

<b>2.4 REFERENCE NO - 24/501424/FULL</b>		
<b>PROPOSAL</b> Increase roof height to convert loft to extend existing flat 3, with insertion of rooflights, solar panels and flood refuge platform.		
<b>SITE LOCATION</b> Flat 3 231-235 High Street Sheerness Kent ME12 1UR		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> Householder		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Sheerness Town Council object to the application.		
<b>Case Officer</b> Megan Harris		
<b>WARD</b> Sheerness	<b>PARISH/TOWN</b> Sheerness	<b>COUNCIL</b>  <b>APPLICANT</b> Twin Property Group <b>AGENT</b> Woodstock Associates
<b>DATE REGISTERED</b> 04/04/24	<b>TARGET DATE</b> 30/05/24	
<b>BACKGROUND PAPERS AND INFORMATION:</b>  Documents referenced in report are as follows: -  All drawings submitted Flood Risk Assessment dated July 2023 All representations received  The full suite of documents submitted pursuant to the above application are available via the link below: -  <a href="https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=SBAZPGTYIWK00">https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=SBAZPGTYIWK00</a>		

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site is a detached part two storey / part single storey building located within the built up area boundary of Sheerness. It is located on a corner plot, at the junction between High Street and Vincent Gardens. The single storey element is comprised of a large single storey extension at the rear of the building, and hardstanding is located to the rear of this which provides off-road parking.
- 1.2 Three two-bed flats are located within the building, two on the ground floor and one on the first floor. The flat on the first floor is the subject of this application.

- 1.3 The surrounding area is characterised by mainly residential uses, with a pub located on the opposite side of the High Street. There is a mixture of dwelling types in the area, including flats contained within a three storey building to the north of the site, and two storey terraces to the south, east and west. The site lies within Flood Zone 3 and the town centre boundary. A Public Right of Way runs along the rear boundary of the site.

## 2. PLANNING HISTORY

- 2.1 **23/505457/FULL** – Planning permission sought for ‘Increase roof height to convert loft to 1no. additional flat with insertion of rooflights, solar panels and flood refuge platform.’ Application withdrawn.
- 2.2 **SW/13/0644** – Planning permission granted on 23.07.2013 for ‘Roof extension and raise height of flat roof to enable creation of third bedroom and ensuite for existing flat in roof.’ Permission not implemented.
- 2.3 **SW/10/1355** – Planning permission granted on 11.01.2011 for ‘Change of use from doctors surgery with one flat to 3 flats in total.’
- 2.4 **SW/10/0375** – Planning permission refused on 27.05.2010 for ‘Change of use from doctors surgery with first floor 2 bedroom flat to four flats in total.’
- 2.5 **SW/84/0694** – Planning permission granted on 17.09.1984 for ‘Group practice surgery first floor flat and seven lock up garages.’
- 2.6 **SW/84/0197** – Outline planning permission granted on 09.04.1984 for ‘Outline application for doctors surgery flat and premises.’

## 3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission to increase the roof height of the existing single storey extension in order to convert the loft space into habitable space, facilitating an extension to flat 3.
- 3.2 The development will involve raising the ridge height on the part hipped, part flat roof on the existing rear element by approximately 0.7m. A total of seven roof lights are proposed to the modified hipped roof on the southern, northern and western roof slopes, as well as solar panels to the southern roof slope.
- 3.3 A flood refuge platform will also be created on the first floor, to make up for the loss of the flat roof area that currently serves as a flood refuge platform for the two flats on the ground floor.
- 3.4 Internally, the development will provide a large open plan living space for flat 3. The existing kitchen and living area will be converted to a bedroom and bathroom, providing a total of three bedrooms within the flat.

4. CONSULTATION

4.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers.. No comments from neighbours have been received.

4.2 Sheerness Town Council object to the application on the following planning grounds:

Comment	Report reference
Object pending further information from the Planning Officer regarding flood refuge platform.	See paragraphs 7.19 – 7.24

5. REPRESENTATIONS

5.1 **Environment Agency** – Refer to standing advice.

