

MC/19/1084

Date Received: 24 April 2019

Location: 48 The Causeway St Marys Island Chatham Kent

Proposal: Retrospective application for the construction of a retaining wall to rear

Applicant Mr Duncan Watson

Ward: River Ward

Case Officer: Dylan Campbell

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th July 2019.**

**Recommendation - Approval with Conditions**

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

Proposed section S1 & S2 and block plan-after changes C1 received on 24 April 2019; and Elevation received on 29 May 2019.

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

- 2 All finishing materials used externally in the completion of the retaining wall shall be in render and painted in colour to match those of the existing building.

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**

This is a retrospective application for the construction of a retaining wall to rear. The retaining wall would be 1m in height and sited at the foot of a slope to the rear of the garden. The slope behind the wall would be back filled to be level with the existing gravel walk way 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.

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*

48 The Causeway is a semi-detached 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 were constructed with balconies at first and second floor levels to provide views of the river.

### *Design*

This application is retrospective and seeks permission to construct a retaining wall of approx. 1m in height to the rear of the garden where the land slope upwards. The wall is sited at the foot of the sloping gradient and runs the full width of the garden, and it is proposed to back fill this area of land to increase the land level in line with the river wall access. The wall is constructed from concrete blocks, it is proposed to be rendered and painted to match the existing dwelling and the top of the wall would be finished with concrete caps.

Similar developments have been approved and undertaken at neighbouring properties that include the construction of raised planters and steps, to make use of the slope in the rear garden. These include Nos. 36, 42 and 46 The Causeway, under planning ref: MC/17/1958, MC/18/0284 and MC/18/1501. Alternative materials have been used in some cases, which includes wooden sleepers, however the use of concrete blocks finished in render to colour matching that on the host property would not detract from the

character and appearance of the existing dwelling or similar developments in the area. It is considered that the proposal is in accordance with Policy BNE1 of the Local Plan and Paragraph 127 of the NPPF.

### *Amenity*

The impact on neighbouring properties has been considered with regard to loss of privacy by way of overlooking from the raised area. 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 mutual overlooking into the rear gardens of neighbouring properties from the existing first floor and second floor balconies. The main consideration therefore is the impact of the raised area and more specifically whether when standing in this area it allows direct views back into the habitable rooms of neighbouring properties.

Although when standing on the raised area (to be back filled) there are views over the existing close boarded fences, particularly to No.50. However, on balance, taking into account the existing views towards neighbouring properties from the existing river wall access, which is at the same land level, it is considered that there would not be significant increase of views to neighbouring properties from the raised area, and therefore the development is not considered to be detrimental to neighbouring occupiers. The proposal is in accordance 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.

### *Local Finance Considerations*

No local finance considerations

## **Conclusions and Reasons for Approval**

On balance it is considered the development does not detract from the character of the area, and due to the size and positioning of the retaining wall and raised area, it is not considered to cause harm to neighbouring amenity, specifically privacy enjoyed by Nos. 46 and 50 The Causeway. 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 decision due to recent planning committee decisions to overturn officer's recommendations and refused permission for similar development proposals in the area on grounds of loss of privacy by way of overlooking.

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## **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/>