

Planning Committee



Application Address	Kingsgate House, 7 The Avenue, Poole, BH13 6AE
Proposal	Alterations and additions to add 1st floor extension and form new flat roof terrace with parapet, insert patio doors and windows with new Juliette balconies, to front elevation. Provide render finish to walls.
Application Number	APP/21/00873/F
Applicant	Mr Eyers
Agent	J Burgess & Associates Ltd
Date Application Valid	8 June, 2021
Decision Due Time	3 August, 2021
Extension of Time date (if applicable)	
Ward	Canford Cliffs
Recommendation	Grant subject to conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision
Reason for Referral to Planning Committee	This application is brought before committee at the request of Cllr Haines under Policy PP27 (c) as the proposed roof terrace is not compatible with surrounding uses and would result in a harmful impact upon amenity for both local residents and future occupiers, on ground of privacy and noise nuisance to neighbouring residents.
Case officer	Dominika Gec

Description of Development

- 1 Planning consent is sought for alterations and additions to add a 1st floor extension and form new flat roof with parapet, insert patio doors and windows with new Juliette balconies, to front elevation. Provide render finish to walls.

Description of Site and Surroundings

- 2 The application site is a two-storey detached house on the south-east side of The Avenue. The area is residential. There is a terrace over the ground floor part of the house. To the front there is surface parking space for at least two cars.

Relevant Planning History:

- 3 **2019:** Alterations to the existing dwelling to add 2nd storey with new flat roof, raise ridge height, insert double glazed patio doors and windows and new glazed Juliette balconies to front elevation. Changes to finishing materials.
Approved (APP/19/00590/F)

Constraints

- 4 The site is covered by a tree preservation order.

Consultations

- 5 None

Representations

- 6 In addition to letters to neighbouring properties a site notice was posted outside the site on 11 June, 2021 with an expiry date for consultation of 5 August, 2021.
- 7 20 representations have been received raising objection. The issues raised comprise the following:
- potential harm to the trees nearby
 - noise and light pollution
 - loss of privacy for residents of Kingsgate and 5 The Avenue block of flats
 - loss of privacy in church hall
 - flat roof is out of keeping with the appearance of the area

Key Issues

- 8 The main considerations involved with this application are:
- Impact on the character and appearance of the area
 - Impact on the amenity and privacy of neighbours
 - Impact on parking
 - Impact on trees

Policy context

Poole Local Plan (Adopted 2018)

- PP01 Presumption in favour of sustainable development
PP27 Design
PP35 A safe, connected and accessible transport network

National Planning Policy Framework (July 2021)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Planning assessment

- 9 The current proposal is a revised version of the previously approved one in November 2019 (APP/19/00590/F). This is a smaller scheme than the extant approval, lower in height with a proposed first floor extension only and roof terrace.

Impact on the character and appearance of the area

- 10 The existing house would be significantly extended. There is proposed first floor accommodation above the ground floor front part of the house and flat roof with the terrace above that would result in more modern appearance. The bulk of the house would be increased however this will be a lesser scheme than the extant approval.
- 11 Given the location of the site, which is significantly setback from the road with intervening buildings and mature trees, the dwelling is not readily visible in the streetscene of the surrounding road. With the scale of the properties nearby, it would preserve the character and appearance of the area.
- 12 The scheme is considered to comply with the test in Policy PP27 of the Local Plan in that it reflects or enhances local patterns of development and neighbouring buildings in terms of:

- (i) layout and siting, including building line and built site coverage;
- (ii) height and scale;
- (iii) bulk and massing, including that of the roof;
- (iv) materials and detailing;
- (v) landscaping; and
- (vi) visual impact

Impact on the neighbouring amenity and privacy

- 13 The proposed first floor extension to the front would cause some shading for the church hall in the late afternoon hours however, given non – residential nature of this neighbour and separation distance between the application house and this building, it would not be materially harmful for the ongoing use of this community facility.
- 14 The proposed enlarged ground floor windows would not cause overlooking of the neighbouring properties as the views from them would be blocked by the existing boundary treatments. The first floor Juliet balconies proposed to the south would face towards the obscure glazed windows of the Aurora and driveway at this neighbour. Therefore the privacy of this neighbour would not be materially harmed.
- 15 The first floor windows proposed to the south would face towards the garages and access road on the neighbouring land and given adequate separation distance between the application house and the Kingsgate block of flats (around 37m), they would not cause any harmful overlooking for residents of this property. The first floor windows proposed to the east would face towards the obscure glazed windows of the church hall. As such privacy of this neighbour would be preserved.
- 16 The proposed roof terrace would have views towards all properties mentioned above and for the same reasons would not materially harm their privacy. This terrace would also have a view towards a block of flats at 5 The Avenue however it would be screened by a portion of the year by mature trees growing on the norther boundary. Also, given an adequate separation distance between these two properties (approx.. 30m) the privacy of the occupants of this block of flats would be preserved even without the tree screen. The communal area of 5 The Avenue is already overlooked by the flat occupants themselves and the view from the proposed terrace would not increase level of this overlooking.

