

A02

FH/TH/23/0610

PROPOSAL: Raising of rear garden level by up to 1m to form raised turfed terrace (Retrospective application)

LOCATION: 52A Stone Road BROADSTAIRS Kent CT10 1DZ

WARD: Bradstowe

AGENT: Mr T Michael

APPLICANT: Mr And Mrs B And A Goddard

RECOMMENDATION: Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 002A, 003A and details of fencing received and dated 12th September 2023.

GROUND;

To secure the proper development of the area.

2 Within 3 months of the date of this permission, the 1.8m high close boarded fencing shall be erected to both sides of the raised area, as shown on the amended proposed site plan and existing and proposed elevations received 22 September 2023, and thereafter maintained.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

SITE, LOCATION AND DESCRIPTION

Stone Road is a long residential street close to the centre of Broadstairs that is characterised by a large variety of different properties. 52A and 52 Stone Road are both similar in appearance, however this is unusual for the wider street scene. This application relates to

works in the rear garden of the property. The rear of the property is visible from a garage parking area at the western end of Wings Close.

RELEVANT PLANNING HISTORY

FH/TH/20/0006 - Extension of roof to increase height of ridge, erection of 2no. dormers and 3no. rooflights to rear, insertion of 1no. rooflight to front, insertion of window to second floor side elevation together with erection of 2-storey rear extension and provision of rear patio and steps and alterations to fenestration. Granted 25 February 2020

FH/TH/19/0014 - Extension of roof to increase height of ridge, insertion of 3No. dormers to rear, window to second floor side elevation and roof lights to front together with the erection of a two storey rear extension, provision of rear patio and steps and alterations to fenestration. Granted 08 July 2019

PROPOSED DEVELOPMENT

This is a retrospective application for the raising of rear garden level by up to 1m to form raised turfed terrace. The raised area is located in the rear garden surrounded by white rendered walls. A path remains between the raised area and the boundary fence at a lower level on all sides.

Following concerns raised by Officers an amended plan has been submitted adding 1.8m high close boarded fencing to both sides of the raised area and altering the outline of the existing boundary fencing to reflect that which is on site.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP35 - Quality Development
SP37 - Climate Change
CC02 - Surface Water Management
Gi04 - Amenity Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

BSP3: Protecting and Providing Important Trees
BSP9 - Design in Broadstairs & St. Peter's

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

Two letters of objection have been received raising the following concerns:

- Insufficient consultation
- Works have been completed without planning permission
- Insufficient information
- Inaccurate plans
- Development does not comply with permitted development
- Development does not comply with building regulations
- Loss of outlook
- Impact upon property values
- Contrary to Thanet Local Plan
- Loss of privacy
- Height of the boundary fence
- Loss of light
- Sense of enclosure
- Breach of covenant
- Health and safety

Broadstairs and St Peter's Town Council - The Committee recommends REFUSAL on the grounds of increased height of the garden, loss of privacy and light to neighbours. (Unanimous)

The Broadstairs Society - Even though it is a retrospective application the Society can find no reason for it to be granted retrospectively. Having looked at the photographs supplied by a neighbour, privacy is clearly breached.

CONSULTATIONS

None received.

COMMENTS

This application has been brought before members by Cllr Bayford to consider whether the increased height of the garden and fence would result in loss of privacy and loss of light.

Principle

The site comprises an existing dwelling located within the urban confines of Broadstairs. The principle of extensions and alterations, including to the garden and boundary treatment, within the curtilage of an existing dwelling is considered acceptable subject to all other material considerations.

Character and Appearance

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.

