENTS

This application has been brought before members by Cllr Coleman-Cooke to consider the impact of the development upon the character and appearance of the area.

Section 73 of the 1990 Town and Country Planning Act provides that applications may be made for planning permission without complying with conditions applied to a previous permission. Planning authorities may decide whether to grant permission, subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification (as in this case) or relaxation.

Section 73 makes it clear that in considering an application to remove/modify/relax a condition or conditions a local planning authority may only consider the question of the condition/s. However, just like the determination of any other application due regard must be paid to the development plan and other material considerations. The national planning practice guidance outlines that any permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission would sit alongside the original permission, which remains intact and unamended. It would be open to the applicant to decide whether to implement the new permission or the one originally granted.

Principle

The previously approved application for residential development (Reference F/TH/20/1756) has been implemented, therefore the principle of residential development on the site is considered acceptable.

Character and Appearance

Paragraph 127 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place. Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

The Lithium grey bricks do represent a visual change from the approved buff brickwork and whilst there are no properties within the immediate area constructed from a similar brick, the neighbouring and surrounding properties have a variety of designs and materials, including different coloured render, different tones and colours of brick and types of cladding, typical of a seafront location. It is therefore considered that this alternative brick, when combined with the render and large areas of glazing proposed to the first floor would not result in significant harm to the character and appearance of the area.

The boundary wall on the north western side of the property between nos 2 and 3 Viking Close has been increased in this application from the previously approved height of 2m to 2.45m. Number 2 has a flat roof garage on the boundary with number 3 and the boundary

wall does not project significantly above this garage. The rear boundary wall would also be increased from the approved height of 2.3m to 2.45m. There is no change to the height or location of the wall along the south eastern side boundary which measures 2.2m high. Due to the rear location and the levels of the site the increased height of the rear and side boundary walls is not considered to be highly prominent from the public realm. It is therefore considered that the alterations to the height of the boundary walls do not result in significant harm to the character and appearance of the area, given their limited prominence from public vantage points and the fact that they would be read in conjunction with other development/built form.

The gates around the property would be altered from timber to aluminium and altered in height to be similar to the boundary walls. Given the scale of the gates and the variety of materials in the surrounding street scene the proposed gates are not considered to have a significant impact upon the character and appearance of the area.

The location of the cycle storage within the garage and would not, therefore, be publically visible and would not therefore cause to the character and appearance of the area.

Overall whilst the proposal would represent a visual change to the area, given the variety of dwellings visible in the street scene and the scale and design of the neighbouring properties directly to the rear and south east of the application site, it is not considered that amendments proposed in this application would be harmful to the character and appearance of the area.

It is therefore considered that the variation of conditions 2 and 5 and the removal of condition 3 comply with policies QD02 and SP35 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The boundary wall on the north western side of the property between nos. 2 and 3 Viking Close has been increased from the approved height of 2m to 2.45m. At the rear of the site the height of the boundary wall would be increased from 2.3m to 2.45m. No changes are proposed to the height of the south eastern side boundary wall. Number 2 Viking Close has an attached flat roof garage on the boundary with number 3 and the boundary wall would extend 0.3m above this garage. At the rear of the site there is a separation distance of 14m from the rear boundary to the rear elevation of 167 Minnis Road.

Given the arrangement of the neighbouring properties and the increase in height of the boundary wall above the approved wall it is not considered to result in any significant loss of light, sense of enclosure or overlooking to the neighbouring dwellings.

The alteration to the brickwork, gates and the location of the cycle storage is not considered to result in any harm to the living conditions of the neighbouring property occupiers.

It is therefore considered that the amendments now proposed would not result in any significant harm to the living amenity of the neighbouring property occupiers, in line with

policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

Transportation

No changes to the approved parking arrangements are proposed as part of this application and the development is located away from the boundary with the highway. Cycle storage for the dwelling would be located within the garage, in compliance with Policy TP03. This application is therefore not considered to result in any significant harm to highway safety or increase in demand for on street parking.

Flood Risk

The proposed variation and removal of conditions do not significantly alter the layout of the property and are therefore not considered to result in any significant increase in flood risk compared to the approved development.

Financial Contributions

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation would mean that any permission for residential development accords with the Habitat Regulations.

The previous permission, which has been implemented, increased the number of bedrooms on the site from two to three, this was not considered to be a material increase to result in a cumulative impact on the designated sites. Therefore, given the existing dwelling on the site, a contribution to mitigate against increased recreational pressure upon the special protection area was not requested in that instance. This current application does not alter/increase the number of bedrooms proposed and, as such, a contribution towards the SPA is again not considered to be required.

Other Matters

Concern has been raised regarding encroachment of the development onto Council owned land and protected open space. These concerns relate to the south eastern side of the property which is adjacent to an area of land that extends between 3 Viking Close and 8 Dane Road to Minnis Road. The site plan submitted with the original application

(F/TH/20/1756) shows the side boundary for the dwelling that was previously located on this site and the proposed side boundary for the new dwelling to be in the same location and extending beyond the side boundary for 167 Minnis Road. Google satellite images showing the bungalow previously located on the site to have the same boundary as is shown on the submitted plans. This area of land is not within the Council's ownership and the boundary of the site does not extend into the area defined as protected open space by policy SP32. The side boundary appears to be constructed along the boundary shown on the site plan and is not considered to result in any material harm to the contribution the protected open space makes to the visual or recreational amenity of the area.

Whilst it is regrettable that works have been completed without planning permission, retrospective applications are considered in the same manner as applications for proposed works.

The initial plan included the erection of a summerhouse in the rear garden, however as the summerhouse was not part of the original consent it is not possible to add this as part of a section 73 application. The summerhouse is therefore not a material consideration in the determination of this application.

Concern has been raised regarding this proposal setting a precedent for future developments. Each application is considered on its own merits and would be considered against the relevant policies and guidance.

Conclusion

Overall given the location of the proposed changes and the variety of properties visible in the surrounding area this application is not considered to result in any significant harm to the character and appearance of the area or the amenity of the neighbouring property occupiers. It is therefore recommended that members approve this application as it is considered in accordance with the Thanet Local Plan and all relevant supporting guidance.

Case Officer

Duncan Fitt

TITLE: F/TH/21/1287

Project 3 Viking Close BIRCHINGTON Kent CT7 9NH

