

MC/18/0365

Date Received: 1 February 2018

Location: 26 Sallow Close St Marys Island Chatham ME4 3HG

Proposal: Conversion of conservatory to habitable space with balcony above
- resubmission of MC/17/3634

Applicant Mr & Mrs Wood

Agent Mr Chit 6 Heathland View
Chatham
ME5 7FE

Ward: River Ward

Case Officer: Robert Neave

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9th May 2018.

Recommendation - Refusal

- 1 The proposed balcony would introduce a platform at first floor level which would offer elevated views into the neighbouring rear gardens and their rear first floor windows. The proposal would have a detrimental impact on the neighbouring occupiers with regards to increased levels of overlooking and loss of privacy, as such contrary to Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for refusal please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application is for the conversion of conservatory to habitable space with balcony above (resubmission of MC/17/3634).

Relevant Planning History

- MC/17/3634 Conversion of conservatory to habitable space with balcony above
Decision: Refusal
Decision Date: 18 December 2017
- MC/05/0931 Retrospective application for the erection of internal wall to integral garage to create storeroom
Decision Approval with Conditions
Decided 16 June, 2005
- MC/05/0901 Retrospective application for construction of a garden shed at rear
Decision Approval with Conditions
Decided 14 June, 2005
- MC/05/0661 Construction of conservatory to rear
Decision Approval with Conditions
Decided 17 May, 2005
- MC/04/2114 Construction of conservatory to rear
Decision Refusal
Decided 2 November, 2004

Representations

The application has been advertised by individual neighbour notification to the owners and occupiers of neighbouring properties.

Three letters of support have been received including one from Mr Grant Leathwhite of the Chatham Maritime Trust.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Background

This application is a resubmission of a similar previously refused scheme, the application has been revised to reduce and alter the layout of the first floor balcony area.

Design

Due to the proposal replacing a similar extension, no objection would be raised in terms of design. Accordingly the proposal would conform to Policy BNE1 of the Medway Local Plan 2003 and NPPF 2012.

Amenity

It is appreciated that mutual overlooking currently exists in such built up residential areas with regards to viewing neighbouring rear gardens, however although the applicant has attempted to reduced the impact by altering the design, it is still considered that the introduction of a balcony to this property would result in direct views into the neighbouring rear windows that would cause significant harm to the privacy of those neighbouring properties and therefore sufficient to uphold a refusal of the application.

Furthermore It is noted that the applicant on drawing 001, outlines that No.11 and No.14 The Pinnacles and the front elevation of 26 Swallow Close have similar developments. However, the balconies to these properties are to front and are of smaller scale. In addition, these balconies are original design features of the development and not 'later additions' to these properties. Moreover, the application shares this similar characteristic by having a balcony to the front and the current proposal is for additional balcony to the rear of the property which has the potential to cause more harm than that to the front.

Accordingly the proposal would conflict with Policy BNE2 of the Medway Local Plan 2003.

Highways

There are no highway impacts that arise from this application and therefore no objection is raised in terms of highways.

Conclusions and Reasons for Refusal

The proposed balcony would introduce a platform at first floor level which would offer elevated views into the neighbouring rear windows both at ground and first floor. The proposal would have a detrimental impact on the neighbouring occupiers with regards to increased levels of overlooking and loss of privacy, as such contrary to Policy BNE2 of the Medway Local Plan 2003.

The application would normally be determined under officer's delegated powers however three letters of representation has been received expressing views contrary to officer's recommendation in addition to Councillor Tejan's request for the application to be determined at planning committee to establish the principle of development.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>