- 17 A number of the representations refer to noise from the proposed roof terrace. In assessing such impacts, this has to be viewed on the basis of its typical residential use and not any potential worst-case scenario of excessive noise or anti-social use as there are separate safeguards outside of the planning system to deal with such impacts. The roof terrace is not noise-generating in itself and is an ancillary area to the existing dwellinghouse, it is therefore not an inherently harmful development. A planning decision must approach the impacts of the use of terrace on the basis of typical considerate usage and not possible extremes. The noise caused by the proposed roof terrace would be residential in nature and therefore is not considered to be harmful for the neighbours.
- 18 The scheme is considered to comply with the test in Policy PP27 in that it is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive

Impact of parking

- 19 The proposal is a householder development and the resulting development remains as a single dwellinghouse and would not be expected to cause additional pressure on the road network. The number of bedrooms would be increased however existing on-site parking provision would be retained and is sufficient for the existing dwelling. The scheme complies with Policy PP35.

Impact on trees

- 20 There are trees on the site of 5 The Avenue in close proximity to the application dwelling. However, proposed development would be built up on the existing footprint above the first floor level to this side. Therefore, there would be no impact on the root protection area of the trees. The roof terrace is designed to not be used in the northern part, close to the trees and given its orientation would not be overshadowed by them. Therefore, it is considered the scheme has been designed in the long-term interests of protected trees and complies with Policy PP27.

Summary

- The proposal would preserve the character and appearance of the area.
- The amenities and privacy of adjacent residents would be preserved.
- The proposal would not have an adverse impact on parking.
- The amenity of the trees would be preserved.

Planning balance

- 21 The existing house would be significantly extended and the proposed changes would result in modern design however, given the scale and location of the proposed development it would integrate with appearance of the properties nearby and residential character of the area. Although the proposed extension would cause some shading to the church hall to the south east, there is sufficient distance between these two buildings and the hall is not used as a residential accommodation. Therefore, the neighbouring amenity would be preserved.
- 22 The proposed windows arrangement would not cause any direct overlooking towards the neighbouring properties. The proposed roof terrace would have views towards the neighbouring sites however there is sufficient distance between the application dwelling and neighbouring properties and the amenity area of the block of flats known as Headinglea is already overlooked by occupants of this property. Therefore, privacy of the neighbours would not be materially harmed.
- 23 The proposal includes additional bedrooms however the existing on – site parking provision would be sufficient for the extended dwelling. There are trees in close proximity from the proposed development to the north however, the extension to this side would be located on the first floor and root protection area of these trees would be preserved. The northern part of the proposed terrace would not be used as an amenity area therefore limiting the prospect of future pressure on the trees.
- 24 The applicant has a fallback position to construct a larger development.

RECOMMENDATION

- 25 Grant subject to conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision. :

Conditions

1. GN150 (Time Expiry 3 Years (Standard))

The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason -

This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. PL01 (Plans Listing)

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 5991-22 Site Plan, Location Plan received 04/06/2021

Drawing no. 5991-23 Proposed Elevations received 04/06/2021

Drawing no. 5991-24 Grd/First Floor Plan Proposed received 04/06/2021

Drawing no. 5991-25 Roof Plan/Sections received 04/06/2021

Drawing no. 5991-26 General Arboricultural Details received 04/06/2021

Reason -

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

3. GN050 (Matching Materials)

The materials to be used for the external wall and roof shall be similar in colour and texture as the existing building.

Reason -

To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Informative Notes

1. IN52 (Works Affecting Adjoining Land)

It is noted that the foundations and eaves guttering of the extension hereby approved closely abut your neighbour's land. This planning permission does not convey the right to enter land or to carry out works affecting or crossing the boundary with land which is not within your control without your neighbour's consent. This is, however, a civil matter and this planning consent is granted without prejudice to this.

2. IN72 (Working with applicants: Approval)

In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also:

- in this case the application was acceptable as submitted and no modification or further assistance was required
- the application was considered and approved without delay