

MC/19/0703

Date Received: 18 March 2019

Location: 34 The Causeway St Marys Island Chatham Kent

Proposal: Part retrospective application for construction of raised planters and decking to rear together with replacement of garden fence and installation of an external spiral staircase to rear

Applicant Mr J. Pike

Agent Mr Andrew Wells
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Ward: River Ward

Case Officer: Nick Roberts

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 number: PL / 560 / 01 received on 18 March 2019.

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

- 2 All materials used shall match those set out in the application form received on 18 March 2019.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

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

Proposal

Part retrospective application for construction of raised planters and decking to rear together with replacement of garden fence and installation of an external spiral staircase to rear.

Representations

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

Two letters have been received raising the following concerns:

- Loss of privacy due to overlooking
- It could set a precedent

Four letters of support 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

34 The Causeway is a terraced property in a residential area on St Marys Island built over three storeys. The properties have a direct view of the river from the rear and to maximise this they were built with balconies at first floor level.

Design

This application is part retrospective and seeks to install an external galvanised steel spiral staircase up to the existing first floor balcony. The application also includes the retrospective construction of raised decking, planters and a post and wire galvanised steel fence along the northern boundary of the property. The decking is approx. 0.72m in height, 3.4m in width and 1.7m in depth and is located approx. 2.9m from the boundary with 32 The Causeway and 4.6m from the boundary with 36 The Causeway. The raised

planters are approx. 0.7m in height and the post and wire fence is approx. 1m in height and runs the width of the rear boundary.

With respect to design there are a number of balconies along the waterfront on St Mary's Island which benefit from external spiral staircases, and most notably an application was approved at 42 The Causeway under MC/15/4321. It is therefore considered to be in keeping with the surrounding area and the galvanised steel is also considered a suitable choice of material. Consequently the proposal would be in accordance with Policy BNE1 of the Medway Local Plan 2003 and Paragraph 127 of the NPPF.

In terms of the raised decking and planters, although previous applications approved at 36, 42 and 46 The Causeway have related to raised planters and steps under MC/17/1958, MC/18/0284 and MC/18/1501 similar materials have been used, which includes wooden sleepers and therefore with respect to design it is considered to be in keeping with the surrounding area and in compliance with Policy BNE1 of the Medway Local Plan 2003 and Paragraph 127 of the NPPF. The design of the post and wire fence is also considered acceptable with similar works approved to lower the rear boundary at 28 and 42 under MC/18/0992 and MC/18/0284 respectively.

Amenity

The impact on neighbouring properties has been considered with regard to privacy protection, visual dominance and potential loss of outlook, loss of daylight/sunlight and overshadowing. Due to the nature of the development there would be no impact on neighbouring properties in terms of loss of outlook, daylight/ sunlight or overshadowing. There is also mutual overlooking into the rear gardens of neighbouring properties from the existing first floor balconies. Due to the siting of the spiral staircase in relation to the habitable room windows of neighbouring properties there would be no detrimental impact on the neighbouring amenities in terms of loss of privacy.

The main consideration therefore is the impact of the raised decking and more specifically whether when standing on the decking it allows direct views back into the habitable rooms of neighbouring properties.

Although when standing on the decking there are views over the existing close boarded fences, on balance, and when taking into account the size and positioning of the decking within the garden, its distance from the neighbouring boundaries (approx. 2.9m from the boundary with 32 and 4.6m from the boundary with 36), the landscaped areas that have been provided to both sides of the decking as well as the projecting first floor balconies of neighbouring properties and their upright supports which restrict direct views into the ground floor patio doors, it is considered that this would not be significantly detrimental to neighbouring residential amenity. The development therefore complies with Policy BNE2 of the Medway Local Plan 2003 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.

Local Finance Considerations

No local finance considerations

Conclusions and Reasons for Approval

On balance it is considered the development would not detract from the character of the area, and due to the size and positioning of the raised decking, its distance from adjacent boundaries and the landscaped areas that have been provided to both sides it is not causing harm to neighbouring residential amenity. The development is therefore in accordance with Policies BNE1, BNE2 and T13 of the Medway Local Plan 2003 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/>