

**A02**

**FH/TH/17/0743**

PROPOSAL: Part retrospective application for the raising of part of the rear garden, and erection of outbuilding.

LOCATION: 30 Kent Road MARGATE Kent CT9 3SN

WARD: Dane Valley

AGENT: No agent

APPLICANT: Mr Flamur Hykaj

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawing labelled elevations received 26 June 2017, and block plan received, 21 November 2017.

GROUND:

To secure the proper development of the area.

3 Within one month of the date of this permission, a 1.8m high close boarded fence, measured from the approved ground level of the garden within the application site, shall be erected on the boundary between numbers 30 and 32 Kent Road as indicated on the submitted plan received 21 November 2017, and shall thereafter be maintained.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

#### SITE, LOCATION AND DESCRIPTION

The site is located on the eastern side of Kent Road, close to the centre of the street. The area is predominantly characterised by two storey semi-detached dwellings with modest front gardens. The properties on the eastern side of the road at set above road level and the

properties on the western side are set below road level due to the changing land levels. Number 30 is a two storey semi-detached dwelling set on the eastern side of the road.

### PROPOSED DEVELOPMENT

This is a part retrospective application for the alteration to the level of the rear garden together with the proposed erection of a single storey outbuilding in the rear garden. Previously this application was reported to members in September, and subsequently the application has been amended to include the change in land levels, which was the subject of the Committee's resolution for officers to investigate.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan Policies**

D1 - Design

### NOTIFICATIONS

This application was initially only for the erection of an outbuilding in the rear garden. Neighbouring notification letters were sent to the properties directly surrounding the site and a site notice was posted near the site. Four letters of objection have been received from one person raising the following concerns:

- o Outstanding enforcement complaint regarding the rear garden land levels
- o Loss of light and outlook
- o Noise disturbance
- o Light pollution
- o Erection of an annex
- o Appearance of the proposed outbuilding
- o Damage to boundary fence
- o Height of the proposed boundary fence

Further neighbour notification letters were sent following the amended description and plan including the raising of the land. One further letter was received from the same objector raising the following concerns:

- o Plans do not reflect the current ground levels
- o The outbuilding is too large for the plot
- o New fence and ground level at 2.35m is too high
- o Loss of light
- o Oppressive and unsightly appearance
- o Existing fence will not support the altered land level
- o No provision for rainwater removal

### CONSULTATIONS

None received.

## COMMENTS

This application is brought before members by Cllr Gary Hillman to consider the impact of the development on the residential amenities of the adjoining occupiers.

### **Character and Appearance**

The altered land level is located in the rear garden 4m behind the rear elevation of the property. The raised area extends across the full width of the garden and to the front elevation of the proposed outbuilding.

The proposed outbuilding will be located in the rear garden of the property adjacent to the boundary with number 32 and set back from the main rear elevation of number 30 by 15.5m and the existing rear extension by 12.5m. The outbuilding will be constructed from a glazed UPVC frame with concrete blocks on the south-western side adjacent to the boundary with number 30 Kent Road.

A 1.8m close boarded fence is proposed on the southern boundary of the site extending for 7.5m from the front elevation of the proposed outbuilding towards the rear elevation of number 30.

Due to the rear garden location and the setback from the main property it is considered that the proposed outbuilding, altered land levels and boundary fence will have limited visibility from the street scene and no significant impact upon the character and appearance of the area, in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The proposed outbuilding has a hipped roof and will measure 4.1m wide, 5.3m deep, 2.2m to the eaves and 3.7m to the ridge. On the south-western side the outbuilding will have a wall constructed from concrete blocks which measures 6.2m deep and 2.5m high. The submitted block plan shows that the proposed outbuilding will be situated on the boundary with number 32 Kent Road and 12.5m from the rear elevation of number 30. At the closest point there is a separation distance of 13.5m to the rear elevation of number 32. The proposed outbuilding will have glazed doors and windows on the north-western elevation facing towards the rear elevation of number 30. Due to the proposed location of the outbuilding and the separation distance outlined above it is considered that there will be no significant sense of enclosure to the neighbouring properties as a result of the development.

An area of land in the rear garden of the application site starting 4m from the rear elevation of the property has been raised to create a level area. This area measures 7.5m deep and 7.5m wide, extending across the full width of the garden and is bound at the western end by a wall and meets the existing land level of the garden where the front elevation of the outbuilding is proposed to be located. The applicant's agent has submitted plans showing the maximum increase in levels to be 0.35m which is the height of the concrete block that is

located above the concrete gravel board supporting the existing fence on the boundary between number 30 and 32. Letters of objection has been received stating that the land levels have been increased by 50cm and 55cm. Site visits have been conducted with the Council's Planning Enforcement Officer and photos have been submitted by both the applicant and the objector, however given the age of the photographs and that the alterations to the land levels have already been completed it is not possible to conclusively prove the exact increase in garden level. The increase in garden level does require planning permission, and therefore the assessment of the impact of this increase on the living conditions of the neighbouring property occupiers, is based upon the existing land levels in situ on site.

The existing land levels currently allow for overlooking towards the garden of number 32 Kent Road and result in a loss of privacy to the neighbouring property occupiers, however this application proposes to erect a 1.8m close boarded fence on the raised level from the north-eastern elevation of the proposed outbuilding to the edge of the raised area closest to the rear elevation of number 30. This fence would extend for a depth of 7.5m and finish 4m from the rear elevation of number 30. A 1.8m fence along this boundary would prevent any overlooking from the proposed outbuilding and the raised garden area to 32 Kent Road. A 2m high fence could have been erected on the original ground level without the benefit of planning permission and the maximum increase in the land level that has been claimed is 0.55m. Therefore, the erection of a 1.8m fence in this location would give a maximum height of 2.35m above the previous land level, 0.35m above the height of a fence which could have been erected under permitted development rights. Given the separation distance of 4m from the fence to the rear elevation of the property, the increased land level and fence at a maximum height of 2.35m is not considered to result in any significant loss of light or sense of enclosure to the neighbouring property.

Concern has been raised regarding potential noise and disturbance and light pollution from the outbuilding. However due to its modest size and location it is considered that the outbuilding will not result in a significant increase of noise disturbance or light pollution to the neighbouring properties to warrant refusal of the application.

Given the above it is considered that the proposal would meet the criteria of saved policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

The outbuilding is not considered to be a habitable room and does not increase the number of bedrooms at the property; therefore it is considered that there will be no significant change in highway safety or parking.

### **Other Matters**

Concern has been raised about damage to the neighbouring property and fence through construction and the altered land level; however this would be a civil matter and is not a material planning consideration.

The proposed outbuilding is unlikely to result in a significant amount of rainwater discharge and given the permeable nature of the surrounding garden there is unlikely to be any significant drainage issues arising from the proposal. Any damage to neighbouring property would be a civil matter.

Concern has also been raised about the erection of an annexe in the rear garden. A separate application for planning permission may be required if an additional outbuilding to be used as an annexe is to be erected. The use of the proposed outbuilding is ancillary to the main dwelling; any other use is likely to require an application for the change of use.

Matters have been raised regarding development of a front boundary at no.30. This is a separate planning enforcement matter and is not considered through this application.

### **Conclusion**

In conclusion it is considered that the proposed development would not have a significant impact on its surroundings or residential amenity and accords with Local Plan Policy D1 and the National Planning Policy Framework. It is therefore recommended that members approve the application, subject to safeguarding conditions.

### **Case Officer**

Duncan Fitt

TITLE: FH/TH/17/0743

Project 30 Kent Road MARGATE Kent CT9 3SN

Scale:

