

**A03**

**F/TH/22/0919**

PROPOSAL: Erection of 1no two bed single storey dwelling

LOCATION: Land Rear Of 20 To 22 Westfield Road BIRCHINGTON Kent

WARD: Birchington South

AGENT: No agent

APPLICANT: Mr Anwar Ali

RECOMMENDATION: Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered AW-200 Rev P2, AW-210 Rev P1 and AW-220 Rev P1 received 10 January 2023.

**GROUND;**

To secure the proper development of the area.

3 The dwelling hereby permitted shall be constructed using yellow brick, red tiles and white UPVC windows in accordance with the agents email received 10 January 2023 unless otherwise agreed in writing by the Local Planning Authority.

**GROUND**

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

4 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. AW-210 Rev P1 shall be provided and thereafter maintained.

**GROUND**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

5 The refuse storage facilities as specified upon the approved drawing numbered AW-210 Rev P1 and received on 10 January 2023 shall be provided prior to the first occupation of the dwelling hereby approved and shall be kept available for that use at all times.

## **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.

6 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.

7 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 or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

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/>

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

### SITE, LOCATION AND DESCRIPTION

The site comprises the rear gardens of 20 and 22 Westfield Road and fronts the northern end of Oxney Close. A detached flat roof garage sits on the southern corner of the site in the garden of 22 Westfield Road fronting Oxney Close and the rear boundary is enclosed by a timber fence and a low level boundary wall. 20 and 22 Westfield Road are two storey semi detached dwellings.

Oxney Close is a small narrow cul-de-sac characterised by detached and semi-detached bungalows with hipped roofs and gabled front projections. To the south east of the site is a flat roof garage located at the rear of 24 Westfield Road and to the south east of this is a public footpath that provides pedestrian access between Oxney Close and Westfield Road.

### RELEVANT PLANNING HISTORY

TH/85/0032 - Erection of a conservatory. Granted 25 January 1985

### PROPOSED DEVELOPMENT

The application has been amended during the application process to confirm that the site includes land to the rear of both 20 and 22 Westfield Road.

The proposed development is the erection of 1no two bed single storey dwelling. The initial plan proposed a carport on the north western side of the property, however following concerns raised by Officers regarding the lack of secure doorstep playspace an amended plan has been provided removing the car port to provide a garden to the side of the property and relocating the proposed off street parking to the front of the dwelling.

The existing detached garage at the rear of 22 Westfield Road would be demolished and the existing access would be widened to provide off street parking at the front of the site.

The proposed dwelling would have a hipped roof design with a gabled front projection and the side garden. The dwelling would be constructed from yellow brick and concrete roof tiles. The amended plan has altered the proposed windows and doors to be white UPVC and grey rooflights would be installed in the roof around the property.

### DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing  
SP13 - Housing Provision  
SP14 - General Housing Provision  
SP28 - SPA's  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
CC02 - Surface Water Management  
CM02 - Existing Community Facilities  
GI04 - Amenity Green Space and Equipped Play Areas  
HE01 - Archaeology  
H01 - Housing Development  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
SE05 - Air Quality  
SE06 - Noise Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

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

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

- Highway safety
- No space for deliveries
- Noise and disturbance during construction
- There is a public footpath next to the site
- Access to the footpath
- Impact upon the viability of local shops
- Loss of garden space
- Address is incorrect
- Impact upon biodiversity
- Affect local ecology
- Access for emergency vehicles
- Close to adjoining properties
- General dislike of proposal

- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Information missing from plans
- Loss of privacy
- Loss of light
- Loss of outlook
- Increase in pollution
- Noise nuisance
- Out of keeping with character of area
- Over development
- Potentially contaminated land
- Strain on existing community facilities
- No neighbouring properties have car ports
- Modern appearance of the property
- Existing garage is not used
- Loss of the existing garage
- New dropped kerb would be required
- Impact upon utilities
- Road is covered by single yellow lines
- Radon Gas
- Ground instability
- Details of proposed drainage
- Impact upon existing drainage
- Surface water drainage
- Conflict with local plan
- More open space needed on development
- Residential Amenity
- No consultation before submitted the application
- Noise and disturbance
- Loss of trees
- Lack of amenity space
- Health and safety during construction
- Inappropriate design
- Impact upon health of neighbouring residents
- Damage to neighbouring properties and the public highway
- Access to neighbouring properties
- Insufficient consultation

**Birchington Parish Council** - The Parish Council strongly objects to this application as the proposed development does not comply with the local plan specifically policies SP33, QD02, QD03, G104

### CONSULTATIONS

**KCC Public Rights of Way** - Public footpath TBX15 is adjacent to the proposed development. A copy of the current Public Rights of Way Network Map showing the line of this path is enclosed.

I have no objection to the development but would ask that the developer's attention is drawn to the following informatives.

Informatives:

No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.

Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.

No trees or shrubs should be planted within 1.5 metres of the public right of way

**Natural England** - No objection subject to securing appropriate mitigation

**Southern Water** - Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**TDC Environmental Health** - Thank you for consulting Environmental Protection on the above planning application for which we have considered the potential for environmental health impacts and consider it to have a low environmental risk and therefore do not offer any comments in this regard.

## COMMENTS

This application has been called in by Cllr Fellows to allow Members to consider whether the proposal represents overdevelopment.

## **Principle**

The site comprises the rear gardens of 20 and 22 Westfield Road and would be accessed from Oxney Close.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Policy SP01 for the Thanet Local Plan states that; "The primary focus for new housing development in Thanet is the urban area."

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Westgate and would, therefore, accord with Policies SP01 and HO1.

The principle of the development is, therefore, considered to be acceptable, subject to the consideration of all other material planning considerations.

### **Character and Appearance**

Paragraph 130 of the 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 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 place that are safe, inclusive and accessible.

Policy QD02 of the Thanet Local Plan 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 amended plan has removed the car port from the proposed development and altered the proposed materials to be yellow brick and concrete roof tiles, similar to the existing neighbouring properties in Oxney Close. The dwelling would be lower in height than the existing neighbouring properties, however it would share similar design features with a hipped roof and a gabled front projection.

The dwelling would be set back from the front boundary of the site by 3.9m and behind the front elevation of the garage at the rear of 24 Westfield Road by 0.7m. At the closest point there would be a separation distance of 11.5m to 5 Oxney Close, 11m to 6 Oxney Close, 7.7m to 24 Westfield Road and 9.4m to 20 and 22 Westfield Road.

Concern has been raised regarding the loss of the existing trees on the site. The existing trees are small in scale and have limited visibility from the public realm due to the existing outbuilding and boundary treatment. Due to the scale of the trees they are not considered suitable for a Tree Preservation Order (TPO) and they are not protected by virtue of being within a conservation area and their removal is not considered to result in significant harm to the character and appearance of the area.

The proposed dwelling would be visible from Kent Gardens along Oxney Close, however it would be viewed against the dwellings fronting Westfield Road and replace the existing flat roof garage and boundary wall.

Whilst the dwelling would be visible from the public realm and alter views towards the northern end of Oxney Close, given the single storey height of the dwelling, the use of materials and design features seen on the neighbouring properties and the position of the dwelling, the amended development is not considered to result in any significant harm to the character and appearance of the area and would comply with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The amended dwelling would have an 'L' shaped footprint with a hipped roof and a gabled front projection. It would measure 8.2m deep, 11.2m wide, 2.6m to the eaves and 4m in total height. Windows are proposed in the front, rear and south eastern elevations, a door is proposed in the front elevation and four rooflights are proposed in the roof.