6. DEVELOPMENT PLAN POLICIES6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

**ST 3** The Swale settlement strategy

**CP 4** Good design

**DM 7** Vehicle parking

**DM 14** General development criteria

**DM 16** Alterations and extensions

**DM 21** Water, flooding and drainage

**DM 28** Biodiversity

6.2 **Supplementary Planning Guidance/Documents**

Supplementary Planning Document – Swale Parking Standards

Supplementary Planning Guidance – Designing an Extension A Guide for Householders

7. ASSESSMENT

7.1 This application is reported to the planning committee because Sheerness Town Council has objected to the proposal. Considering the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- The Principle of Development
- Character and Appearance
- Living Conditions
- Flood Risk
- Transport and Highways

### **Principle**

- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.4 Policy ST 3 of the Swale Local Plan 2017 supports the principle of development within the built-up area boundary of established towns and villages within the borough. The application site is located within the built-up area boundary of Sheerness, where the principle of domestic extensions and alterations are acceptable, subject to the proposal meeting the requirements set out below.

### **Character and Appearance**

- 7.5 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.6 In terms of the Local Plan, policies CP 4, DM 14 and DM 16 of the Local Plan state that developments and extensions should be well designed and respond positively to the building and its surroundings.
- 7.7 The proposed development will increase the height of the existing rear extension at the site. The eaves height will remain the same, but the ridge height will increase by approximately 0.7m, and the flat roof area that currently is located in the centre of the roof will be raised to match the ridge height of the extension. Whilst the design of the extension will result in an area of flat roof, given that there are already flat roof features on the property, and the flat roof will not be visible from street level due to the pitched roof proposed around the edge of the flat roof, it is not considered the development will cause harm to the character and appearance of the surrounding area. The plans confirm matching materials will be utilised on the development which will ensure it blends in well with the existing property.
- 7.8 Overall, the development complies with policies CP 4, DM 14 and DM 16.

### **Living Conditions**

- 7.9 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the

proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight. Policy DM16 also requires that alterations or extensions to existing buildings protect residential amenity.

- 7.10 The development will lie a minimum of 21m from the closest properties to the rear of the site in Shrubsole Avenue. This is in line with the Council's minimum distance for rear to rear windows, and as such it is considered that the impact upon dwellings to the rear will be minimal. No changes are proposed to the front of the building, so it is not envisaged there will be any harmful impacts to properties on the opposite side of the High Street.
- 7.11 The works will increase the bulk of the roof at the rear of the building, and the development will lie roughly 4m from No. 229a High Street, a residential property to the north. This neighbouring property has both single storey and two storey rear extensions which project rearwards of the host building. Due to this, the proposal will not cause any harmful overshadowing or overbearing impacts to the windows in the rear elevation or the rear garden. There is one small window in the side elevation, however it is a high-set window at first floor level that likely serves a toilet and therefore would not be impacted by the proposal. Overlooking of this neighbour is not of concern as the proposed rooflight on this elevation will be obscure glazed as annotated on the proposed elevation plan. A condition is included below to ensure this window is obscure glazed.
- 7.12 To the south of the site on the other side of Vincent Gardens is No. 237 High Street, a residential property. The extension will lie roughly 14.6m from the side elevation of this property. Given this separation distance and that a highway is located between the host property and this neighbouring dwelling, it is not considered that the development will unacceptably overshadow or cause harmful overbearing impacts to this neighbour. There are several windows in the side elevation of No. 237, which could be overlooked by the rooflights proposed in the extension. This property has no planning history so it is not possible to decipher what rooms these windows serve, however, notably the Council has no minimum distance between the side elevations on neighbouring properties. Furthermore, several of the windows in No. 237 are obscure glazed, which will limit overlooking. In addition, the rooflights in the roof extension will be located at a fairly high level, meaning that views of the adjacent property from these windows will be limited. Taking into account all these factors, the proposal will not be significantly harmful to the amenity of occupiers of this property.
- 7.13 The proposed roof extension will provide a large open plan living and kitchen area for the first floor flat, and this will facilitate the creation of an additional bedroom within the existing living space. The new living space will be served by seven rooflights. The rooflights in the roof extension appear to be located at a fairly high level, meaning that a limited outlook will be provided for occupiers, however taking into account the rooflights will provide a large amount of light into the space, it is not considered the lack of a typical outlook to be of concern here.
- 7.14 Taking the above into account, the scheme is considered to be acceptable and would not cause any substantial harm to the living conditions of neighbours or future occupiers

of the unit. As such the proposal is accord with Policy DM 14 and DM 16 of the Local Plan in this regard.

