

a) **DOV/23/00551 - Erection of first-floor rear extension - Flat 2, 42 The Marina, Deal**

Reason for report – Number of contrary views (11)

b) **Summary of Recommendation**

Planning permission be approved.

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 and H6

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

d) **Relevant Planning History**

No planning history for Flat 2

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. Unless issues of loss of light and the overlooking onto neighbouring properties are addressed.

Third party Representations:

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

- Out of character with block of flats
- Loss of light to basement flat and garden
- Loss of views
(Officer comment- this is not a material consideration)
- Loss of privacy
- Will create a precedent
(Officer Comment– each case is dealt with on a case by case basis)
- Impact on flora and fauna due to loss of light
- Will be too close to neighbouring window
- Lack of details provided about construction
- Loss of light to rooflight of flat below

1 representation has been received and is summarised below:

- Loss of view from bedroom window
- Party wall agreement query

- Query the construction method and how it'll impact surrounding properties

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

- 1.1 The application site relates to a four-storey property which has been divided into flats. The site is located in the middle of a row of terraced properties to the west of The Marina, within the settlement confines of Deal. The front of the terrace faces out to Deal beach. The application site is bounded by 43 The Marina to the north and 42 The Marina to the south.
- 1.2 This application seeks permission for the construction of a first-floor, flat roof, cantilever rear extension to the west elevation. The extension would project approximately 1.7 metres and be finished in dark grey, horizontal weatherboard.

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(CS).
- 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.

Impact on Visual Amenity

- 2.5 The application site sits within a terrace of properties, which from the front are similarly designed with minor changes over time. The rear elevation of the terrace is varied, with some flat roof and pitched roof projections present along the terrace.
- 2.6 The design of the proposed extension would be a flat roof, with horizontal weatherboard in dark grey. The existing 6 over 6 sash window would be retained and reused within the extension.
- 2.7 The proposed extension as shown on Figure 2, would be at first floor level, and as shown on Figure 3, would project out from the main building. The size and

scale of the proposed extension would be similar to other rear projections present within the terrace. The design is considered to be acceptable and would not create an unacceptable change to the rear elevation.

