

MC/19/0360

Date Received: 8 February 2019

Location: 32 The Shoreway St Marys Island Chatham Kent

Proposal: Replacement of the existing 1.8m high fencing with railings to rear of boundary; (part retrospective) replacement of and extension to existing patio to rear and side of property; construction of low level brick planters/retaining wall, incorporating an aquatic feature and seating area

Applicant Mr Paul Carter

Ward: River Ward

Case Officer: Dylan Campbell

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 29th May 2019.

Recommendation - Approval with Conditions

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

Drawing numbers: SHORE/32/002 and SHORE-32-0006 received on 11 March 2019.

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

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

Proposal

This application is for the replacement of the existing 1.8m high fencing with 1.8m high railings to rear of boundary; along with a retrospective permission sought for replacement of and extension to existing patio to rear and side of property; construction of low level brick planters/retaining wall, incorporating an aquatic feature and seating area.

Relevant planning history

No planning record for the application site, however the following are material to the consideration of this application:

30 The Shoreway

MC/18/2833

Conversion of garage into habitable living space (part demolition of garage), reduction in height of rear fence and a raised planter.
Decision: Granted 23 November 2018.

46 The Causeway

MC/18/1501

Construction of raised planters to rear garden.
Decision: Granted 13 August 2018

42 The Causeway

MC/18/0284

Lower the rear fence to 1.2m high and retrospective application for the construction of low level brick planters, an aquatic feature and steps, as well as a brick wall built.
Decision: Granted 15 March 2018.

36 The Causeway

MC/17/1958

Retrospective application for construction of a raised planter with steps and fencing to rear of garden.
Decision: Granted 5 September 2017.

Representations

The application has been advertised by individual neighbour notification to the owners and occupiers of neighbouring properties, and the Chatham Maritime Trust were notified of the application.

No letters have been received.

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 2019 and are considered to conform.

Planning Appraisal

Background

32 The Shoreway is a semi-detached, three storey property in a residential area on St Marys Island. The properties along this side of The Shoreway have balconies at first floor level and back onto the River Medway providing views of the river.

Design

Paragraph 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

This application is part retrospective and seeks to replace the rear close boarded fence with 1.8m high black wrought iron railings the full width of the rear boundary. The application also seeks retrospective permission for the construction of raised planters, retaining wall and seating area along with the replacement of and extension to existing patio to rear and side of the property.

The raised seating area along the boundary between the application site and No. 30 The Shoreway is approx. 0.29m in height and the retaining wall, raised planters and water feature along the rear boundary and part of the boundary between the application site and No.34 are approx. 0.67m in height. These aspects of the proposal are rendered and painted white and incorporate tiles that match the paving used in the garden. There are also a number of other examples of similar developments in the area which make use of the sloping rear area of these plots to install raised planters, such as the adjoining neighbour. As noted above under the planning history section of this report several properties have obtained planning permission for similar development on the St Mary's Island. With regard to the proposed railings to rear, this would be in keeping with other similar developments along The Shoreway, The Causeway and Little Victory Mount and therefore would respect the character and appearance of immediate and surrounding area, and would not be detrimental to the appearance existing dwelling or site when viewed from the public realm.

It is therefore considered that the proposal respects the character and appearance of the existing property and the area in accordance with Policy BNE1 of the Local Plan and Paragraph 127 of the NPPF.

Amenity

The impact on neighbouring residential amenities has been considered with regard to loss of daylight, sunlight, outlook and privacy. Due to the nature of the development there is no impact on neighbouring properties in terms of loss of daylight, sunlight or outlook.

There is currently mutual overlooking into the rear gardens of neighbouring properties from the existing first floor balconies and one spiral staircase. Therefore, the main consideration with this development is to determine whether when standing on the raised seating area results in unacceptable levels of direct overlooking to habitable rooms of neighbouring properties. When standing on the raised area there are views over the close-boarded fence into the rear gardens of Nos. 30 and 34, however this is similar to views from existing rear balconies on the rear of the properties. In addition, as the properties are arranged with living accommodation over three levels, the views from the raised area is to the rear balconies to the first floor living area. This type of mutual overlooking is prevalent on these properties and the introduction of the raised seating area would not exacerbate this situation.

Consequently, the development is not considered to have a detrimental impact on the occupiers of the neighbouring properties to levels that would be harmful to their living conditions.

The development is therefore acceptable and complies with policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

There are no concerns with regard to highways. The proposal is in accordance with Policy T13 of the Local Plan and Paragraph 109 of the NPPF.

Conclusions and Reasons for Approval

On balance it is considered the development, including the proposed fencing, would be in keeping with the character and appearance of the existing dwelling, site and area, would not cause harm to neighbouring amenities or highways safety. The development is therefore in accordance with Policies BNE1, BNE2 and T13 of the Local Plan and Paragraphs 109, 127 and 127f of the NPPF.

The application would normally be determined under delegated authority but is being referred to Members for a decision at the request of Councillor Habib Tejan due to concerns raised regarding a loss of privacy to neighbouring dwellings by way of overlooking.

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/>