

**a) DOV/18/01323 – Erection of a single storey ground-floor side extension and a first-floor side extension (existing side extension to be demolished) - 14 King Edward Road, Deal**

Reason for Report: Number of contrary responses (15)

**b) Summary of Recommendation**

Planning permission be granted

**c) Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 - Development within the built confines.
- CP1 – Settlement Hierarchy.

National Planning Policy Framework (NPPF) 2019

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.

**d) Relevant Planning History**

18/00580 – Erection of a side extension, rear extension, front extension and a side extension at first floor level to facilitate the change of use to allow A5 (Takeaway) – Refused

10/00986 – Erection of a two storey side extension to facilitate ground floor office and a self-contained flat at first floor level – Refused

05/00835 – Erection of single storey rear extension and side extension to form fish and chip take-away (Class A5) with associated flue – Withdrawn

02/00298 – Erection of bungalow to rear of 14 King Edward Road – Granted

94/00872 – Extension to shop – Granted

81/547 – Ground floor alterations for office and W/C – Granted

79/687 – Extension to rear of house/shop - Granted

**e) Consultees and Third Party Responses**

Deal Town Council: No objection

Environmental Health: no objections

Tree Officer: The submitted plans show a conflict between the extended footprint as shown on drawing KD/EXT/PP/33/18/K-46.3 and the silver birch protected under TPO 2018, 2. No information has been submitted to show how this will be addressed and given that it is highly likely the development as proposed will be of significant

detriment to the tree, I object to the application as it stands. The information necessary can be obtained through a condition should a permission be forthcoming.

Third Party Reps: 15 no. objections have been received and are summarised below:

- The alterations would be unsympathetic in the street scene.
- There would be an unacceptable level of harm to the amenity of 5a Godwyn Road.
- Would result in harm to TPO tree.
- 5 bedrooms above a shop seems excessive and out of proportion with the size of kitchen/living accommodation.
- This proposal does not adequately address the previous issues and reasons for refusal.
- Appear to be numerous people living above the shop – is it an HMO?

**f) 1. Site and the Proposal**

- 1.1 The application site is within the urban confines, within a suburban residential area. The property is a two-storey building used as both a dwelling and newsagents (the residential dwelling occupying part of the ground floor and the entire first floor). As with other buildings on corner plots in the area, it is set back from both of the adjacent roads (King Edward Road and Godwyn Road) although a previously approved flat-roofed front and side extension push the façade forward of the main building line. 5A Godwyn Road, a bungalow to the rear of the shop, was built on land severed from the host site in 2002. Any alterations to the application site will have the greatest impact on this dwelling.
- 1.2 The site is open to the front (King Edward Road boundary) but is enclosed on the sides and to the rear by high walls and fences to a height of 1.8-2.0m. There is an area of hardstanding to the front of the shop which has bollards to prevent 'informal' parking and a fenced area to the north of the host building which houses some plant and the waste/recycling storage. A tree which benefits from a Tree Preservation Order (TPO 2018, 2) is located to the north-west corner of the site. The site is located within Flood Risk Zones 2 and 3.
- 1.3 The surrounding area is characterised by set-back building lines and gaps between dwellings which give the area a spacious, green, suburban character. The construction of No. 5A to the rear of the application site which is sited beyond the front building line, partially fills in the gap between the buildings. However the gaps between buildings largely remain to the north and south of the host building which is a typical feature of the area. The existing boundary enclosures limit views to the rear and side of the building and encloses the corner plot and is therefore already somewhat at odds with the prevailing character of the area.
- 1.4 The application seeks permission to build a flat-roofed, single-storey side extension and a first floor side extension. The single storey side extension would measure 2.8m by 6.8m and have an eaves/parapet height below that of the existing flat-roofed extension to the front of the host building. The first floor side extension would be sited above the existing flat-roofed side extension and would measure 2.85m by 8.8m and have eaves and ridge heights, hipped to match the existing main roof. Both extensions would be constructed in brick and the first floor extension would have uPVC windows

under a tiled roof. The overall design proposed has been designed to match the existing building in terms of materials and detailing.

