

## REPORT SUMMARY

<b>REFERENCE NO - 17/500888/FULL</b>			
<b>APPLICATION PROPOSAL</b> Retrospective application for construction of decking at rear and walkway leading to decking at side of property			
<b>ADDRESS</b> Gunwalloe 59 Tonbridge Road Teston Kent ME18 5BT			
<b>RECOMMENDATION</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The application is considered to be acceptable provided the submitted privacy screen is erected on the common boundary as required by condition within one month of approval.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Application called in by Teston Parish Council for the reasons outline below.			
<b>WARD</b> Barming	<b>PARISH/TOWN COUNCIL</b> Teston	<b>APPLICANT</b> Mr & Mrs Gillem-Bussey <b>AGENT</b>	
<b>DECISION DUE DATE</b> 24/04/17	<b>PUBLICITY EXPIRY DATE</b> 10/04/17	<b>OFFICER SITE VISIT DATE</b> 13/04/17	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
11/1342	Demolition of garage and rear extension and erection of two storey side extension, part two storey, part single storey rear extension with integral garage and single storey front extension	Refused	03.10.2011
11/1343	Siting of metal storage container in front garden for a period of six months during building works to property	Approved	03.10.2011
12/0186	Demolition of existing garage and rear extension, and erection of a two storey side/rear extension and garage (re-submission of 11/1342)	Approved	28.03.2012

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 The site is formed by a semi-detached house with front, side and rear garden areas, with off street parking within a gravel drive to the frontage. The site lies within an area of ribbon development on the south side of Tonbridge Road between Wateringbury and Teston.

- 1.2 There is a moderate change in level around the rear building line of the house resulting in a drop in level between the internal finished floor level at the rear of the house and the immediate garden beyond. The remainder of the garden slopes down, away from the house down to the Medway Valley.
- 1.3 There were originally external steps leading down to the garden which it is understood still remain beneath the existing decking.
- 1.4 The decking was originally constructed with an additional curved section which has since been removed and the current application seeks to regularise the reduced decking area. Since originally submitted the application has been amended to propose a self-supporting privacy screen close to the shared boundary with Strathmore. The privacy screen has since been amended to propose an open trellis rather than the louvred screen previously put forward. In addition, the steps have been proposed to be removed and subsequently reinstated being angled towards the common boundary. It is understood that these changes were made following discussions between the new owner and the neighbour at Strathmore to put forward a solution which was agreeable to both parties.

## **2.0 PROPOSAL**

- 2.1 The decking is approximately 0.7m raised from ground level. There is a timber balustrade which measures 1.6m to the top of the bannister from ground level. The existing decking measures 4.15m deep off the existing kitchen (adjacent to the boundary), 2.2m deep off the existing dining room and extends to the side of the existing dining room by 1m. A set of steps allow for access to the garden and these currently angle away from the shared boundary. As stated above, the steps have been proposed to be realigned and an open trellis privacy screen is proposed to be erected.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough-Wide Local Plan 2000: H33, ENV28  
National Planning Policy Framework (NPPF) Paragraphs 17, 57 and 58 of the NPPF  
National Planning Practice Guidance (NPPG)  
Supplementary Planning Documents: Residential Extensions SPD (2009)  
Draft Maidstone Local Plan (2011-2031): DM34, SP17

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 Two neighbours have raised objection on the following grounds (in summary). NB: These objections have not been overcome through the amended plans:
  - Loss of privacy from main deck and walkway deck to flank of dwelling
  - Noise and disturbance from gatherings/BBQ smells
  - Possible environmental issues from water tanks beneath decking and potential vermin.
  - Stability of water tanks over sewer
  - Likely cause of damp as decking is above DPC which would affect attached neighbour

## **5.0 CONSULTATIONS**

- 5.1 Teston Parish Council: Amended Comments: We have considered the newly available information. As an observation, there is no indication as to whether this has been submitted by the original applicant or by the new owner of the property.

The only change in terms of the decking appears to be the direction of the steps leading up to it. The extent and height would appear to be the same. The trellis does not address the fundamental issue with the decking i.e. that it is too high and results in overlooking of neighbouring properties, compromising privacy and security.

As per our previous comments, we have concerns regarding the trellis itself, which is intended to act as a privacy screen but which would still not offer privacy for most of the neighbouring garden and could have an unreasonable impact on aesthetics, being unattractive and itself intrusive. The Parish Council maintains its objection to the application and would wish to see the matter referred to the Planning Committee if the officer is minded to approve.

Original comments: The decking covers a very substantial area, but, more importantly, its level is some 1.25 metres above ground level. That has a significant adverse impact on the privacy of neighbouring gardens and when, presumably, the decking is used for gatherings, will exacerbate nuisance noise levels, as well as privacy intrusions.

We also understand that there are two very large rain- or grey-water tanks under the decking and their weight is probably having an adverse impact on the main drain below, unless measures have been taken to spread their weight.

If following desk-analysis your Planning Officer is minded to approve this application, we request that such opinion should be informed by a site visit and that, in the light of our objections, the matter be referred to the Planning Committee. The property in question is currently marketed for sale.

## **6.0 APPRAISAL**

### **Main Issues/Planning Policy**

- 6.1 The key considerations within this application are residential amenity and the impact upon Strathmore in particular.

