
Appeal Decision

Site visit made on 6 November 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/A2280/D/19/3236014

34 The Causeway, St Marys Island, Chatham ME4 3SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Pike against the decision of The Medway Council.
 - The application Ref MC/19/0703, dated 7 March 2019, was refused by notice dated 12 June 2019.
 - The development proposed is for the Installation of a new, external, spiral staircase to the rear elevation. Retrospective application for the installation of raised, timber planters and a raised, decking area to the rear garden, with replacement of the 1.8m high, rear closeboard boundary fence with a 1m high (approx) timber post and wire fence.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a new, external, spiral staircase to the rear elevation and raised timber planters and a raised decking area to the rear garden, and a 1m high timber post and wire fence at 34 The Causeway, St Marys Island, Chatham ME4 3SR in accordance with the terms of the application, Ref MC/19/0703, dated 7 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PL/560/01 and PL/560/02.
 - 2) All materials used shall match those set out in the application form dated 7 March 2019.

Procedural matter

2. I saw from my site visit that the raised timber decked area in the rear garden and the timber post and wire fence have been built. They reflect the plans that were considered by the Council at planning application stage and I have determined the appeal on this basis.
3. In the interests of clarity and precision I have changed the description of development proposals to reflect the plans.

Main Issue

4. The main issue is the effect of the raised decking area on the living conditions of the neighbouring properties with particular regard to overlooking.

Reasons

5. The appeal site accommodates a three-storey terraced property. The dwelling has a full width balcony at first floor level which projects beyond the main rear wall. The adjoining dwellings are similar in design and also have first-floor balconies. The rear garden backs onto a narrow service alley, beyond which is The River Medway. There are tall wooden garden fences with landscaping which form the boundary with the adjoining dwellings.
6. The appeal proposal has three elements; raised decking; planters and a post and wire galvanised steel fence along the rear boundary and a spiral staircase to serve the first-floor balcony. It is the raised decking that formed the basis of the Council's reason for refusal.
7. The raised decking is positioned at the midpoint of the rear garden and has five steps leading up to it. It is set away from the boundaries of the adjoining properties, No 32 and 36, and is of a similar height to the service alley allowing views of The River Medway.
8. Views into the gardens of the neighbouring properties are possible, however they are limited due to the existence of the tall wooden boundary fencing and the mature landscaping. I am also mindful that the full width balconies at first floor level directly overlook the adjoining properties and the gardens do not have a significant degree of privacy. Views into the ground floor windows of No 36 are significantly restricted as the windows are located away from the side boundary and beneath the first-floor balcony. Whilst the ground floor windows of No 32 are closer to the boundary, they are also beneath the first-floor balcony and views from the decking is restricted due to the existence of the tall wooden fence and planting.
9. The Officer report highlights three other recent planning permissions at No 36¹, 42² and 46³ for similar developments. Whilst these developments vary in both their location and design, they are nonetheless material considerations and I am mindful that those proposals would allow limited views into the neighbouring properties.
10. The Council did not oppose the proposed spiral staircase and the planters and a post and wire galvanised steel fence which forms the rear boundary. On the evidence before me, I have no reason to reach a different conclusion in these respects.
11. The appeal proposal would not harm the living conditions of the neighbouring properties with particular regard to overlooking. The development complies with Policy BNE2 of the Medway Local Plan (2003) and of the National Planning Policy Framework which seek, amongst other things, to secure the amenities of its future occupants, and protect those amenities enjoyed by nearby and adjacent properties and the design should have regard to privacy.

Other matters

12. I am aware that objections have been made from the neighbouring properties raising concerns that the development would set a precedent for other similar

¹ MC/17/1958

² MC/18/0284

³ MC/18/0992

proposals. However, each application is determined on its own merits, with regard to their particular individual circumstances.

Conditions

13. I have imposed a condition that the development is carried out in accordance with the approved plans in the interests of certainty. A condition concerning external materials is required in the interests of the character and appearance of the area. It is not necessary to impose the standard time condition as the development has already commenced.

Conclusion

14. For the reasons given above the appeal is allowed.

Neil Smith

INSPECTOR