

Application No: Y17/1434/SH

Location of Site: 20 Minter Avenue Densole Folkestone Kent

Development: Demolition of existing free standing garage and timber porch and erection of single storey attached garage (resubmission of Y17/0688/SH)

Applicant: C/O Agent

Agent: Mr Paul Kegos
Martello Building Consultancy
Studio 9
2 South Street
Folkestone
CT20 1RW

Date Valid: 08.11.17

Expiry Date: 03.01.18

Date of Committee: 19.12.17

Officer Contact: Miss Beth Lennon

RECOMMENDATION: That planning permission be refused for the reason set out at the end of the report.

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side extension, following the demolition of the existing porch and detached garage. The proposed extension would form a garage.
- 1.2 The proposed extension attempts to maximise internal space and is therefore proposed to be an irregular shape, with the external side wall following the diagonal line of the boundary. The extension would have an almost triangular shape with a width of approximately 3.9 metres across the front elevation and approximately 7.7 metres along the rear. The proposed extension would have a flat roof and would include a garage door on the front elevation with one door and one window on the rear elevation. Due to the odd shape of the proposed extension, it would not sit flush with the front wall of the host bungalow, but project forward of the front build line at an angle.
- 1.3 Proposed materials would be a felt roof on the flat roof, with clay facing brickwork to match the main dwelling and white uPVC fenestration.
- 1.4 Along with the set of plans, a Design & Justification Statement has been submitted in support of the application.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is within the defined settlement boundary, in the village of Densole. Minter Avenue is a residential road characterised by detached bungalows, some of which have rooms in the roof space.
- 2.2 The application property itself is a single storey, detached dwelling, constructed of brick and render with concrete interlocking tiles. To the front of the building is a grassed garden, with a detached garage set back from the front elevation of the bungalow to the side and hardstanding in front of the garage which provides off street parking. The neighbouring property no. 18 also has a garage set back from the front of the bungalow by a similar distance.
- 2.3 The application site is within the Kent Downs Area of Outstanding Natural Beauty (AONB).

3.0 RELEVANT PLANNING HISTORY

CH/8/62/16/	-	44 bungalows. Acceptance
CH/8/62/16/AI	-	Erect 44 bungalows. Acceptance
CH/8/62/16A/AC-		Revised designs for bungalows. Acceptance
CH/8/62/16C/AB-		Amended application for bungalows. Acceptance
Y17/0688/SH	-	Demolition of existing free standing garage and timber porch and erection of single storey attached garage. Refused. 10.08.17. This was an identical application to the one currently being considered.

4.0 CONSULTATION RESPONSES

- 4.1 Swingfield Parish Council – support

5.0 PUBLICITY

- 5.1 Neighbours notified by letter. Expiry date 06.12.2017

6.0 REPRESENTATIONS

- 6.1 One letter of support has been received from a neighbouring resident on the grounds that there are other flat roofs in the area which are visible from other roads whereas this extension would only be visible from in front of the application site.

7.0 RELEVANT POLICY GUIDANCE

- 7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.
- 7.2 The following policies of the Shepway District Local Plan Review apply: SD1 BE1 BE8
- 7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD CSD4
- 7.4 The following Supplementary Planning Documents and Government Guidance apply:
- National Planning Policy Framework
National Planning Policy Guidance
Kent Design Guide

8.0 APPRAISAL

Background –

- 8.1 This exact proposal has recently been refused, in August 2017, under application Y17/0688/SH for the following reason:

The proposed extension is of a poor design featuring a large flat-roof and odd form which would fail to relate to the existing character of the dwelling. In addition, the proposal would result in a prominent development that is unsympathetic and incongruous to the character and appearance of the streetscene. The proposal is therefore considered to be unsustainable development that constitutes poor design and is therefore contrary to saved policies SD1, BE1 and BE8 of the Shepway District Local Plan Review and policy DSD of the Shepway Core Strategy.

- 8.2 The design of the proposed extension has not been amended following this decision, but a design & justification statement has been submitted in support of the application. This statement states that there are no clear policy objections to the proposal and the refusal was based on the opinion of an officer.
- 8.3 There has been no change of planning policy or circumstances on the ground since the recent decision to refuse planning permission was made. As such, there is no change in material planning considerations since that decision was made. The applicant had the opportunity to appeal the previous decision but chose to resubmit the same application rather than appeal the decision.
- 8.4 Following receipt of the resubmitted application, the case officer contacted the agent advising that as no amendments had been made, it was likely that the officer recommendation would be the same and suggested withdrawing the current application and working together through a pre-application advice request (which would be free of charge as the proposal is a householder

development) in order to find a solution which was acceptable for both the applicant and the Council. No response was received to this email.

Relevant Material Planning Considerations

- 8.4 The main issues to be considered are design and visual impact (including impact on the AONB), the impact on amenities of the neighbouring properties and parking.

Policy

- 8.5 Saved policy BE1 of the Shepway Local Plan review requires a high standard of layout, design and choice of materials for all new development.
- 8.6 Saved policy BE8 of the Shepway Local Plan Review states that extensions to existing buildings should reflect the scale, proportions, materials, roof line and detailing of the original building and should not adversely affect the amenity enjoyed by the occupiers of neighbouring properties or have a detrimental impact upon the streetscene.
- 8.7 Saved policy BE8 part (c) states permission will not be given for flat-roofed extensions, unless the proposed extension would not be generally visible from a public place and would serve only as an adjunct to the main building, or the provision of a flat roof is the only practicable means of providing an extension.
- 8.8 Core Strategy policy CSD4 states planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations.

