

**A02**

**FH/TH/24/1145**

PROPOSAL: Replacement of existing rear window with door following demolition of existing conservatory and installation of steps

LOCATION: (retrospective)

24 Picton Road Ramsgate Kent CT11 9QA

WARD: Central Harbour

AGENT: No agent

APPLICANT: Mr Peter Regan

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered PR/05 and PR/07 received 16 October 2024.

**GROUND:**

To secure the proper development of the area.

**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**

The property is a two storey semi-detached dwelling attached to No 22 Picton Road. The property has previously been extended with a single storey extension to the rear and a conservatory to the side with timber steps leading into the garden.

**PLANNING HISTORY**

None

**PROPOSED DEVELOPMENT**

The application seeks retrospective planning permission for the replacement of the rear window within the existing rear extension with bi-folding doors and the installation of steps leading into the garden. The window has been installed and the stairs partially completed, following the removal of the existing side conservatory and timber steps.

## PLANNING POLICIES

### **Thanet Local Plan 2020**

SP35 - Quality Developments

QD02 - General Design Principles

QD03 - Living Conditions

## NOTIFICATIONS

Neighbours have been notified and a site notice posted and one representation has been received raising the following concerns:

- The conservatory, that had no planning permission, obscured the view into neighbouring properties
- The original ground level has been raised allowing loss of privacy, overlooking and loss of amenity.
- The raised platform allows direct views into our ground floor kitchen and dining room, front section of hallway, and full view of our outside toilet and full garden.
- The height of the walls and fences on top is 6ft
- Do not agree that the top tread (630mm deep) is too narrow for a chair, or wide enough for someone to stand comfortably for any period - My garden and home chairs and all bar large lounge chairs would easily fit on a 63cm wide platform that is 8ft long.
- The height of the boundary wall and fence on our side is 8ft 11 inches, to obscure the applicants view we would have to raise this by an extra 3ft 6 inch's, this would see us with a boundary wall and fence of 12ft 5 inches, this would be something nearly all would consider very unreasonable.
- Permanent obscuring walls should be required to prevent loss of privacy, overlooking and loss of amenity
- We find the raised platform to be a legal nuisance (Supreme Court ruling, Fearn v Tate Gallery)
- In 2011 the same property breached the same planning policy by building the same height raised platform and was made to remove it by Thanet DC planning Dept.

## COMMENTS

This application is reported to the Planning Committee at the request of Cllr Austin to enable Members to consider the impact of the development on neighbouring privacy.

The main considerations in assessing the application are the impact on the character and appearance of the area and impact on the living conditions of neighbouring residential occupiers.

### **Character and Appearance**

Thanet Local Plan Policy QD02 requires new development to be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces. This policy is further supported by paragraph 135 of the NPPF which states that decisions should ensure that development will function well and add to the overall quality of the area, and are sympathetic to local character and history, including the surrounding built environment.

The development is located to the rear of the property and is not visible from Picton Road. There are no alterations proposed to the front elevation of the dwelling and, as such, there is not adverse impact on the character and appearance of the area or the streetscene.

The window within the rear extension has been removed and replaced with bi-folding doors and stairs providing access into the garden. The stairs extend across the width of the extension and are constructed of brick/concrete and are required due to the significant drop in land levels from the rear of the property. Access from the kitchen into the rear garden was previously through the conservatory and timber stairs erected to the side of the property.

The existing conservatory and stairs have been removed, however photographs submitted with the application show how poorly it related to the main dwelling, appearing as an unsympathetic addition exacerbated by the design and location of the stairs, which projected awkwardly into the garden. The bi-folding doors sit centrally within the extension and the stairs sit comfortably against the neighbouring boundary with the adjoining property No 22.

Views of the bi-folding doors and stairs may be visible from surrounding gardens and windows, however there is a neutral impact on the character and appearance of the wider area and the application therefore accords with the requirements of policy QD02 and the NPPF.

### **Living Conditions**

Properties to the rear of the application site, fronting South Eastern Road, are at a lower land level and at a distance of more than 25 metres. It is unlikely that there would be overlooking or loss of privacy from the alterations towards these neighbours. The development is located away from neighbouring windows and, therefore, there is a neutral impact on light and outlook.

Concerns have been raised that the garden level has been raised by hardcore, thereby creating additional overlooking from the raised height of the development. It is generally accepted that landscaping can result in land levels being altered, however this does not normally require the benefit of planning permission. A change in height, from the original ground level, of 30cm would not normally require consent. In this instance the natural land levels drop from front to rear and it is accepted that properties experiencing such land level changes may carry out minor landscaping to adjust this to make areas of the garden more usable.

The adjoining neighbour (No 22) has a large raised terraced area to a similar depth of the extension and stairs within the application site. The bi-folding doors open towards the boundary with the adjoining neighbour and the open door restricts direct views towards the neighbouring property from the top of the steps. There is no platform area adjacent to the bifolding doors, with the stairs from the extension quickly dropping to garden level where there is the normal mutual overlooking between neighbouring properties, and the development would not, therefore, lead to unacceptable overlooking or loss of privacy towards this neighbour.

There is a separation distance of approximately 3 metres, from the flank elevation of the extension and the stairs, to the common boundary of the unattached property (No 26). Concerns have been raised by the neighbour that the development results in overlooking and loss of privacy, from the raised platform, into the ground floor kitchen and dining room, front section of hallway, and full view of our outside toilet and full garden. The top step is the same depth as the steps from the former conservatory, and this is shown as 0.6 metres from the rear elevation. The door cill reduces this depth slightly, and the steps leading into the garden are the same design and depth as the steps to the garden from the former conservatory.

When visiting the property it was possible to look across neighbouring gardens from the top of the stairs, however it was not possible to look directly into the neighbouring windows. With the addition of the handrail to the edge of the steps, potential sideways views would be even more restricted. It is noted that the previous conservatory had high level window openings and obscure glazing on the elevation facing the boundary with No 26, and the stairs were of similar height to the stairs installed to the rear of the extension. The door from the kitchen into the conservatory has been blocked up and the bi-folding doors to the rear now provide access into the garden. It is considered that any views possible from the newly installed stairs are unlikely to be significantly greater than those that were possible from the former conservatory stairs, which were located closer to the boundary. The top step is deeper than the stairs leading into the garden, however it is not considered to be a platform with sufficient depth to safely accommodate chairs or tables that could be used directly outside the extension. Furthermore, it is noted that when standing within the rear garden it is possible to look backwards towards the rear facing windows of neighbouring properties, and those of surrounding dwellings. However, the height of the side boundary walls, fences and shrubs restrict direct views into ground floor windows and there are only limited views into neighbouring gardens. These views are not significantly different from views from neighbouring windows and from surrounding gardens, where mutual overlooking between properties often occurs. The views are also unlikely to be significantly greater than the potential views from the former conservatory stairs.

Given the above, it is considered the development is compatible with neighbouring dwellings and would not lead to unacceptable living conditions through overlooking or loss of privacy, meeting the requirements of Thanet Local Plan Policy QD03 and the NPPF.

## **Conclusion**

The proposed development is considered to have a neutral impact on the character and appearance of the area and there is no significant harm to the living conditions of

surrounding neighbouring residential occupiers. The proposed development therefore accords with Policies SP35, QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

It is therefore recommended that Members approve the application.

**Case Officer**

Rosemary Bullivant

TITLE:

FH/TH/24/1145

Project

24 Picton Road Ramsgate Kent CT11 9QA