- 1.5 The northern elevation of the proposed side extension would be approximately 2.0m from the existing Godwyn Road boundary fence and would be in line with the front elevation of No. 5A to the rear. The rear façade of the first floor extension would be a distance of 5.1m from the No. 5A boundary and in line with the existing rear elevation.
- 1.6 The application was amended during the course of consideration to overcome concerns with regards to overlooking and loss of privacy. As originally proposed, there was a large rear window proposed in the first floor extension, and two large side windows. One of the side windows and the rear-facing window has now been removed from the proposal.
- 1.7 Application DOV/18/00580, which sought both a first floor extension, a larger side extension and also sought a change of use to allow a takeaway use to operate from the proposed extension. This takeaway element of the proposal has been removed. The reasons for refusal are outlined below:
  - 1) The proposed development, by virtue of the proposed design, scale, form and prominent location, would result in an incongruous and unsympathetic alteration to the building resulting in undue prominence within the street scene, out of keeping with the spatial character, form and visual amenity of the area and as such, the proposal would be contrary to Paragraphs 127 and 130 of the National Planning Policy Framework (2018).
  - 2) The proposed development, by virtue of the proposed design, bulk and proximity, would result in an unacceptable level of harm to the residential amenity of No.5A Godwyn Road through loss of privacy and interlooking and as such, the proposal would be contrary to Paragraph 127 of the National Planning Policy Framework (2018).
  - 3) The proposed single storey side and rear extension, by virtue of their size and siting, would be likely to result in unjustified harm to a protected tree (Tree Preservation Order 2018, 2) and as such, the proposal would be contrary to Paragraphs 127 and 170 of the National Planning Policy Framework (2018).

## **2. Main Issues**

- 4) Principle of Development
- 5) Impact on the visual amenity of the street scene
- 6) Impact on residential amenity
- 7) Impact on TPO tree
- 8) Flood Risk

### **Assessment**

#### **Principle of Development**

- 2.1 The site is within the settlement confines of Deal and the proposal is therefore compliant with Policy DM1 of the DDC Core Strategy (2010) which allows, in principle, new development within the confines of urban centres as defined in

Policy CP1 of the DDC Core Strategy (2010). New development in this location can be considered acceptable in principle subject to other material considerations.

#### Visual Amenity of the Street Scene

- 2.2 The proposed single storey side extension would widen the existing building by 2.8m and come to within 2.0m of the boundary fence adjacent to Godwyn Road. The existing single storey side extension is currently in line with the front elevation of 5 Godwyn Road (Note: not No.5A) and retains the existing set back along Godwyn Road which is typical of the street scene. The proposed single storey side extension, whilst not as wide as the refused 2010 or 2018 proposals, would become more visible on this corner site. However, the north elevation of the extension would be in line with the front of No.5A Godwyn Road which already breaks forward of the Godwyn Road building line. It would also be behind the existing 1.8m high close boarded fencing which currently encloses the site to both the north and east. Given the modest scale of the proposed single storey side extension, the fence would be likely to mitigate the visual impact of the proposed extension to an acceptable level within the street scene.
- 2.3 The visual impact of the proposal results not only from the scale of the proposed development but also from the extensive history of development on the site. The application site is only half the size it was originally laid out to be, having severed part of the garden to the rear in 2002 to build a detached bungalow. This, along with the existing single storey front, side and rear extensions, has resulted in a building which is already quite large for the site in which it sits. It could be said that the proposal would further exacerbate this concern. However, the addition of a further 2.8m to the width of the building at ground and first floor levels, when compared to the overall size of the existing host building, is considered relatively modest in scale and only the first floor side extension would be readily visible in the street scene as the single storey ground floor side extension largely screened by the existing boundary fence.
- 2.4 This part of Deal is characterised by traditional, pitched-roofed buildings. The application site is the only building in King Edward Road with prominent flat-roofed elements to the front and side elevations. It is considered that the first floor extension would remove a section of the existing flat roofed ground floor side extensions and the proposed ground floor extension, as previously noted, would be largely screened by the existing boundary fence. This incongruous design element would therefore be somewhat reduced overall in the street scene.
- 2.5 Overall therefore, the visual impact of the proposed development, given the matching materials and detailing, the 'rebalancing' of the front elevation through the proposed first floor pitched roof side extension and the visual mitigation of the proposed ground floor side extension by the existing boundary fence, would be unlikely to result in undue harm to the character of the area or the visual amenity of the street scene. Whilst not enhancing the character of the area, the proposal is not considered to result in harm which would justify a recommendation for refusal on visual amenity grounds. The proposal would therefore be in line with Paragraphs 127 and 130 of the National Planning Policy Framework (2019).