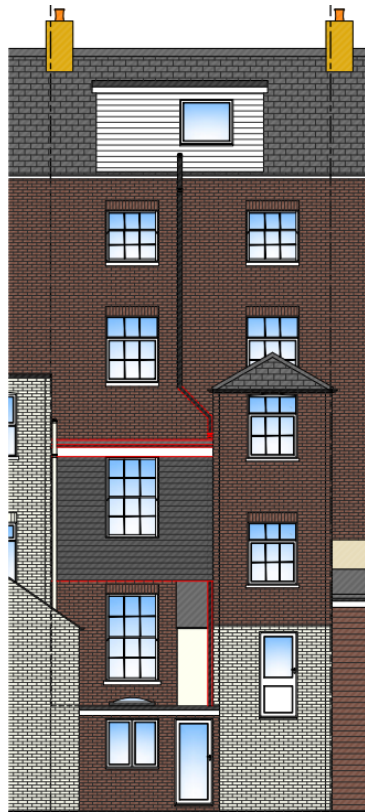


Figure 2 – Proposed rear elevation

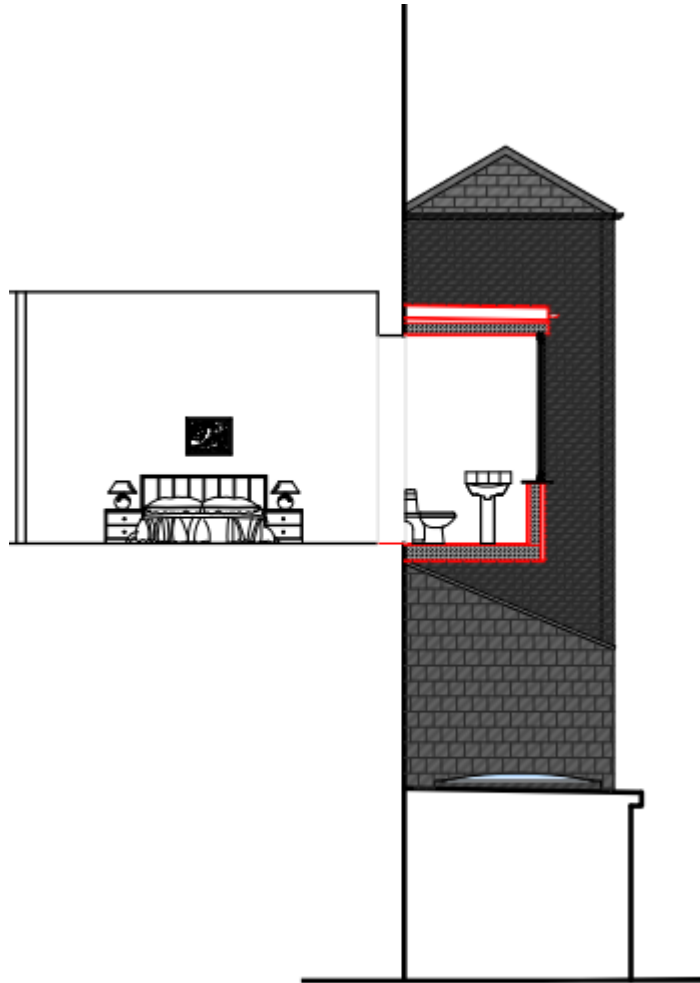


Figure 3 – Proposed Section

- 2.8 For the reasons above, the extension is considered to be acceptable, resulting in a no harm to the street scene, in accordance with Paragraph 130 of the NPPF (2021) and Policy H6 of the Draft Local Plan.

Impact on Residential Amenity

- 2.9 Concerns were raised from third parties regarding loss of light and privacy to nearby properties, and most notably the properties on Sandown Road which back on to the application site. The extension would be located on an elevation which already has first and second floor windows, which could overlook private garden areas of neighbouring properties. The rear boundary of properties on Sandown Road is at least 18 metres away. It is therefore considered that the proposals would not result in an unacceptable loss of privacy to neighbouring properties. In addition to this, the window in the extension would serve a bathroom. In this instance, it is considered that it would be reasonable to include a condition to require the window to be non-opening and fitted with obscure glazing.
- 2.10 A number of neighbour comments also stated that the extension would result in a loss of light to their kitchen and bedroom windows. Due to the location of the proposed extension, there may be some loss of light to the rooflight at basement level and ground floor window. In respect of the basement, there is a secondary window on a western elevation, which would only have sunlight throughout the

latter half of the day. In respect of the ground floor, the extension would only protrude approximately 1.7m beyond the rear elevation whilst the window is already enclosed to its sides. Due to these factors the loss of light would, on balance, not warrant refusal.

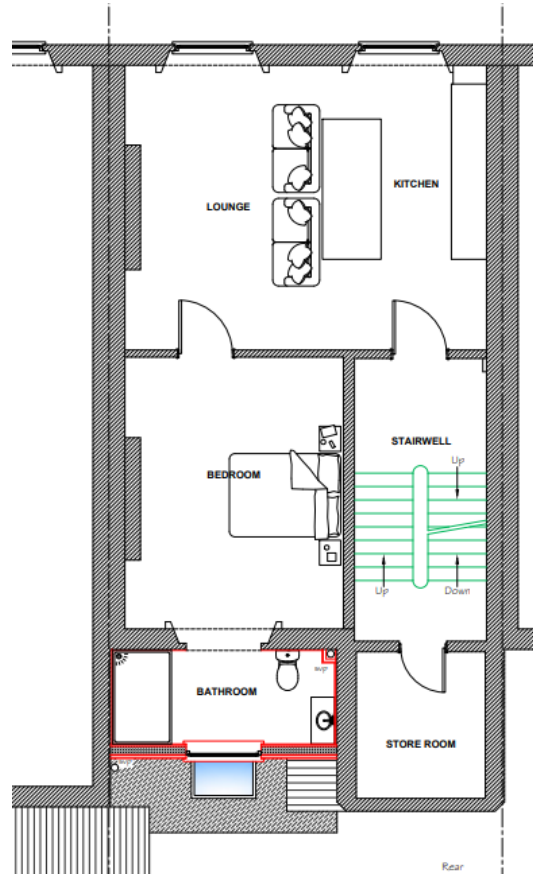


Figure 4: Proposed First Floor Plan

Other Matters

- 2.11 An objection raised concerns regarding impact on flora and fauna due to loss of light. The projection of the extension is approximately 1.7 metres. This would not materially impact upon wildlife or plants within the garden.

3. Conclusion

- 3.1 The proposed extension, due to its siting, scale and design is considered to be acceptable and would not negatively impact the character and appearance of the street scene or the terrace of properties. Furthermore, for the reasons explained above, the proposals are not considered to result in significant harm to the amenity of neighbouring properties. It is therefore 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
- 3) Non-opening window with obscure glazing

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

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).