

REPORT SUMMARY

REFERENCE NO - 23/01232/FULL			
APPLICATION PROPOSAL Raised patio and steps (Retrospective); construction of fence			
ADDRESS 74 Rusthall High Street, Rusthall, Tunbridge Wells, Kent, TN4 8SG			
RECOMMENDATION - to GRANT planning permission subject to conditions (please refer to section 11.0 of this report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">• The development would comply with adopted Local Plan policy relating to extensions to dwellings within the Limits to Built Development;• The development would not be significantly harmful to the residential amenities of neighboring dwellings;• The development would not be significantly harmful to the character of the streetscene or towards visual amenity;• Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL The following are considered to be material to the application: Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A Net increase in numbers of jobs: N/A Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A The following are not considered to be material to the application: Estimated annual council tax benefit for Borough: N/A Estimated annual council tax benefit total: N/A Estimated annual business rates benefits for Borough: N/A			
REASON FOR REFERRAL TO COMMITTEE Land within the application site is partially owned by Tunbridge Wells Borough Council.			
WARD Rusthall	PARISH/TOWN COUNCIL Rusthall Parish Council	APPLICANT Mr Kazim Kaplan AGENT Melvyn Jarvis	
DECISION DUE DATE 21/07/23	PUBLICITY EXPIRY DATE 23/06/23	OFFICER SITE VISIT DATE 02/06/2023	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
22/03526/LAWPRO	Proposal: Lawful Development Certificate (Proposed) - Loft conversion with dormer	Granted	06/02/2023
23/00460/FULL	Proposal: Porch extension, car park crossover, dropped kerb	Granted	25/04/2023

22/03537/PNEXT	Proposal: Prior notification for a proposed single storey rear extension which: A) Extends by 5.95 metres beyond the rear wall of the original dwelling; B) Has a maximum height of 3.40 metres from the natural ground level; C) Has a height of 2.40 metres at the eaves from the natural ground level.	Prior Approval Granted	19/01/2023
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The subject dwelling is a two storey, brick built, semi-detached dwellinghouse located on Rusthall High Street, close to the junction with Southwood Road. The property has a side alley that gives access to an elongated rear garden. This garden slopes away gradually from the property, meaning the majority of the garden is set at a slightly lower ground level than the main dwelling. The boundary of the rear garden is defined by a close boarded wood fence, which is approximately 1.8 metres high.
- 1.02 There is a recent single storey rear extension for which prior approval was granted under application 22/03537/PNEXT. This single storey rear extension has a maximum depth of 5.7 metres.
- 1.03 The surrounding street scene is characterised by predominately semi-detached and terraced dwellings, however there are several examples of commercial properties close by along Rusthall High Street.

2.0 PROPOSAL

- 2.01 This application seeks retrospective planning permission for the erection of a raised patio with associated access steps to the rear of the recently completed single storey rear extension. This application only relates to the raised patio and steps situated adjacent to the recently approved rear extension.
- 2.02 This application also seeks permission for a 1.8m high close board fence on the top of the patio, which is intended to sit on the boundary with the neighbouring property. At the time of the site visit on 02/06/23, the patio and steps had been constructed but this fence has not been.

3.0 SUMMARY INFORMATION

Raised Patio	
Max. Width	5.4 metres (same as extension)
Max. Height	1 metres
Max. Depth	1.25 metres

4.0 PLANNING CONSTRAINTS

- Inside Limits to Built Development

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF) 2021
National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria;

Tunbridge Wells Borough Core Development Strategy 2010

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 9: Development within Tunbridge Wells

Supplementary Planning Documents

Alterations and Extensions Supplementary Planning Document 2006

Tunbridge Wells Borough Submission Local Plan 2021

Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment

Policy EN1: Sustainable Design

6.0 LOCAL REPRESENTATIONS

- 6.01 On the 2nd June 2023, a site notice was placed outside of the property, and on the corner of Rusthall Road and Southwood Road.
- 6.02 No comments were received in support of the application.
- 6.03 One comment was received against the application from the adjoining neighbour at number 72 Rusthall High Street. The comments made stated that the steps and patio in question were not shown on the original planning application for the single storey rear extension. Because of this, they did not object to the original planning application – 22/03537/PNEXT.

7.0 CONSULTATIONS

- 7.01 No responses received.

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 The original design of the extension had a run of steps leading straight out of the rear doors of the extension. The applicant considered this design to be potentially dangerous as it could result in people falling down this run of steps. The decision was made for the rear doors to exit out onto a narrow patio with steps running to the side, as this was believed to be the safer option.

9.0 BACKGROUND PAPERS AND PLANS

- Application Form
- Site Location Plan - 280423/01
- Proposed Block Plan – 280423/02P
- Proposed Plans and Elevations – 280423/03
- Existing Block Plan – 280423/02E
- Existing Plans and Elevations – 280423/03E

10.0 APPRAISAL

Principle of development

- 10.01 The subject dwelling is located within the Limits to Built Development. In such areas, extensions and alterations are acceptable in principle, but must be acceptable in all other respects. The main considerations are listed below.