At the closest point there would be a separation distance of 11.5m to 5 Oxney Close, 11m to 6 Oxney Close, 7.7m to 24 Westfield Road and 9.4m to 20 and 22 Westfield Road and a 1.8m high fence would enclose, the side, rear and part of the front boundaries. Given these separation distances and the single storey height of the proposed dwelling this development is not considered to result in any significant loss of light or sense of enclosure to the neighbouring properties. The front windows and door would face towards Oxney Close and the front gardens of the neighbouring properties which are visible from the public realm. The windows in the side and rear elevation would not offer any significant opportunity for overlooking due to their ground floor location and the proposed boundary fence. The proposed rooflights would be located at high level above the internal floor and would not offer any significant opportunity for overlooking.

The use of the property as a two bedroom dwelling is not considered to result in any significant noise and disturbance to the neighbouring properties.

Noise and disturbance during construction is considered to be temporary in nature and would be covered by other legislation.

The proposed dwelling would meet the floor space standards set out in policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light, outlook and ventilation. The amended plan has removed the car port and altered the location of the parking to provide an amenity space to the side of the dwelling. This space is considered to be suitable for doorstep playspace in accordance with policy GI04 of the Thanet Local Plan.

In light of the above, the amended development is not considered to result in any significant harm to the living amenity of the neighbouring property occupiers and would provide an acceptable standard of accommodation for the future occupants, in line with policies, GI04, QD03 and QD04 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**



Oxney Close is a narrow residential cul-de-sac with single yellow lines that prevent on street parking between 0800 and 1800 Monday to Saturday. The proposed development would remove the existing garage at the rear of 22 Westfield Road and provide a two bedroom dwelling with two off street parking spaces.

Planning permission is not required for the demolition of the existing garage or boundary fence and wall, and as Oxney Close is not a classified road, planning permission is also not required for the extension and alteration of the existing access.

The proposed off street parking is considered to provide sufficient off street parking to serve the dwelling and adequate visibility would be provided onto the highway.

Secure cycle storage is shown on the proposed site plan and would be secured by condition.

This development would result in the loss of the garage for 22 Westfield Road, however garages are often underused for parking and this property benefits from off street parking accessed from Westfield Road for a number of vehicles.

Concern has been raised regarding the impact of the development upon the public footpath that runs between Westfield Road and Oxney Close. This footpath runs between 24 and 26 Westfield Road and joins the footpath in front of 6 Oxney Close. The neighbouring garage at the rear of 24 Westfield Road is located between the site and the footpath and the sidewall of the garage on the site would be retained between 22 and 24 Westfield Road as a boundary wall. KCC Public Highways have raised no objection to the development subject to a number of restrictions to protect the public footpath. Given the location of the site, with number 24 Westfield Road located between the site and the public footpath, and the sidewall of the existing garage being retained the proposed development is not considered to result in any disruption to the public footpath and the proposed conditions are not considered to meet the tests of being reasonable or necessary.

It is acknowledged that Oxney Close is narrow in width, has limited turning space and there is no on street parking during likely construction times, however there are no restrictions on the vehicles that can access the road and any illegal parking is covered by other legislation. Deliveries to the site and any vehicles parking nearby in relation to the development would be subject to these restrictions.

Given the location of the site, the proposed off street parking and the on street restrictions this development is not considered to result in any significant increase in demand for on street parking or harm to highway safety.

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 has meant that the Council accords with the Habitat Regulations.

The applicant has agreed to submit a unilateral undertaking securing the required financial contribution to mitigate the additional recreational pressure on the SPA area. Therefore subject to the submission of a completed and signed unilateral agreement, the impact upon the SPA is considered to be acceptable.

### **Other Matters**

Conditions would also be applied to ensure that the new dwellings would meet the water and energy efficiency standards required by policies QD01 and QD04 of the Thanet Local Plan.

The developer would be required to submit a formal application to Southern Water for a connection to drainage and water. If required the developer may be required to pay a contribution to Southern Water to upgrade the services.