The alterations to the land levels and boundary treatment are located in the rear garden of the property. Due to this location, they have limited visibility from Stone Road. Some views can be obtained from the garage parking area at the western end of Wings Close, however given the context of these views and the change in land levels this development is not considered to be highly prominent. Therefore the development does not have a significant impact upon the character and appearance of the area, thereby preserving visual amenity in line with policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The raised area has increased the height of the garden to a similar level to the ground floor of the dwelling. It is set away from the boundary with number 54 Stone Road by 2.3m, the rear boundary by 1.6m and the boundary with 52 Stone Road by 1.2m. Between the raised area and the side and rear boundaries of the site a path remains around the edge of the garden that is accessed from slopes at either side of the raised area. The amended plan includes the erection of a 1.8m high close boarded fence to both sides of the raised area. Due to the location of the raised area and the fencing, set away from the side boundaries of the property, this development is not considered to result in any significant loss of light or sense of enclosure to the neighbouring dwellings.

Subject to the installation of the proposed 1.8m high close boarded fencing this development is not considered to result in any significant overlooking to the adjacent neighbours on Stone Road. Fencing would remove the current ability to stand on the raised area and directly view into the neighbours private garden area, which currently results in significant harm to the living conditions for existing occupiers. The proposed close boarded fencing would be conditioned to be installed within 3 months of the date of permission being granted and thereafter maintained in situ.

The rear boundary of the site is shared with a parking area that is accessed from Wings Close and the rear boundary of 5 Wings Close. The parking area is not a private area and therefore this development is not considered to result in any significant overlooking to this area. There is soft landscaping both within the site and on the boundary in the rear garden of 5 Wings Close. There is also a separation distance of 15m from the rear edge of the raised area to the rear elevation of this neighbouring property. Given this arrangement this development is not considered to result in a significant increase in overlooking to the rear neighbour to warrant refusal of the application.

Any alterations to the fencing on the northern side boundary have not been submitted for consideration as part of this application.

Subject to the condition requiring the installation and retention of the close boarded fencing to either side of the raised area this development is not considered to result in any significant loss of light, sense of enclosure or overlooking to the neighbouring properties, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The development is located away from the boundary with the highway, makes no alteration to the existing off street parking and does not increase the amount of habitable accommodation on the site. It is therefore considered that this development does not result in any significant harm to highway safety.

Biodiversity

The development is located within the curtilage of an existing residential dwelling. Given this location and the nature of the works this development is not considered to result in any significant harm to biodiversity in the area.

Other Matters

The impact of a development upon property values is not a material planning consideration.

Concern has been raised regarding the safety of the raised area and the potential for people to fall from the sides. The site comprises private land that is not readily accessible to members of the public. This development would therefore present limited risk to members of the public and use of this area by the applicant and people invited onto the property would be at their own risk.

Concern has been raised that insufficient consultation has been completed. Letters were sent to all properties that immediately border the red line of the site and a site notice was posted close to the site. Both the letters and site notice provided members of the public with 21 days to comment on the application, in accordance with the Council's Statement of Community Involvement. It is therefore considered that the Council has complied with its duty to consult on the application.

Concern has been raised regarding works being completed without planning permission. Whilst applications should be submitted prior to works commencing, retrospective applications are considered in the same way as proposed applications.

Concern has been raised regarding covenants on the site restricting this development and that the development does not comply with Building Regulations. Covenants and Building Regulations are covered by separate legislation that falls outside of the planning system and are therefore not a material planning consideration.

Concern has been raised that this development does not comply with permitted development. The Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended) set out works that can be completed without the need to apply for planning permission. Works that exceed what can be completed under permitted development require an application for planning permission and are considered on their own merits.

Concern has been raised that insufficient information has been provided with the application and the plans that have been submitted are inaccurate. Following submission of the amended plans it is considered that sufficient information has been submitted for the Council to determine the application.

Conclusion

It is considered that whilst this development has altered the levels of the site, subject to the conditions requiring the installation and maintenance of the proposed fencing, the raised area would not result in any significant harm to the character and appearance of the area, the living conditions of the neighbouring property occupiers, highway safety or biodiversity. It is therefore recommended that this application is approved.

Case Officer

Duncan Fitt

TITLE:

FH/TH/23/0610

Project

52A Stone Road BROADSTAIRS Kent CT10 1DZ

