

- a) **DOV/17/00811 – Erection of a 3-metre by 3-metre timber deck in garden (retrospective) – West Coggers, 61 Granville Road, St Margaret's Bay**

Reason for report: Number of contrary views (10)

- b) **Summary of Recommendation**

Planning Permission be Granted.

- c) **Planning Policies and Guidance**

Dover District Core Strategy Adopted 2010

DM1 - Development will not be permitted outside the confines, unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (NPPF) 2012

- Paragraph 17 states that securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Guidance/Relevant Matters

National Planning Policy Guidance  
Kent Design Guide

- d) **Relevant Planning History**

DOV/15/01125 – Erection of a raised terrace to rear, relocation of front door and creation of window (existing single storey front extension to be demolished) – Granted

- e) **Consultee and Third Party Responses**

St Margaret's Parish Council - No objection.

Public Representations:

Letters of objection have been received from 10 members of the public and are summarised below:

- Loss of Privacy, Overlooking & harm to Residential Amenity – would afford users views directly into neighbouring rooms and gardens. The siting of platform away from the applicant's property affords views into neighbouring

properties and National Trust property. By its use, the platform generates noise and the permanently located plastic chairs are a visual intrusion. No environmental impact assessment has been offered in support of the application

- Siting of platform – next to the boundary with National Trust land. Site is located in a Site of Special Scientific Interest, Area of Outstanding Natural Beauty, Heritage Coast, and National Trust St Margaret's Leas cliff top public access area. When buildings in Granville Road were originally laid out, a building line preventing all construction 20 feet from the rear boundaries was established and has been followed by all other buildings. The different heights of the gardens follow the natural rise and fall of the cliff top and the attempt to raise the height of this property should be resisted.
- Setting - It is inappropriate, out of keeping and if approved would have a prejudicial effect for the area if a precedent was set. Inappropriate development within the curtilage of the Conservation Area.
- Design - Platform is devoid of any design merit. The platform is out of character with the rest of the garden, building or high quality design of the houses on either side. The materials used are inappropriate to the character and context of the location. The design does not preserve or enhance the special area in which it has been constructed.
- Errors in application form – there is a pine tree within 4m of the platform which would be damaged by the retention of the structure. The drawing and planning statement refer to the height of the floor of the platform as 600mm when it is approximately 800mm above ground level.
- Decking was erected without planning permission. The residents already have planning permission to build a decking area which would adjoin their property
- Development of this nature offends local, strategic and national planning guidelines

Letters of support have been received from 16 members of the public and are summarised below:

- Is unobstructive, of a reasonable size and fits with the improvements the applicants have made to their garden. The decking is a well-constructed feature and the wood will weather over time. It enhances the garden.
- Decking will not set a precedent as next door to the right, no. 59 have raised half their garden level by 5-6ft out to the sea boundary and overlook the decking. There are other properties with structures close to the boundary line with the Leas, and in some cases higher than the decking – the precedent is already set. The rural character of the area has already been spoilt by the overdevelopment of "Glass houses".
- It is not detrimental to the occupiers of the adjacent properties. It does not obstruct/ interfere with the views of neighbouring occupiers. You cannot see into a hall and bathroom [referring to No.59]. It is not possible to see into the rooms of either neighbour. All properties in this area overlook each other. The applicants are moving their main viewing area away from their terrace (which is below the bedroom of Little Coggers) which gives their neighbour improved privacy. The platform cannot be seen from The Lees [National Trust Land]. The structure is below hedge level
- The applicants were not aware of the requirement for planning permission before the instalment of the decking

## 1. The Site and the Proposal

1.1 The application site relates to the rear garden of the ground floor flat, 'West Coggers' at no. 61 Granville Road, St Margaret's Bay. No. 61 is comprised of a number of flats, located over the ground, first and second floors of the property. The site is within the village confines of St Margaret's Bay, on a private road and is a significant distance from the St Margaret's Bay Conservation Area. The exterior façade of the property is white rendered finish, with a tiled roof and uPVC windows and doors. Over the years there have been a number of extensions and alterations to the rear of the application property and many of the flats of no. 61 have large windows to the rear elevation and balconies or verandas to take advantage of views across the Channel. The surrounding properties are predominantly detached and of varying architectural styles. The application property is the ground floor flat to the southwest half of no. 61 Granville Road, whilst the flat 'Little Coggers' constitutes the other half of the ground floor of the property. To the southwest of the application site is Sea Cottage (no. 59 Granville Road) and to the southeast is National Trust Land which is a Site of Special Scientific Interest (SSSI). This land is also part of the Heritage Coast and an Area of Outstanding Natural Beauty (AONB).

