

- a) **DOV/22/01617 - Construction of a balcony to front elevation with two windows replaced with French doors to first floor - 37 The Marina, Deal**

Reason for report – Number of contrary views (8)

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1

Local Plan (2002) Saved policies

Draft Dover District Local Plan (March 2023) - The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF.

The relevant policies are:

PM1 – Achieving High Quality Design

H6 – Residential extensions and annexes

HE1 – Designated and Non-designated Heritage Assets

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130

- d) **Relevant Planning History**

22/00820 - Erection of front and rear dormer roof extensions, front balconies to first and second floors, replacement windows and installation of glazing to gable end – Refused

22/01619 - Certificate of Lawfulness (proposed) for hip to gable roof, rear dormer window, front rooflights to facilitate a loft conversion and 2 no Juliette balconies to front first floor - Granted

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

Representations can be found in full in the online planning file. A summary has been provided below:

Deal Town Council – Objection. Due to balcony not in keeping with architectural integrity and heritage of this historic terrace. Impedes users Right of Way across the front of the building and is detriment to those people using mobility aids.

Heritage – While the offending dormer extension has been removed, which is a significant positive... the balcony and French doors would cause disruption to the simple character of the building; as noted previously, this end of the terrace has not been altered to any significant degree and therefore retains its historic character to a much greater extent than the other end of the terrace which has become cluttered and disharmonious with the consistent character of the terrace heavily eroded. The balcony at least is light in construction and will hopefully not be too visually intrusive.

Third party Representations:

8 representations of objection have been received and are summarised below:

- Loss of privacy caused by balcony
- Overlooking to private garden space at 38 The Marina
- Detrimental to historic character of cottages
- Right of way compromised by legs of balcony
- Noise and disruption during construction

13 representations in support of the proposals have been received and are summarised below:

- Isn't highly visible
- Balcony won't set a precedent
- Similar proposals nearby
- The cottages have evolved over time due to other alterations
- Good design
- Sympathetic to area and building

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

1.1 The application site relates to a two storey dwellinghouse located at the northern end of a row of terraced properties, previously known as the Coastguard cottages. The front of the property faces out to Deal beach, with the rear gardens extending to Sandown Road. The property is bounded by 36 The Marina to the south, as shown on Figure 1.



Figure 1: Block plan

- 1.2 This application seeks permission for the construction of a balcony to the front (east) elevation with 2no. windows replaced with French doors at first floor.

## **2. Main Issues**

- 2.1 The main issues for consideration are:

- The principle of the development
- The impact on visual amenity
- The impact on residential amenity

### **Assessment**

#### Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 CP1 states that the location and scale of development in the district must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy.
- 2.4 Policy DM1 seeks to ensure that new development is located within the urban boundaries and rural settlement confines unless ancillary to existing development or uses. As the proposals are ancillary to the residential use of the property and located within the settlement boundary of Deal, the proposals would accord with DM1.

#### Visual Amenity

- 2.5 The application site sits at the end of a row of houses, which are similarly designed. The properties have an uninterrupted roofslope, with variations including balconies set to the front elevation facing towards Deal beach.
- 2.6 From The Marina, views of the northern end of the terrace are partially obscured from wider viewpoints by the coastguard building which abuts the highway.

- 2.7 The proposed balcony as shown on Figures 2 and 3, would be at first floor level, together with the change to the fenestration to support the balcony. The size and scale of the proposed balcony would be similar to others present within the row of properties. The design is light in construction and would not be visually intrusive to property. The balcony is considered to acceptable and would not create an unacceptable change to the front elevation.



Figure 2 – Proposed Front elevation

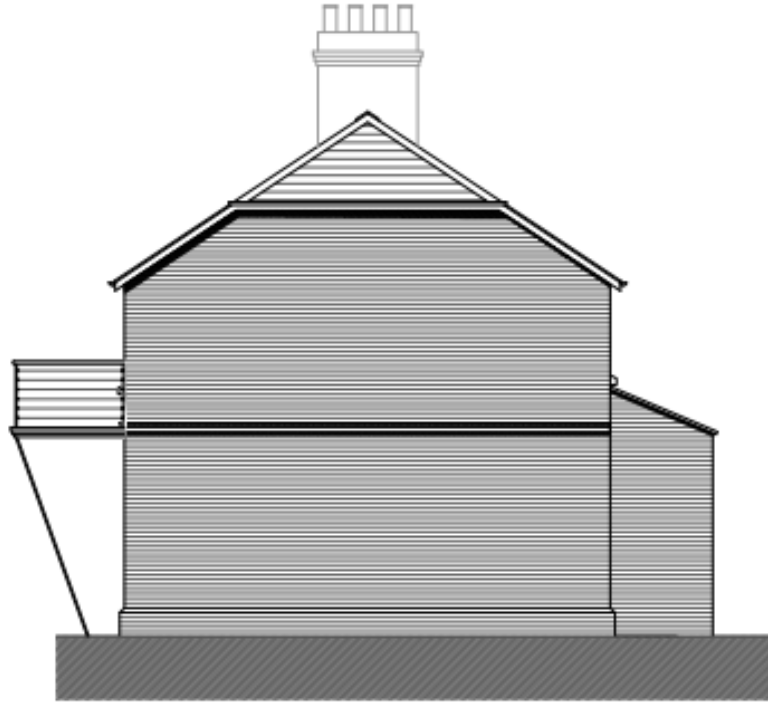


Figure 3 – Proposed side (north) elevation

- 2.8 The proposed French doors would be a minor change to the front elevation. A number of other properties within the terrace have French doors to facilitate the use of their balconies. The addition of French doors within this elevation is not considered to be detrimental to the property and are considered to be acceptable
- 2.9 For the reasons above, the works are considered to be acceptable, resulting in no harm to the street scene, in accordance with Paragraph 130 of the NPPF (2021).

#### Residential Amenity

- 2.10 Due to the nature of the proposals, it is not considered that there would be any overbearing impact or overshadowing to neighbouring properties.
- 2.11 Concerns were raised regarding loss of privacy to neighbouring properties, as a result of the introduction of a balcony. The balcony would be located on an elevation which already has first floor windows, which could overlook private garden areas of neighbouring properties. It is therefore considered that the proposals would not result in an unacceptable loss of privacy to neighbouring properties.

#### Other Matters

- 2.12 A number of objections have raised concerns regarding the obstruction of an historic Public Right of Way. There is no existing Public Right of Way which would be affected by the development and it is not considered that the possible presence of a footpath which has now ceased to exist is material to the determination of this application.

2.13 Some objections raised concerns with the proposals being detrimental to the historic character of the properties. DDC Heritage were consulted on the application and raised concerns regarding the French doors, and the visual disruption within the end of the terrace. While it is accepted that this end of the Coastguard cottages is largely unaltered, the proposal would be a lightweight and visually permeable addition to the frontage, would be partially screened in views from the road and would be seen in the context of other similar additions to the frontage. Whilst it is acknowledged that the frontage would be altered by the proposal, on balance, it is not considered that the development would cause such harm so as to warrant refusal.

### **3. Conclusion**

3.1 The proposed balcony, together with the alterations to fenestration, are considered to be acceptable. Due to their siting, scale and design, the proposals would not significantly negatively impact the character and appearance of the street scene or the row of cottages. For this reason, it is recommended that permission be granted.

### **g) Recommendation**

I PLANNING PERMISSION BE GRANTED, subject to the following conditions:

- 1) Standard time condition
- 2) In accordance with the approved plans

II Powers to be delegated to the Head of Planning 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

Amber Tonkin