Visual Amenity / Design

- 8.9 Due to the restricted nature of the plot, the proposed extension has been designed to follow the side boundary resulting in a 'wedge shaped' extension that would be much wider at the rear than at the front. This has resulted in an extension that appears to have been wedged into a very small space where the design has been dictated by the constraints of the site rather than a well thought out design approach, appropriate to the character of the dwelling and wider street scene. The attempt to maximise the space within the garage has created an extension which is of alien shape and form and appears at odds with the existing building. Due to the irregular shape of the extension, the extension would be difficult to roof which is why a flat roof has been proposed. However, this does not make the proposed flat roof acceptable.
- 8.10 Further, the proposed 'wedge shaped' extension would project forward of the principle elevation of the existing dwelling. The existing flat roof garage and neighbouring garage are currently both set back from the front elevation by approximately 2m and over 16 metres from the highway with space to park a car in front which reduces their prominence in the streetscene.

However, as the proposed extension would project forward of the front elevation, it would be highly prominent in the streetscene and would be an incongruous addition to the dwelling.

- 8.11 As such, the proposed extension would not promote a high quality of design as it would feature a large prominent flat roof and odd form which would be unsympathetic to the original design concept and character of the host building and would appear incongruous in the streetscene, being harmful to its character and appearance. The large flat roof would clearly be visible from the streetscene and would therefore not comply with saved policy BE8.
- 8.12 It is considered that a symmetrical, rectangular shaped extension could be provided which would provide sufficient space as a garage and could also incorporate a pitched roof or lean-to style roof which would complement the roof form of the existing dwelling. A flat roof is therefore not the only practicable means of providing an extension in this instance.
- 8.13 The Design & Justification statement that has been submitted with the application gives a number of examples of other flat roof garages within Minter Avenue and other surrounding roads. Having visited each of these properties, it is clear that most are set back from the front elevation of the dwelling and are subservient additions. Additionally, none of the properties mentioned in the Design & Justification statement have been granted planning permission since 2006 when the current Local Plan policies were adopted. The existence of these flat roofs does not set a precedent for allowing flat roofs in the area and it is considered that the proposed extension would be a more prominent and incongruous addition within the streetscene.
- 8.14 There are no objections to the choice of materials for the external walls which will match those used in the main dwelling.
- 8.15 The application site is within the AONB and to the rear of the application site are open fields with a public footpath running parallel to Minter Avenue. Policy CSD4 of Shepway's Core Strategy states that planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations. However, due to the significant distance between this public footpath and the application site (almost 200 metres), it is not considered that the proposed extension would be highly visible from public vantage points within the AONB. It is therefore considered that the proposal would conserve the natural beauty of the AONB and would not have a significant impact on its setting.

Neighbouring Amenity

- 8.16 The proposed extension would be single storey and would therefore not result in significant overlooking to neighbouring property.
- 8.17 Saved policy BE8 states that extensions to existing buildings should not cause undue overshadowing of neighbouring property. The proposed

extension would extend to the shared boundary with 18 Minter Avenue, however, the extension would be separated from the main dwelling by the neighbour's garage which would reduce any overshadowing impact. The proposed extension would also be positioned at an angle to this neighbouring property. Therefore due to the position of the proposed extension and the distance between the extension and habitable rooms within this neighbouring property, the proposed extension is not considered to result in undue overshadowing to neighbouring property.

- 8.18 The proposed extension is not considered to have a significant impact on the amenity of neighbouring properties on the other side of the road or no 22 Minter Avenue (adjacent to the application site) due to the separation distances between the proposed extension and these properties.

Parking & Highways

- 8.19 Garages are no longer considered as parking space by KCC Highways so the proposed loss of the existing garage and erection of a larger garage is not considered to impact on the provision of parking within the site. No bedrooms are proposed as part of this application so the proposal is not considered to increase parking demand for the site. The existing hardstanding to the front of the dwelling would be retained and no alterations to existing access are proposed. As such, the proposal is not considered to have a significant impact on parking and highways.

Local Finance Considerations

- 8.20 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for CIL as it is a household extension and would not result in the creation of an additional dwelling. The New Homes Bonus is not relevant in this case for the same reason.

Human Rights

- 8.21 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having

regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

- 8.22 This application is reported to Committee as it has been called in by Councillor Phillip Martin.

9.0 SUMMARY

- 9.1 This application is a resubmission of a previously refused identical proposal, but no amendments have been made to overcome the original reason for refusal. Free pre-application advice has been offered to find a solution which is acceptable to both the applicant and the Local Planning Authority but this has not been accepted by the agent. The submitting design & justification statement does not provide sufficient justification as to why a large flat roof is required or why the proposal should be approved even though it is contrary to saved policy BE8(c).
- 9.2 The proposed 'wedge shaped' extension, with a large area of flat roof that would project forward of the front build line is considered to constitute poor design which would fail to relate to the character of the existing dwelling and would be an incongruous addition within the streetscene. The application is recommended for refusal on these grounds.
- 9.3 There are no objections to the proposal in terms of neighbouring amenity, parking and highways or impact on the AONB.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be refused for the following reason(s):

1. The proposed extension is of a poor design featuring a large flat-roof and odd form which would fail to relate to the existing character of the dwelling. In addition, the proposal would project forward of the principle elevation of the dwelling, resulting in a prominent development that is unsympathetic and incongruous to the character and appearance of the streetscene. The proposal is therefore considered to be unsustainable development that constitutes poor design and is therefore contrary to saved policies SD1, BE1 and BE8 of the Shepway District Local Plan Review and policy DSD of the Shepway Core Strategy.

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