### Impact on Residential Amenity

- 2.6 A number of concerns have been raised by third parties with regard to the impact of the proposed development on No.5A Godwyn Road. The originally proposed rear-facing window would have been likely to result in an unacceptable level of interlooking and loss of privacy to No.5A, which has a large side window serving a dining room on the side elevation and given the close proximity between the buildings, the first floor rear window was removed from the proposal. In addition, having undertaken a number of calculations, I am satisfied that the proposal would be unlikely to result in a loss of light, loss of outlook or create a sense of enclosure to any residential neighbour, including No.5A. As such, the proposed extensions would be unlikely to result in any significant harm to existing residential amenities and would be acceptable in this regard.
- 2.7 It is noted that there could be an increased perception of overlooking from the proposed side windows of the first floor extension towards the dwellings on the opposite side of Godwyn Road but any views would be to the front of these dwellings and at a distance of over 20m. However, given the front bedroom in the proposed first floor side extension would be served by a window on the King Edward Road elevation, there was no need for the originally proposed second window to the north elevation. As such, this was also removed from the proposal and should help mitigate the perception of overlooking somewhat. Furthermore, there are already two large windows on the northern elevation at first floor level serving the host building. As such, there is unlikely to be any actual harm to existing residential amenities due to the proposal.
- 2.8 Third Party concerns have also been raised regarding noise from the existing refrigeration plant serving the shop which would be worsened by any new plant. No new refrigeration, air conditioning or extraction flues are proposed as part of this application and these noise concerns could be dealt with under Environmental Protection legislation if they are causing a nuisance to local residents. They are not therefore a matter for consideration in relation to this application.
- 2.9 Overall, it is considered that the proposal would be unlikely to result in any unacceptable impact on existing residential amenities of neighbouring dwellings and the proposal would be in line with Paragraph 127(f) of the National Planning Policy Framework (2019) in this regard.

### Impact on TPO Tree

- 2.10 Towards the north-west corner of the application site, there is a mature Silver Birch tree which is protected with a Tree Preservation Order (TPO 2018, 2). The tree adds to the 'green' aspect of the street scene in the area and is visible over the northern boundary fence and in views from both directions in Godwyn Road. It was recently given statutory protection due to the contribution it makes to the local street scene and as a result of the previous 2018 application.
- 2.11 The Tree and Horticultural Officer has objected to the proposal as submitted as it lacks any supporting information which outlines how the tree would be protected during and after construction. The proposed single storey side extension would be likely to only partially intrude into the Root Protection

Zone of this tree. These details could be secured by a pre-commencement condition which could include information outlining an exclusion zone around the tree, how the foundations would be designed to reduce the impact on the tree, how excavation works would be carried out within the tree canopy (ie. Hand digging), etc. This was confirmed by the Tree Officer who is satisfied that the potential harm can be adequately overcome through conditions and the extension can be constructed without harm to the tree or its root system. As the tree can be protected through planning conditions, the impact can be controlled and the tree retained as part of this application. Therefore there would be no justification to refuse the application on this basis.

#### Flood Risk

- 2.12 The application site is within Flood Risk Zones 2 and 3a and the lack of sequential test formed one of the reasons for the refusal of the 2010 application as it was not in accordance with Planning Policy Statement 25 (2009). This policy document was superseded by the National Planning Policy Framework (2012) and withdrawn in 2014. However, the planning application in 2018 was refused for the lack of a Flood Risk Assessment. The current application has been accompanied by a Flood Risk Assessment in line with the EA's standing advice. However, it is considered reasonable to restrict the use of the ground floor side extension to storage uses ancillary to the existing use of the ground floor as a newsagent and not for any residential accommodation.

### **3. Conclusion**

- 3.1 It is considered that the proposed works would be unlikely to result in undue harm to the visual amenity of the street scene, the residential amenities of the adjacent dwellings and the concerns about the impact on the protected tree can be overcome by a condition. Therefore, the proposal would be compliant with Paragraph 127 of the National Planning Policy Framework (2019).
- 3.2 On balance, the proposal overcomes the previous reasons for refusal or can be controlled through conditions. As such, the proposal is considered acceptable.

### **g) Recommendation**

I Planning Permission BE GRANTED subject to the following conditions:

- 1) 3 year time commencement
- 2) Approved plans
- 3) Materials to match existing
- 4) For storage use only in association with the existing retail use
- 5) Hand digging within Root Protection Zone
- 6) No development shall take place, nor any excavation works commenced, until a survey of the tree and its Root Protection Zone has been undertaken and a foundation design and tree protection scheme has been submitted to and approved in writing by the local planning authority. The foundations of the proposed development shall be designed to protect the roots of the retained TPO tree on site without the need to cut any roots over 50mm and the tree protection scheme shall include details which cover the excavation works within the canopy of the tree and the protection measures to be put in place during the course of construction

to protect the tree from damage in conformation with BS5837:2012. Development shall be carried out in accordance with the approved details and scheme and shall not be varied without prior written consent.

Reason: These details are required prior to commencement to ensure the protection of a protected tree. *This pre-commencement condition has been agreed with the applicant.*

- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Wallace