Visual impact

- 10.02 The development is situated to the rear of the subject dwelling, and due to the build pattern of the surrounding area it is unlikely the patio, steps or proposed fence will be visible from any public viewpoint. Due to the position and low-level nature of the proposal, it is not considered to have a visual impact on the surrounding street scene.

Residential amenity

- 10.03 The patio and steps are located to the rear of the subject property, at the end of a recently completed single storey rear extension. This single storey rear extension is not subject to this application, and permission has already been granted for it under application 22/03537/PNEXT. Therefore, any impacts on residential amenity can only be considered in relation to the patio, steps, and proposed fence.
- 10.04 The floor level of the patio is approximately one metre above the ground level of the garden and sits at roughly the same floor level as the rear extension which it is adjacent to. As the boundary fence surrounding the rear garden is approximately 1.8 metres high, the height of the patio would create a raised platform that would offer the potential to overlook into neighbouring dwellings. The properties which would potentially be most affected would be the adjoining neighbour at 72 Rusthall High Street, as well as the rear gardens of 1, 1a and 3 Southwood Road.
- 10.05 The patio's depth is 1.25m, which is relatively shallow in comparison to the size of most residential patios. Its shallow depth limits its functionality as an outside seating area/useable space. It is also noted that the dwelling has no other access to the rear garden, apart from the side alley accessed from the front of the property. Therefore, the primary use of the patio area will be to provide access to the rear garden and will not be primarily used as an outside amenity area. This limits the potential for overlooking caused by the patio.
- 10.06 A degree of overlooking is to be somewhat expected within established residential areas, and the rear gardens of the neighbouring dwellings in question are already overlooked from the existing first floor rear windows of the subject dwelling. This means there is no significant increase in overlooking towards properties situated on Southwood Road from the patio being added, especially given its limited functionality due its narrow depth.
- 10.07 However, the patio sits immediately adjacent to the shared boundary with number 72 Rusthall High Street, and the patio currently offers a direct view into the rear garden area of this property. The proposed plans show the addition of a 1.8m high fence, which will be placed onto of the patio, on the boundary with number 72. This fence will act as a screen, closing the line of sight towards number 72, and once this fence is in place there would not be a significantly harmful overlooking impact or loss of privacy towards number 72 as a result. A condition has been applied ensuring this screen/fence must be constructed and remain in place, and cannot be removed without further permission being sought.
- 10.08 The patio and steps have a maximum height of approximately 1 metre, meaning there would be no harmful overshadowing or overbearing effects from the patio and steps towards neighbouring dwellings.
- 10.09 The proposed fence on top of the patio will be 1.25m in depth, and 1.8m high. As this will sit on top of the patio it will have a maximum height of approximately 2.8m when measured from No.74's garden ground level. As this fence will be on the boundary with number 72, this could result in overshadowing or overbearing effects towards

number 72. However, any overshadowing or overbearing effects will not be significant, given its narrow depth of 1.25m, and being situated at the end of the existing extension. As well as this, any overshadowing or overbearing effects will be limited to a very small section of the rear garden area of number 72, and no primary living space will be impacted to a significantly harmful extent. The practical reasons for the fence acting as a privacy screen for number 72 are noted, and its addition would not be regarded as significantly harming the residential amenity of that property.

Other Matters

- 10.10 The comments from the residents of 72 Rusthall High Street are duly noted, however permission for the single storey rear extension has already been granted and this application relates solely to the raised patio area.
- 10.11 The recently completed rear extension has been measured and assessed following its completion, and it is found to be in line with the approved plans and documents. However, the raised patio/steps were not shown on application 22/03537/PNEXT, hence the submission of this application.

Conclusion

- 10.12 This application seeks retrospective permission for the creation of a raised patio area and associated steps, at the end of the recently completed single storey rear extension. Permission is also sought for the erection of a 1.8metre high fence to act as a screen on top of the existing patio. The proposal has been assessed to not cause significant harm to residential or visual amenity, therefore the application is considered to comply with the relevant local and national policies.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

1. The development hereby permitted relates to the following approved plans:
 - Proposed Block Plan – 280423/02P
 - Proposed Plans and Elevations – 280423/03

Reason: To clarify which plans have been approved.

2. Within two calendar months of the date of this decision, the 1.8m high close board screening fence shown on the approved drawing 'Proposed Plans and Elevations – 280423/03' shall be erected in line with the approved plans. This fence shall remain in place for as long as the patio hereby approved exists and shall not be removed unless otherwise agreed in writing with the Local Planning Authority. It shall be maintained in a condition that does not impair its functionality as a screening fence.

Reason: In the interests of residential amenities of adjacent dwellings.

Case Officer: Andrew McLachlan-Newens

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.