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Application: DOV/15/00147

22 Lyndhurst Road

River

CT17 0LY

TR 2951:4299



a) **DOV/15/00147 – Retrospective application for the erection of a verandah/
balcony - 22 Lyndhurst Road, River, Dover**

Reason for Report: At the request of Ward Member

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Primary Legislation

- Town and Country (Planning) Act 1990 (as amended)

Dover District Core Strategy 2010

- The Local Development Framework, Core Strategy (2010), sets out policies and objectives for shaping development in the District.

National Planning Policy Framework (NPPF)

- The NPPF sets out a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These should not be taken in isolation, because they are mutually dependent.
- The NPPF also stresses that sustainable development also includes replacing poor design with better design and improving the conditions in which people live (Statement 9)

d) **Relevant Planning History**

Enforcement Case: RIV/14/00193 – Unauthorised erection of a raised balcony/decking area at ground floor level (which is similar to first floor level to the rear) with stairs down to the garden area.

e) **Consultees and Third Party Responses**

- River Parish Council

River Parish Council has no comments but wishes to express its concerns about possible overlooking of adjacent properties in Ash Close and resulting loss of privacy

- Public Representations:

4 letters of objection have been received; the material comments are summarized as follows:

- Design not consistent with the rest of the properties in the surrounding area
- Could have an effect on the character and appearance of the area
- Could increase the perception of overlooking and loss of privacy to residents in Ash Close
- Overlooking and loss of privacy into gardens of Ash Close

- Loss of privacy into rear rooms of properties in Ash Close
- Too high
- Given the height above ground level, any noise on the balcony carries to neighbouring properties

2 Letters of support have been received; the material comments are summarized as follows:

- Improvement upon an un-maintained shed structure which was there previously
- Could already see into the gardens of Ash Close from inside 20 Lyndhurst Road so the views from 22 Lyndhurst would be even closer
- Ash Close has been overlooked since its construction
- Elevated area to rear of the garage of 22 Lyndhurst Road which was part of original construction of these properties, already had a panoramic view of the rear of the properties in Ash Close and new deck is actually further away from the boundaries.
- Ground floor of Lyndhurst Road properties appears to be at first floor level to the rear of the properties given the fall of the land to the rear.

f) 1. Site and the Proposal

1.1 The property is a detached single family dwelling located towards the top of the hill on a bend in Lyndhurst Road. It is a two storey property built on a sloping site which means that the ground floor at the front of the property appears to be first floor level from the rear. When these properties were built, there was no direct ground floor access to the gardens, requiring the owners to go through their garages to their gardens. The neighbouring properties have all, over time, added gantries or balconies/raised decking to gain access to their gardens directly from the rear rooms of their properties. 22 Lyndhurst is the only property which does not have direct access.

1.2 The lack of a direct access does not fit in well with modern living and the owner has constructed a raised decking area and steps down to her rear garden outside of the kitchen/dining area to the rear of her property. The proposal consists of a raised timber decking structure with timber railings and a timber staircase down to the garden towards the side of the deck closest to the boundary with 20 Lyndhurst to the south-east. The proposal also now includes obscure glass screening panels on the end closest to Ash Close to the north-west and the first 0.5 metre across the rear of the deck.

2. Main Issues

2.1 Impact of the new raised decking area on the amenity of the neighbouring properties

2.2 Impact on appearance of host property and the character of the area

3. Assessment

Impact on the amenity of neighbouring properties

3.1 The current, unauthorised raised decking area has given rise to issues regarding increased overlooking and loss of privacy. These issues include both loss of privacy to neighbouring garden areas as well as interlocking

between the application site and the rear rooms of the properties in Ash Close in particular. It should be noted that these objections came in prior to the submission of the detail drawings of the privacy screen. The screening would considerably reduce the interlocking opportunity to the benefit of the neighbouring occupants.

- 3.2 22 Lyndhurst Road has been inspected internally and having looked from the windows of the kitchen and from the patio doors (allowed under permitted development rights), your officer was able to fully see into the neighbouring gardens so there is already significant opportunity for overlooking.
- 3.3 The proposal, as it current stands, includes the provision of an “L-shaped” privacy screen (1.7 metres high) to the north-west end of the decking structure. The screen effectively closes off this overlooking opportunity towards the nearest properties in Ash Close. Accordingly, the proposals, including the screen, would be a benefit to neighbours as it would significantly reduce overlooking opportunities.
- 3.4 Whilst there may be a degree of perception of increased overlooking towards Ash Close, it is considered that with the addition of the screening panels, any increase in perception of overlooking and loss of privacy would be sufficiently mitigated bearing in mind the ready views that can be achieved from existing windows.
- 3.5 The above is also true in respect of the potential for increased interlocking to the rear rooms of the properties in Ash Close, which again would be overcome by the proposed screening.
- 3.6 The design of the decking area is in keeping with those of neighbouring properties in the section of 12 to 22 Lyndhurst Road, all of which have some form of raised platform to the rear of the property across the full width in some cases. The development would not be readily visible from the wider street scene and is therefore considered to be acceptable in terms of design and appearance.

Conclusions

- 3.7 It is considered that the raised decking structure will have a material improvement in amenity to the neighbouring properties given the screening which, along with the railings, would significantly minimize the opportunity for overlooking and interlocking from inside the property.
- 3.8 For the reasons set out above, although the raised decking area may increase the perception of overlooking and interlocking, it is not considered that there is any additional harm caused
- 3.9 Given this, there would seem to be no overriding material planning grounds which would justify a refusal. On balance, it is therefore concluded that planning permission should be granted, subject to appropriate conditions.

g) Recommendation

- I Planning Permission BE GRANTED with the following conditions:

- i) The glazed screening panels as shown in drawing DDD006 Rev 2 received 10/06/2015 be provided within 1 month of the date of any permission and be maintained as such thereafter.
Reason: To ensure the amenity of neighbouring properties is maintained.
 - ii) The raised decking area and the screening panels shall be completed in accordance with the approved drawings.
Reason: To ensure the amenity of neighbouring properties is maintained.
 - iii) The obscurity of the glazing shall be at Pilkington Screening Level 3, its equivalent or above.
Reason: To ensure the amenity of neighbouring properties is maintained.
- II Powers 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

Andrew Wallace