

Application No: Y17/1403/SH

Location of Site: 46A Bartholomew Street, Hythe, Kent, CT21 5BY

Development: Installation of glass balustrade system around perimeter of existing veranda to create balcony to front elevation

Applicant: Mr Daren Godden

Date Valid: 16.02.18

Expiry Date: 13.04.18

PEA Date: 07.08.18

Date of Committee: 31.07.18

Officer Contact: Miss Isabelle Hills

SUMMARY

This report considers whether planning permission should be granted for the installation of a glass balustrade system around the perimeter of the existing veranda to create a balcony to the front elevation of the dwelling. The report recommends that planning permission be granted as it is considered that the design does not appear out of character with the host dwelling and the introduction of two 1.8 metre privacy screens to both side elevations prevents significant and detrimental overlooking to the occupants of the neighbouring properties and is therefore considered to safeguard their living conditions..

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report, and any additional conditions the Development Management Manager considers to be necessary.

1.0 THE PROPOSAL

- 1.1 This application is for the installation of a 1 metre high frosted glass balustrade around the perimeter of the existing veranda on the front elevation of the host dwelling, to create a balcony at first floor level. Proposed plans have been amended to include the installation of two 1.8 metre high privacy screens to both side elevations of the proposed balcony. This proposal would create a balcony with approximately 10m² of useable space. Two white uPVC French doors have also been installed to the front elevation of the dwelling at first floor level, to access the balcony, from the existing first floor bedroom.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Inside settlement boundary
- Area of land instability

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is set back from Bartholomew Street at a higher level than the road due to the sloping nature of the area. There are two garages situated to the front of the property at street level and steps located to the left side of these leading up to the dwelling. There is an existing front garden which is set slightly higher than the roofs of these garages, and is a comparable height to the first floor level of the houses opposite.
- 3.2 The application property itself is a two storey dwelling of brick construction with pale green cladding to the front elevation at first floor level only and white uPVC fenestration throughout. There is a flat roofed veranda situated to the front elevation of the dwelling which is situated forward of the front door and existing French doors at ground floor level.
- 3.3 Regarding the surrounding area, the neighbouring property, number 46 Bartholomew Street is a two storey, white weather boarded Grade II Listed Building set lower down than the application property. The other adjoining property, number 44a, is a flat roofed two storey dwelling constructed with light coloured bricks and is set lower down than 46a and closer to the street. Opposite 46a is a row of x5 two storey red brick terraced dwellings.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted in 1972 for the erection of a porch under reference number CH/4/72/192/.

5.0 CONSULTATION RESPONSES –

- 5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

- 5.2 Hythe Town Council

Object on the grounds of safety, overlooking and that there has not been any planning application for the existing French doors. Members considered that a Juliette Balcony would be appropriate.

6.0 REPRESENTATIONS

- 6.1 Representation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

- 6.2 1 objection received on the following grounds:

- The application is incorrect as there is no existing veranda and it was promised to not be one
- This overlooks outside space to 44A Bartholomew Street
- 46A have lots of social gatherings which are already a noise disturbance
- It is completely out of character with the street scene
- It is a quiet and quaint area

- 6.3 1 letter received in support of the proposal.

7.0 RELEVANT POLICY GUIDANCE

- 7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 7.2 The following policies of the Shepway District Local Plan Review apply: SD1, BE1, BE8
- 7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD
- 7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application:

Chapter 7 – requiring good design

Core planning principles – always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

8.0 APPRAISAL

Relevant Material Planning Considerations

- 8.1 The relevant issues for consideration with regard to this current application are design, visual impact and neighbouring amenity.

