

- a) **DOV/21/00795 – Installation of a freestanding high level link terrace with walk-on skylights over existing courtyard - 134 High Street, Deal**

Reason for report – Number of objections (8)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)(CS)

DM1

National Planning Policy Framework (NPPF) (2021)

7, 8, 11, 130, 201, 202

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

- d) **Relevant Planning History**

19/00424	Variation of Condition 2 to allow changes to approved drawings pursuant to planning permission DOV/15/00489	Granted
17/00993	Erection of an infill roof extension and rooflight to rear roof slope and first floor extension to outbuilding	Granted
16/00586	Variation of condition 2 of planning permission DOV/15/00489 to vary the approved plans to allow the use of UPVC windows in the rear elevation (section 73 application) to the approved dormers to the main building.	Granted
15/00489	Erection of a dormer roof extension to rear roof slope and erection of first floor extension over existing detached studio	Granted
07/01449	Erection of rear dormer roof extension and replacement rear upvc windows	Granted
07/01086	Erection of rear dormer roof extension, alterations to shop front and insertion of rear external staircase and UPVC windows (to facilitate access to self-contained maisonette over existing shop)	Refused
87/00345	Extension	Granted

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

Deal Town Council – Object citing overlooking and over-development.

Public Representations:

7 objections to the proposals received and the material considerations are summarised below. Matters such as property value, etc. are non-material considerations and are not included below.

- Out of character with the area/conservation area.
- Over-development
- Will not be 'freestanding'.
- Will fully cover over garden area.
- Impact the economy due to harm to historic character.
- 100% of the curtilage will be built over.

15 letters of support the proposal as summarised below.

- Will not be visible from High Street or Middle Street.
- Will improve privacy to both Nos. 134 and 132 High Street.
- There are similar terraces in Middle Street, Beach Street and in surrounding properties in High Street.
- Great space with minimal impact on amenity.
- Application garden highly overlooked by No.132 High Street.
- Sympathetic and attractive in design.

f) **1. The Site and the Proposal**

- 1.1 The application site is a 3-storey (plus basement) terraced building on the eastern side of the High Street within the Deal Middle Street Conservation Area. It is mixed use with retail at ground floor level and a residential flat on the upper floors. There is an existing separate 2.5-storey studio to the rear of the courtyard for use as part of the ground floor retail unit. The courtyard is largely filled with a split-level deck that is at ground floor level adjacent to the host building and the studio and lowered within the courtyard. The other building on site is related to the commercial use being a studio space for the sale and framing of artwork.
- 1.2 The application site (above the courtyard) cannot be seen in views from any public vantage point. There are no views from High Street or from Middle Street. Whilst there may be some private views from neighbouring gardens and a shared vehicular access, this is not public land. The courtyard to the north is enclosed by a 2-storey high brick wall forming the rear extension to No.136, to the east by the two-and-a-half-storey studio building within the application site and by the host building to the west. The boundary to the south is somewhat open to the garden of No.132 and there are some existing overlooking and privacy issues between both properties.
- 1.3 The proposal is for a higher level terrace at first floor level which would connect the host building with the first floor of the studio. It would be enclosed on 3no. sides by existing development and with a 1.8m high obscure glazed (sandblasted) screen to the south. There would be walk-on roof lights within the floor of this terrace to provide light to the courtyard below. A door is also to be formed in the studio building at first floor level to replace an existing window.

**2. Main Issues**

- 2.1 The main issues for consideration are:
  - The principle of the development
  - Impact on the street scene and Conservation Area

- Impact on Residential Amenity

## Assessment

### Principle of Development

- 2.2 The site is within the settlement confines of Deal and as such, the proposal would comply with Policy DM1 of the Core Strategy (CS), subject to other material considerations.

### Impact on Street Scene and Conservation Area

- 2.3 As previously noted, the application site cannot be seen in views from either High Street or Middle Street; views from these streets are screened by the host building and the two-storey studio building respectively. Whilst there are some private views, these do not form part of an assessment into any impact on visual amenity or the conservation area. DDC Heritage have raised no concerns with this proposal in terms of the impact on the conservation area. Given this, it is considered that the proposal would have no impact on the visual amenity of the street scene nor on the character and appearance of the conservation area and would comply with Paragraphs 130, 201 and 202 of the NPPF in this regard.

### Impact on Residential Amenity

- 2.4 There are a number of existing residential amenity issues between the application site and No.132 High Street, with a distinct lack of privacy between the private garden spaces and in views from within the application site between the commercial and residential uses. No.132, like the application site, is in a mixed retail use (ground floor) with a flat above and the garden has both retail and residential use. There is a 2-storey spiral staircase serving the flat at No.132 which has unobstructed views into the courtyard of the application site. The two rear decked areas of the application site afford a full view of the garden at No.132 as well as views back towards the rear elevation, including from the commercial studio, allowing a high degree of overlooking.
- 2.5 A 1.8m high obscure glazed screen is proposed enclosing the southern side of the proposed terrace resulting in a very limited potential for overlooking, interlooking or loss of privacy. This terrace would largely block views from the rear windows of No.132 into the courtyard and from the windows of the host building to the garden of No.132. The terrace would not result in any loss of light or outlook to No.132 due to the residential use being sited at first floor and above and the design of the proposed raised terrace. The 1.8m high obscure glazed screen would prevent views into the rear first floor window of the adjoining property which is in residential use as a flat associated with the ground floor retail unit. The main concern is that the terrace, with a 1.8m high screen, could result in an overbearing impact on No.132. This said, the application site is enclosed to the north by a 2-storey brick wall and the proposed terrace would be more lightweight than a brick wall to achieve an improved level of privacy between these two rear garden spaces. It is considered, on balance, that the benefits of the terrace in terms of improved residential amenity to both the applicants and their neighbours would outweigh any minor overbearing impact. Given this, it is considered that the proposal would not result in an unacceptable level of harm to existing residential amenities and would actually result in a significant improvement. The proposal would comply with paragraph 130(f) of the NPPF. It is important that the obscure glazed screen is installed prior to the first use of the

terrace and this can be secured by a condition. No concerns were raised with regard to the impact on the Barbican.

**3. Conclusion**

- 3.1 The proposal would have no impact on the visual amenity of the street scene nor on the character and appearance of the conservation area. There would be an overall improvement in residential amenity terms. As such, it is considered that the proposed development would comply with the aims and objectives of the NPPF and the CS.

**g) Recommendation**

- I Planning permission be GRANTED subject to the following conditions:
  - 1) 3-year commencement
  - 2) In accordance with approved plans
  - 3) Provision of 1.8m high glazed screen prior to first use.
- II Powers to be delegated to the Head of Planning, 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