

Planning Application F/TH/23/1578 - 99 Botany Road, Broadstairs

Meeting	Planning Committee – 21st August 2024
Report Author:	Emma Fibbens, Planning Officer
Planning Reference:	F/TH/23/1578
Site Address:	99 Botany Road, Broadstairs
Agent:	Mr Ivan del Renzio
Status	For Decision
Classification:	Unrestricted
Previously Considered by	Planning Committee 17th July 2024
Ward:	Kingsgate

Executive Summary:

This report concerns a householder application submitted under reference F/TH/23/1578 for the erection of a single storey side and rear extensions together with alterations to roof from hipped to gable to facilitate loft conversion and alterations to fenestration, that was brought to Planning Committee on the 17th July 2024 with a recommendation for approval. Members voted to agree to a site visit.

Following the site visit an amendment to condition 4 is proposed. The original wording was:

“The existing 2m high boundary treatment along the southern/south western boundary of the approved inner courtyard shall be retained and thereafter maintained”.

The proposed wording following the site visit is:

“Prior to the installation of the french doors within the south western side elevation of the dwelling, details of the proposed boundary treatment to be erected on the boundary adjacent to the proposed inner courtyard, which shall be to a height of 2.3m from ground level, shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details prior to the installation of the french doors, and thereafter maintained”.

There are no changes to the proposed development previously considered by members (see report within Annex 1).

Recommendation:

Members approve the application subject to the safeguarding conditions as set out within the report contained within Annex 1, with altered wording to condition 4 for the boundary treatment to read:

“Prior to the installation of the french doors within the south western side elevation of the dwelling, details of the proposed boundary treatment to be erected on the boundary adjacent to the proposed inner courtyard, which shall be to a height of 2.3m from ground level, shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details prior to the installation of the french doors, and thereafter maintained”.

Corporate Implications

Financial and Value for Money

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Central Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

The advice outlined is that if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.

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.

The reasons for any decision must be formally recorded in the minutes and a copy placed on file.

If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.

Corporate

The delivery of new housing through the Local Plan and planning applications supports the Council’s priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy.

Equalities Act 2010 & Public Sector Equality Duty

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.

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.

In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.

1.0 Background

1.1 Members considered this application under planning reference F/TH/23/1578 for the the erection of a single storey side and rear extension together with alterations to roof from hipped to gable to facilitate loft conversion and alterations to fenestration.

1.2 The application was brought to Planning Committee on 17th July 2024 and members voted for a site visit.

2.0 Analysis

2.1 A site visit was carried out on the 9th August 2024. Members visited the application property and no. 97 Botany Road, the neighbouring property. Discussions took place regarding the height of the boundary wall between the two properties. The wall was measured using a tape measure within both the applicant and neighbours site, and was found to range in height between 1.68m and 1.9m, with the lower measurement being closer to the front of the site. Condition 4 within the planning report put before members at the July committee referred to the existing height of the wall as 2m, which is inaccurate.

2.2 The proposed works include the insertion of 2no. French doors and 2no. full height windows within the south-western side elevation of the existing dwelling, which will face the inner courtyard (as annotated on the proposed ground floor plan) and the neighbouring property, no.97 Botany Road. Whilst these works would be permitted development, and replace existing openings within this side elevation, it was clear from the site visit that the existing height of the boundary currently allows for views from the existing openings into the neighbours windows, and therefore the increase in height of the boundary would help to reduce the impact upon privacy for both the applicant and the neighbouring occupiers. It is therefore recommended that the boundary treatment adjoining the internal courtyard be increased to 2.3m from ground level, which has been agreed by the applicant.

2.3 This report therefore proposes an amendment to condition 4 of the original report. The original wording was:

“The existing 2m high boundary treatment along the southern/south western boundary of the approved inner courtyard shall be retained and thereafter maintained”.

The proposed wording following the site visit is:

“Prior to the installation of the french doors within the south western side elevation of the dwelling, details of the proposed boundary treatment to be erected on the boundary adjacent to the proposed inner courtyard, which shall be to a height of 2.3m from ground level, shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details prior to the installation of the french doors, and thereafter maintained”.

- 2.4 There have been no changes to the assessment of the other material planning considerations set out in annex 1

3.0 Options

- 3.1 Members approve the application subject to safeguarding conditions as set out within the report contained within annex 1 with the wording of condition 4 for the boundary treatment altered to read:

“Prior to the installation of the french doors within the south western side elevation of the dwelling, details of the proposed boundary treatment to be erected on the boundary adjacent to the proposed inner courtyard, which shall be to a height of 2.3m from ground level, shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details prior to the installation of the french doors, and thereafter maintained”. .

- 3.2 Members propose an alternative motion.

4.0 Recommendations

- 4.1 Officers recommend Members of the Planning Committee agree option 3.1.

Contact Officer: *Emma Fibbens, Principal Planning Officer*
Reporting to: *Iain Livingstone, Planning Applications Manager*

Annex List

Annex 1: Committee Report F/TH/23/1578