### **Transport and Highways**

7.15 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

*“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”*

7.16 The NPPF also states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

7.17 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm. SBC Vehicle Parking Standards Supplementary Planning Document (SPD) which is pursuant to Policy DM 7 of Local Plan was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications.

7.18 The development will increase the number of bedrooms at the flat to three. The Council’s Parking Standards SPD advises that a dwelling of this scale in this location should provide one parking space. This space can be accommodated within the parking area to the south west of the building, and as such the increase in the number of bedrooms at the property is acceptable from a highways perspective. As a result the proposal complies with policy DM 7 of the Local Plan.

### **Flood Risk**

7.19 The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. Policy DM 21 of the Local Plan relates to water, flooding and drainage. The policy states that when considering the water-related, flooding and drainage implications of development, development proposals should accord with national planning policy and planning practice guidance and avoid inappropriate development in areas at risk of flooding and in areas where development would increase flood risk elsewhere.

7.20 The site lies within Flood Zone 3, and is at high risk from tidal and fluvial flooding. A site specific Flood Risk Assessment has been provided as part of the application. The Environment Agency has reviewed the scheme and note it falls outside their criteria to comment, and as such they set out the development should be assessed against their standing advice.

- 7.21 The proposed development will create additional living and sleeping accommodation within the building, but taking into account this will be located at first floor level, this is considered acceptable from a flood risk perspective.
- 7.22 Currently the flat roof on the side extension at the building is used as an escape area for the ground floor flats in a flood event. The existing flood refuge platform is approximately 16sqm in size. A smaller flood refuge platform will be retained as part of the development, 5.7sqm in size. There is no standing advice from the Environment Agency on the scale of the flood refuge platforms, and whilst the platform will be smaller than the area of flat roof currently at the site, it is considered to be of an adequate scale given there are only two flats on the ground floor. Overall, taking into account the platform will be located at the same height as the existing area of flat roof, it is considered it will perform the same function and as such, is acceptable.
- 7.23 In order to prevent overlooking of neighbours from the platform, a condition is included below to ensure the platform is not used as a balcony. This was imposed on application SW/10/1355 which granted permission for the flats and it is deemed necessary to impose it again here.
- 7.24 The Town Council objected to the application pending further information from the Case Officer regarding the flood refuge platform. The Case Officer duly contacted the Town Council providing plans and details of the existing and proposed flood refuge platforms to provide clarity on its need and function. However, the Town Council has not provided a response to the Case Officer to confirm whether there continues to be an objection in this regard. Officers consider the flood refuge platform to be adequately designed and acceptable as set out above.

### **Ecology**

- 7.25 The NPPF and Local Plan policy DM28 requires that development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.26 From April 2024, minor developments are required to provide at least 10% Biodiversity Net Gain (BNG). There are exemptions to this, including applications made by householders as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This application amounts to householder development, and as such is exempt from the need to provide BNG.

### **Conclusion**

- 7.27 The site is located within the built up area boundary, in a location suitable for domestic extensions. The proposal is appropriately designed and will not harm visual or residential amenities. There is adequate parking available at the site to accommodate the additional bedroom, and whilst the site is located within Flood Zone 3, care has been

taken to ensure the scheme responds appropriately to this flood risk. On this basis, it is recommended that planning permission is granted for this application.

**RECOMMENDATION** – Grant subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be carried out in accordance with the following approved drawings, including the materials referenced on the plans: TP/23/107.01A, TP/23/107.02A, TP/23/107.04A, TP/23/107.05A and TP/23/107.06A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to the first use of the extended area of flat 3 hereby approved the proposed rooflight on the northern elevation of the new roof shall be obscure glazed and maintained as such.

Reason: In the interests of neighbouring amenity.

- (4) The flat roof area shown as “flood refuge platform” on approved drawing TP/23/107.02A shall not be used as a balcony or sitting out area and there shall be no other use of the roof area other than as a flood refuge, unless for maintenance.

Reason: In the interests of neighbouring amenity.

### **The Council’s approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), December 2023 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.



