

## PLANNING COMMITTEE

**APPLICATION NUMBER:** CA//19/00426/FUL

**SITE LOCATION:** 11 Cromwell Road, Whitstable, CT5 1NW

**PROPOSAL:** Proposed single-storey rear and side extension following demolition of single-storey rear extension.

**APPLICATION TYPE:** FULL APPLICATION

**DATE REGISTERED:** 13 March 2019

**TARGET DATE:** 08 May 2019

**LISTED BUILDING:** NOT LISTED

**CONSERVATION AREA:** WHITSTABLE TOWN

**WARD:** Gorrell

**APPLICANT:** Ms Banks

**AGENT:** Regents Park Group

**CASE OFFICER:** Jessica Brown

**WEB LINK:** [https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=CANTE\\_DCAPR\\_122139](https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=CANTE_DCAPR_122139)

**RECOMMENDATION:** Grant subject to safeguarding conditions

### SITE DESCRIPTION

1. The application site comprises a mid-terrace dwelling located on the northern side of Cromwell Road. The dwelling forms part of a row of eight terraces of an identical design and size, being three-storeys with two bay windows with balconies to the second floor.
2. The site is located within the Whitstable Town Centre Conservation Area and is covered by an Article 4 Direction, which removes certain permitted development

rights for alterations and extensions to the front elevation of properties. The site also falls within an area of archaeological potential and Flood Zone 2.

#### RELEVANT PLANNING HISTORY

##### *15 Cromwell Road*

3. **CA/19/00277**: full planning permission granted in April 2019 for Proposed single-storey side return extension.

#### PROPOSED DEVELOPMENT

4. Full planning permission is sought for a single-storey side and rear extension. The scheme has been amended during the course of the application to overcome concerns regarding the impact of the proposed development on the living conditions of the occupiers of 9 Cromwell Road. The amendments include a reduction in the eaves level along the boundary with 9 Cromwell Road and 13 Cromwell Road to approximately 2.4m and the depth of the proposed side extension to approximately 6.6m so that it does not protrude beyond the original outrigger.

#### CONSULTATIONS

**CCC Archaeology**: Raise no objection.

**CCC Heritage**: Raise no objection.

#### REPRESENTATIONS

5. A site notice was placed in the vicinity and letters were sent to neighbouring to which three letters of objection were received, raising the following concerns:
  - Neighbour amenity - overbearing; loss of outlook; loss of light; noise and disturbance from the extension
  - The proposal not being in keeping with the area
  - Structural disturbance to the boundary wall
  - Loss of trees growing along the boundary wall; loss of nesting habitat and impact on protected species; the impact on green corridors
  - If approved, the development would create an unwelcome precedent

**Councillor Bernadette Fisher** - objects to the application, commenting that she has concern with the boundary wall and the size and overbearing nature of the proposed extension.

#### DEVELOPMENT PLAN POLICIES

##### **Canterbury District Local Plan 2017**

**DBE1** - All development to incorporate sustainable design and construction measures

**DBE3** - Development proposals to be of high quality, to be assessed against specific amenity visual, landscape, accessibility and highways criteria

**DBE6** - Alterations and extensions to respect character of the original building, to not result in overshadowing and overlooking and to avoid detriment to the amenity and character of the locality. Particular care to be given to works to heritage sites

**HE1** - Proposals which protect, conserve and/or enhance the historic environment will be supported. Heritage Statements to accompany applications affecting heritage assets

**HE6** - Development proposals to preserve or enhance the setting of conservation area

**CC4** - Development proposals within areas of risk of flooding or with increased surface water run-off to be subject to a FRA

**HE11** - Important archaeological sites to be protected and archaeological evaluation required where potential for impact on archaeology

**HE12** - Archaeological evaluation required for sites within the Canterbury Area of Archaeological Importance and other sites of archaeological potential

## **Supplementary Planning Guidance/Documents**

Whitstable Town Centre Conservation Area Appraisal  
Heritage, Archaeology and Conservation SPD

### ASSESSMENT

6. The application is brought before the Planning Committee to determine at the request of former Councillor Bernadette Fisher. The main considerations in the assessment of this application are:
  - Character and appearance
  - Living conditions
  - Flooding
  - Archaeology

### **Character and appearance**

7. Section 12 of the National Planning Policy Framework (NPPF) states that planning should aim to ensure that developments function effectively and contribute to the overall quality of an area. Development must respond to local character, reflect the identity of local surroundings and materials and should be visually attractive as a result of good architecture and landscaping. Policy DBE3 of the Canterbury District Local Plan 2017 accords with this, requiring new proposals to be of high quality design, which responds to the objectives of sustainable development. Policy DBE3 also requires development to be considered against a range of criteria including its visual impact, the form of the development in terms of the efficient use of land, layout, landscape, density and mix, scale, massing, materials, finish and architectural detail.
8. Policy DBE6 of the Canterbury District Local Plan 2017 states that the City Council will permit alterations and extensions which are compatible with the character of the

original building in terms of design, layout, size, bulk, mass, height, choice of materials and position; and which are not detrimental to the character of the locality and streetscape.

9. The application site is within the Whitstable Town Centre Conservation Area. Specifically in relation to the Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'. This is reiterated in Policy HE6 of the Canterbury District Local Plan 2017, which sets out that "development within, affecting the setting of, or views into and out of, a conservation area, as shown on the Proposals Map and all insets, should preserve or enhance all features that contribute positively to the areas character, appearance or setting."
10. The Whitstable Conservation Area appraisal identifies this terraced row as being an interesting group of late Victorian properties with seaside flair.