1.2 The rear gardens of West Coggers (application site) and Little Coggers (to the northeast) are at least 1m lower than the internal floor level of the ground floor flats of No. 61 Granville Road. The gardens are divided by an approximately 1.8m high, well established hedge. Two thirds of the width of the hedge is owned by the applicants. The hedge to the southeast of the site which separates the applicants' rear garden from National Trust land is approximately 1.8m high and owned by the applicants. The rear gardens of West Coggers and Sea Cottage (no. 59, located to the southwest) are separated by an approximately 1.8m high close board fence. The rear garden of this neighbour has been partly raised and levelled and as such is considerably higher than the garden of the application site and of Little Coggers.

1.3 This is a retrospective application which seeks permission to retain a raised deck. The timber deck is 3.0m by 3.0m and is sited to the centre of the southeastern boundary, adjacent to the hedge separating the site from National Trust Land. The timber deck is raised 0.6m above the ground level of the garden and has timber rails to three sides to a height of 1.38m above ground level and steps up from the garden level. The total height of the structure is 1.52m from ground level. It is used as a seating area and affords residents direct views out to sea from the rear boundary of their garden. The deck is sited 9.2m from the dividing boundary with Sea Cottage (no. 59 Granville Road) and 7.2m from the boundary with Little Coggers (61 Granville Road).

## 2. **Main Issues**

2.1 The main issues for consideration are:

- \* The principle of the development
- \* The impact on the character and appearance of the area
- \* The impact on residential amenity

## 3. **Assessment**

Principle of Development

- 3.1 The site is located within the village confines and is ancillary to existing development. It is therefore considered that the principle of the development is acceptable in accordance with DM1, subject to site-specific considerations.

Impact on the Character and Appearance of the Area and Design

- 3.2 By virtue of its siting, the raised timber decking is not readily visible from Granville Road (private road) to the north of the site. Furthermore, given the boundary treatment to the southeast of the site, the decking is not visible from the National Trust Land. When seated, users of the decking are not readily visible from the pathway of the adjacent SSSI, AONB and Heritage Coast land. Given that the boundary treatment is owned by the applicants, it could be lowered or removed at any point and if this were the case, the decking would be visible from the National Trust Land. It would therefore be recommended that a condition be placed on the retention of the hedge. It is not considered therefore that the decking would lead to any unacceptable visual impacts of the character or appearance of neighbouring public areas, including the designations identified.

Impact on Residential Amenity

- 3.3 Sea Cottage, No. 59 Granville Road to the southwest

Sea Cottage is a two storey detached property which has a number of balconies and large windows to the rear elevation. The closest habitable room at ground floor level, a kitchen/ dining room, is located approximately 24m from the raised timber decking. Whilst this room has a full length window, the house is set at a higher level than the decking (at least 1m higher). On balance, whilst the neighbouring occupants may experience perceived overlooking, given the separation distance, change in levels and boundary treatment between the two properties, views into the neighbouring habitable rooms are very limited. Consequently, it is considered that there is no increased loss of privacy or overlooking when sitting on the platform than when standing on ground level at the same location.

- 3.4 Little Coggers, Granville Road to the northeast

Little Coggers is a ground floor flat, adjacent to the ground floor flat of the application site. Due to the way the property has been separated into multiple flats, part of the garden of the application site is directly in front of a neighbouring bedroom window and dressing room. There is currently a raised terrace seating area in front of these rooms which has previously been used by the applicants and would afford users views directly into these rooms. The raised timber decking in question is located approximately 11m from the window of the nearest habitable room, which is a bedroom. There is also a large window serving a dressing room adjacent to this, and a glazed garden room which is used as a dining area. The property also has a large raised balcony area directly to the rear of their flat, which, due to the difference of levels, is at least 1m above the ground level of the gardens. Given the large windows of both the application property and neighbouring flat, there is a high level of mutual overlooking between users of the gardens and surrounding rooms. On balance, whilst the neighbouring occupants may experience perceived overlooking, given the separation distance and the change in levels, it is not readily possible to look into the bedroom and dressing room of the neighbouring property. Whilst it is possible to see into the neighbouring

garden room/conservatory, which is set at the same higher level as the house, the view into this room and the neighbouring garden when sitting on the timber platform is not significantly greater than when standing at ground level in the same location. Consequently, there is unlikely to be a significant loss of privacy to the neighbouring occupiers.

3.5 Given the elevated position of the windows and balconies, it is not considered that the timber decking would harm the privacy or residential amenity of the occupiers of the upper floor flats which form no. 61 Granville Road. There are no other properties in the vicinity that would be directly affected by the proposal.

### **Conclusion**

3.6 The raised timber decking is considered acceptable in accordance with DM1 and does not cause harm to the character or appearance of the street scene or National Trust land to the rear of the site. When considering views to the neighbouring properties when standing at ground level and when sitting on the raised decking, there is only a very limited loss of privacy to neighbouring occupiers which is unlikely to result in harm to the residential amenity of these properties.

g)

### **Recommendation**

- I PERMISSION BE GRANTED subject to conditions which include: i) A list of approved plans (ii) Retention of the boundary hedge to the southwest of the site.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

### **Case Officer**

Rachel Morgan