### **Visual Impact/Design**

- 6.2 The decking is largely to the rear of the house and the house itself is set well back from the public highway. There is also a further boundary treatment between the parking/turning area and the garden and, in this respect, the side decking is not readily visible from public vantage points. There are long distance views of the rear of the site from the other side of the Medway Valley, however, the decking would be read in context with the bulk and mass of the house, and would not therefore give rise to harm in my view. In this respect I consider the application accords with Paragraphs 57 and 58 of the NPPF with regard to providing an appropriate design. In turn the development does not harm the character and appearance of the countryside thereby complying with the requirements of Policies ENV28 and H33 of the Adopted Maidstone Borough Wide Local Plan 2000, and emerging Policy SP17 and DM36 of the Draft Maidstone Local Plan 2016 (submission version).

## Residential Amenity

- 6.3 The decking has been reduced in size since originally erected and the application details the size of the reduced development. There is a moderate level change between the rear of the house and the garden and this has been incorporated in to the decking through the provision of steps down to the garden. The decking is sited mostly beside the existing flank wall of the neighbouring extension at Strathmore, only projecting beyond the neighbour where the steps project 0.8m (as scaled).
- 6.4 The first section of fence line along the shared boundary of the site with Strathmore is close-boarded and set at ground level. Due to the height of the decking, and the finished floor level of the extension at Strathmore, this section of fence feels too low and affords mutual overlooking between the two gardens.
- 6.5 The level of overlooking afforded to the decking increases the closer one is to this shared boundary with Strathmore. There is also a sense of mutual overlooking elsewhere in the garden as the shared boundary with the attached neighbour is relatively open, with low level open fencing with sparse planting.
- 6.6 Notwithstanding the mutual overlooking set out above, the existing decking at Gunwalloe does overlook Strathmore to a significant degree in my view and I consider that an unacceptable loss of privacy has occurred to the immediate area to the rear of Strathmore.
- 6.7 This undue impact is caused by the height of the existing close-boarded fence in this location which is perceived to be lower than it is from the decking level and the steps immediately outside Strathmore's extension. The applicant was informed of this on site and, accordingly, it was considered reasonable to request a privacy screen to 'infill' this open section of fencing between the rear building line of Strathmore's extension and the taller shrub planting further down the boundary. The amended trellis privacy screen would measure 1.3m wide x 0.75m high and would be installed upon timber posts so as not to take support from the existing fence. Once raised up on the posts the privacy screen would have a maximum height of 2.5m from the adjacent ground level and 1.7m from the finished floor level of the decking.
- 6.8 Accordingly the applicant has submitted a privacy screen detail which would infill this open area and reduce the ability for mutual overlooking. A fast climbing plant is also proposed to be planted alongside the trellis to infill the screen over time. It is my view that the proposed screen would be a sufficient intervention to result in the decking being acceptable. Whilst the privacy screen would exceed 2m in height once positioned I do not consider the screen would give rise to undue loss of outlook to the affected neighbour as the screen would be limited in depth and the floor level of the neighbouring extension is also raised compared to ground level to a similar level as the decking. In addition, the open nature of the trellis would be less solid than a taller fence in this location which could have given rise to outlook concerns. The change to the stairs would not have a material effect on privacy levels in my view. However it is understood that there is a perceived loss of privacy from the angle of the stairs as they are at present. Accordingly, if that perceived loss of privacy from the stairs would be reduced I am happy to support the change.
- 6.9 The neighbour to the east, "Cults" is located some distance from the side and rear decking which has been erected. The shared side boundary with Cults is approximately 5.2m from the side decking and this boundary has mature landscaping to mitigate against any potential loss of privacy to the neighbour.

6.10 I therefore consider the proposal, once the privacy screen has been erected, would sufficiently mitigate against the harm to residential amenity through loss of privacy previously identified. A condition can be drafted to require the privacy screen to be installed within one month of the decision and retained at all times thereafter. Once the screen is installed, I consider the development would respect the amenity of the neighbouring property thereby complying with Paragraph 17 of the NPPF which seeks a good standard of amenity for all.

### **Other Matters**

6.11 The neighbour has raised concerns in relation to noise and disturbance from BBQs/gatherings, the environmental impact of tanks beneath the decking and the possible structural impact of the tanks over the sewer.

6.12 The garden at the property could be used for BBQs or gatherings without the decking being in place and, therefore, there are no planning grounds to consider the decking in relation to noise and disturbance.

6.13 The metal tanks which were originally installed beneath the decking have since been removed. In any event, their presence is not development for the purposes of the Planning Acts and could not be considered either in relation to environmental impact or stability of the ground above the sewer with regard to this application.

6.14 The issue of potential damp arising from the decking being set above damp proof course level is not a planning matter and falls within the scope of the Building Regulations.

6.15 The decking does not affect parking provision at the property.

### **7.0 CONCLUSION**

7.1 In light of the above considerations, whilst the existing decking has been reduced in depth since originally erected, the decking area has resulted in an unacceptable loss of privacy to the neighbour. In response to this assessment a privacy screen has been put forward which would suitably infill the open area which allows for this overlooking to occur. It is therefore my view that, once the screen has been erected, that the loss of privacy would be adequately addressed. I therefore consider the imposition of a condition to require the installation and retention of the privacy screen would sufficiently mitigate against overlooking and duly recommend approval.

### **8.0 RECOMMENDATION**

8.1 **Grant Planning Permission**, subject to the following;

#### CONDITIONS

(1) The privacy screen and realigned stairs, as detailed within plan and elevation drawings received on 29.06.17, shall be installed/alterd within one month of the date of this permission and retained and maintained in the approved position at all times thereafter. The screen shall be supported on posts within the curtilage of the application site and not attached to the party fence at any time.

Reason: In the interests of privacy and encroachment.

Case Officer: Lucy Harvey