*"They are three-storeys and have two-storey bay windows with balconies to the*

*second floor*

11. The proposed single-storey rear extension will replace the existing conservatory and the proposed side extension would infill the gap between the outrigger and the boundary with 9 Cromwell Road. Given the single-storey nature of the proposal and its modest footprint in relation to the host dwelling, it would represent a subservient addition to the host dwelling. The materials proposed are yellow stock brick to match the existing dwelling and render, which is considered to be acceptable. As such, the proposed extension is considered to represent a subordinate and coherent addition to the dwelling.
12. The proposed extensions would be located to the rear of the dwelling and would therefore not be visible from Cromwell Road. Whilst it may be possible to obtain brief glimpsed views from the PROW to the rear of the site, the proposed extensions are considered acceptable in design terms and would not have a detrimental impact on the character and appearance of the street scene or conservation area, in accordance with policies DBE3, DBE6, HE1 and HE6 of the Canterbury District Local Plan 2017 and the NPPF.

### **Living conditions**

13. Paragraph 127 of the NPPF states that planning decisions should aim to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DBE3 of the Canterbury District Local Plan 2017 states that the Council will consider the privacy and amenity of neighbouring buildings and future occupiers, including potential overshadowing, loss of outlook and loss of sunlight. This is endorsed by policy DBE6 in relation to alterations and extensions to buildings.
14. As stated previously, the scheme has been amended to reduce the eaves level along the boundary with 9 Cromwell Road and 13 Cromwell Road and the depth of the proposed side extension so that it does not protrude beyond the original outrigger.

Whilst the proposed side extension would be built up to the mutual boundary with 9 Cromwell Road at a depth of approximately 6.6m, it would be a single-storey addition with a low eaves level of approximately 2.4m. The proposed rear extension would have a more modest depth of approximately 4.8m and again, a low eaves level of approximately 2.4m. Given their single storey height, it is considered that the proposed side and rear extensions would not cause any unacceptable overbearing impact, sense of enclosure or loss of light to neighbouring properties. Rooflights would be within the roofslope of the proposed extensions and as such, it is considered no unacceptable loss of privacy would result in the proposed development.

15. In terms of noise and disturbance, the site is located in a built up residential area and the proposed extensions would not result in a significant intensification of the existing residential use. If noise disturbance were to occur this would be a matter covered by separate legislation.
16. In light of the above, it is considered that the proposal would not have a harmful impact on the living conditions of neighbouring property occupiers, in accordance with policies DBE3 and DBE6 of the Canterbury District Local Plan 2017 and the NPPF.

### **Flooding**

17. Paragraph 163 of the NPPF states that when determining planning applications, the Local Planning Authority should ensure flood risk is not increased elsewhere. This is endorsed by policy CC4 of the Canterbury District Local Plan 2017, which states proposals for developments within Flood Zones 2 and 3 shall be subject to a Flood Risk Assessment.
18. A Flood Risk Assessment was submitted with the application and recommends that the finished floor level of the proposed development is set no lower than that of the existing ground level and that the proposed flood resilience measures be incorporated into the development. This accords with the Environment Agency's Flood Risk Assessment Standing Advice for small-scale extensions and it is recommended that a condition be imposed requiring the incorporation of the flood resilience measures in the construction of the development. It is therefore considered that the proposed development would not increase flood risk, in accordance with policy CC4 of the Canterbury District Local Plan 2017 and the NPPF.

### **Archaeology**

19. Policy HE12 of the Canterbury District Local Plan 2017 seeks to ensure that development below ground level will not impact on archaeology, whilst policy HE11 requires archaeological evaluation where there is a potential impact upon archaeology. This is endorsed by Section 17 of the NPPF.
20. Whilst the site falls within an area of archaeological potential, the proposed works are small-scale and within an already built-up area and as such, no archaeological

mitigation is considered necessary in this case in accordance with policies HE11 and HE12 of the Canterbury District Local Plan 2017 and the NPPF.

### **Other matters**

21. The application does not propose any loss of trees. If protected species were to be discovered during construction this would be a matter for separate legislation.
22. Concern has been raised that if approved, the application would set a precedent for future development. Each application is considered on its own merits and this application would therefore not set a precedent for future applications.
23. An objection has been raised from 9 Cromwell Road, stating that the boundary wall belongs to them and not the applicant. The agent has confirmed that the boundary wall is within the ownership of the applicant. Disturbance to the boundary wall would be dealt with under the Party Wall Act separate to the planning process.

### **RECOMMENDATION**

24. For the reasons set out above, it is considered that the proposed single-storey rear and side extensions are acceptable in terms of their design and scale and would preserve the character and appearance of the conservation area. The scheme has been amended so that it would not have a harmful impact on the neighbours' living conditions. In addition, the proposal would not increase flood risk. It is therefore recommended that planning permission be granted, subject to safeguarding conditions.

## DRAFT CONDITIONS FOR DECISION NOTICE

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Proposal: Proposed single-storey rear and side extension following demolition of single-storey rear extension.

Location: 11 Cromwell Road, Whitstable, CT5 1NW

### CONDITIONS:

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

**REASON:** In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the submitted drawings received on 15/05/2019:

- Existing & Proposed Plans & Elevations (revision 3)
- Proposed layout GA (revision 3)
- Existing and Proposed sections (revision 3)
- Location & Block Plan (revision 3)

**REASON:** To secure the proper development of the area.

3. At the time of development, the flood resilience measures detailed within the 'Flood resilience and resistance plans' section of the submitted FRA shall be incorporated into the proposed development and thereafter remained in perpetuity.

**REASON:** To reduce the impact of flooding on the proposed development and future occupants in accordance policy CC4 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.