Concern has been raised regarding Radon Gas. The Council's Environmental Health department have provided the following information in relation to Radon Gas. "The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England." The UK Radon Gas map indicates that the site is in the lowest band of radon potential with less than 1% of homes at or above the Action Level. This development is, therefore, not considered to present a significant risk of Radon Gas to the future occupants or the neighbouring property occupiers.

The initial application stated that the site was located at 20 Westfield Road. The application was updated and a new consultation was issued confirming the correct location of the development.

Concern has been raised that there was no consultation completed by the applicant before the submission of the application. There is no requirement for the applicant to complete a consultation prior to the submission of an application and the Council has completed a consultation in line The Town and Country Planning (Development Management Procedure)(England) Order 2015.

Concern has been raised regarding information being missing from the plans. It is considered that following the submission of the amended plans sufficient information has been provided for the Council to determine the application.

Any damage to neighbouring properties or the highway, either during construction or as a result of the development would be a civil matter and does not form a material planning consideration.

The proposed development is considered to result in some minor economic benefits both during construction and once occupied.

The construction of a dwelling and its occupation is not considered to result in any significant increase in pollution in the area.

Concern has been raised that the site is potentially contaminated. The site comprises the gardens for existing residential and the Council has no evidence of potential contamination on the site. This development is therefore considered to present a low risk to human health.

Concern has been raised regarding the impact of the development upon existing community facilities. The addition of one dwelling in this location is not considered to result in any significant strain on community facilities.

Concern has been raised regarding the impact of the proposed development upon utilities and drainage in the area. The applicant has indicated on the application form that the proposed development would be connected to the existing mains drainage system. Southern Water have been consulted on the application and have raised no objection. They have indicated that a formal application would be required for a connection to the public foul sewer to be made by the applicant or developer. An informative would be added to the decision notice advising the applicant of the need for an application to Southern Water. The submitted site plan indicates that the hard surfacing on the site would be constructed from permeable block paving. It is therefore considered that the proposed dwelling would not result in a significant increase in surface water run off. The addition of one dwelling is not considered to result in any significant strain on the existing utilities in the area.

Concern has been raised about health and safety during construction. This would be covered by other legislation and is not a material planning consideration.

The construction and occupation of a dwelling is not considered to result in any significant health impacts upon neighbouring property occupiers. As noted above noise and disturbance during construction would be covered by other legislation that falls outside of the planning system.

Concern has been raised regarding the impact of the development upon biodiversity in the area. The site is currently occupied by residential gardens that are considered to present limited opportunities for biodiversity. A grassed area would be retained to the side of the dwelling and the submitted site plan indicates that planting would be provided to the front and side of this area. The proposed development is therefore not considered to result in any significant harm to biodiversity in the area.

Concern has been raised regarding ground instability in the area. The construction of the dwelling and any issues arising, such as whether the foundations are sufficient, is not a material planning consideration however it would be covered through other legislation such as Building Control Regulations and the Party Wall Act.

## **Conclusion**

The Council cannot currently demonstrate a five year housing land supply. In the absence of a five year housing land supply paragraph 11 of the Framework is triggered and there is a presumption in favour of sustainable development. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

The proposed development would provide an additional dwelling in a sustainable location and is not considered to result in any significant harm to the character and appearance of the area, the living conditions of the neighbouring property occupiers, or highway safety. The amended plan is also considered to ensure that the dwelling would provide an acceptable standard of accommodation for the future occupants. Therefore any adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits of the proposed development when assessed against the Thanet Local Plan and the National Planning Policy Framework, and the development is recommended to be deferred and delegated to officers for approval subject to safeguarding conditions and the receipt of a legal agreement securing the contribution towards the SAMMs project.

## **Case Officer**

Duncan Fitt

TITLE:

F/TH/22/0919

Project

Land Rear Of 20 To 22 Westfield Road BIRCHINGTON Kent