Design and Visual Impact

- 8.2 Saved policy BE1 states that a high standard of layout, design and choice of materials will be expected for all new development and policy BE8 states that alterations and extensions to existing buildings should reflect the scale, proportions, materials, roof line, and detailing of the original building and should not have a detrimental impact upon the streetscene.
- 8.3 The proposed balcony would be created through utilising the flat roof of the existing veranda. Due to this, the proposal is not considered to alter the proportions of the host dwelling. The glass balustrade, being approximately 1 metre in height to the front elevation and approximately 1.8 metres to the side elevations, is considered to be a subservient addition to the host dwelling which would not appear to visually dominate the existing property. The height of the proposed balustrade is considered to be of a typical height expected to be installed around the perimeter of a balcony and as such is considered would appear as a subservient addition to the host dwelling.
- 8.4 With regards to materials, the balustrade is proposed to be frosted glass. It is considered that the introduction of glass to the front of the dwelling would not appear significantly out of character with the host dwelling nor would it significantly or detrimentally detract attention from the principal elevation when viewed from the streetscene due to being situated in front of existing windows and doors installed to the front elevation. Therefore it is considered that the use of glass would be acceptable in this instance.
- 8.5 It has been acknowledged that there is no evidence of other balconies situated to the front elevation of dwellings within the immediate area. However despite this, due to the proposal incorporating a glass balustrade and utilising the roof of the existing structure as a balcony, it is considered that the provision of a balcony to the front of the dwelling would not significantly alter the character of the host dwelling to the detriment of the surrounding area. Furthermore, there is no uniformity in terms of housing character along this side of Bartholomew Street and as such it is considered that the proposed alteration to the front elevation of 46a would not have a significantly adverse visual impact upon Bartholomew Street as a whole or be deemed out of character.
- 8.6 For the reasons set out above, it is considered that the proposed balcony would not adversely or detrimentally impact upon the character of the host dwelling and would not be harmful to the character of the streetscene, complying with policy BE8 and is therefore considered to be acceptable in design terms.

Amenity

- 8.7 Saved policy BE8 states that alterations and extensions to existing buildings should not adversely affect the amenity enjoyed by the occupiers of neighbouring properties and paragraph (e) states that alterations or extensions which cause undue loss of privacy for occupiers of neighbouring properties through overlooking windows, doors or balconies should be avoided.
- 8.8 The existing situation sees 46a situated at an elevated position within the streetscene. As such, the existing front garden of 46a provides views into the windows of the adjacent row of terraced dwellings. The proposed balcony would be situated approximately 2.5 metres higher than the existing raised front garden, but further back into the site and as such it is considered that the elevated position of the balcony would not give rise to any significant additional overlooking than is currently experienced from standing in the front garden.
- 8.9 Furthermore due to the existing low boundary walls and the elevated position of the front garden, the existing situation provides direct views into the amenity space at the rear of numbers 44a and 46. However, Officers have raised concerns with the applicant about the potential intensification of this overlooking which could be caused by the introduction of a balcony. To overcome this, revised plans have been submitted which incorporate the provision of a 1.8 metre privacy screen to both side elevations of the proposed balcony. As such, this is considered to overcome Officer's concerns as the screens would prevent direct views into the amenity spaces of the adjoining properties.
- 8.10 It is therefore considered that the introduction of the privacy screens has sufficiently overcome concerns regarding the intensification of overlooking to neighbouring properties.
- 8.11 A neighbour objection has been received stating that the introduction of a balcony would give rise to further noise disturbance in this area. It is considered that the introduction of additional external amenity space, being approximately 10sqm, is unlikely to give rise to a significant increase in noise and disturbance to neighbouring occupants. As such it is considered that the introduction of a balcony to serve the first floor bedroom would not create any significant additional disturbance than may currently be experienced, particularly from the existing front garden.

Other Issues

- 8.12 One neighbour comment received stated that there is not an existing veranda on site. However the property's planning history shows that permission was granted under reference number CH/4/72/192 for the erection of a porch. Therefore, the structure to the front of the host dwelling does have the relevant planning permission.

Human Rights

- 8.13 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.
- 8.14 The application has been called in by Cllr Lyons endorsing the comments by Hythe Town Council as set out above.

9.0 BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions and any additional conditions that the Development Management Manager considers necessary:

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Privacy Screens

Decision of Committee

Y17/1431/SH
46A Bartholomew Street
Hythe

