DELEGATED DECISION REPORT

SMD/2022/0512 **Valid 13/09/2022**	**34 TREGARN BASNETTS WOOD ROAD ENDON**	**RETROSPECTIVE APPLICATION FOR REPLACEMENT VERANDA.** **(FULL - HOUSEHOLDER)**

MAIN ISSUES

The impact on the character and appearance of the area.
The impact on residential amenity.

DESCRIPTION OF SITE

The site is within the development boundary of Endon and comprises a two-storey modern detached dwelling which faces Basnetts Wood Road, a long residential street, to the west. There are similar dwellings either side of the site to the north and south and detached bungalows and dormer bungalows to the other side of the road to the west. The land slopes quite steeply in this area from the west to the east. The rear garden of the dwelling on site is on considerably lower ground than the house. The end of Woodstone Avenue cul-de-sac lies to the north-east and the dwellings to the north side of the site and the dwellings to the rear of the site (to the east) face this cul-de-sac which is on lower ground than Basnetts Wood Road.

PROPOSAL

This is a full householder planning application to retain a large raised rear terrace area placed over part of the rear garden, jutting out from the rear elevation of the house, level with the ground floor of the house (where it is accessed from) and supported by steel uprights and horizontal steel beams. The surface has timber boarding. The perimeter comprises metal balustrading on all three sides covered by bamboo reed screening with a height of approx. 1.0 metre. The application proposes replacing this with obscured glass screening within a metal post and handrail frame. This would have a height of 1.8 metres on the south side and 1.2 metres on the rear (east) and north edges. As the raised terrace structure already exists, this is a “part-retrospective” application to seek approval for the unauthorised existing works and approval for the proposed new replacement screening along the edges.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

DC1 – Design Considerations

NPPF (Revised July 2021)

Sections 12 (Design).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant.

CONSULTATIONS

Publicity

Site Notice expiry date: 1.11.22
Neighbour consultation period ends: 1.11.22
Press Advert: N/A

Public Comments

Two letters have been received from nearby residents of Woodstone Road. Both letters are concerned about overlooking of the front of their properties from the decking structure including into the front windows in the case of one of the properties, where bedrooms are located. Concerns over noise from the use of the decking are also raised due to the close proximity of the structure to the neighbouring property.

Parish Council Comments

None received.

OFFICER COMMENTS

With regard to the impact on the character and appearance of the area, the structure is not visible from Basnetts Wood Road but can be seen from Woodstone Road cul-de-sac to the north-east, the end of which faces the north side of the rear garden of the site. However, this is viewed behind the front parking area of the property at the end of the cul-de-sac and despite being a large and raised structure, it is not close enough, large enough or raised enough to lead to a visually intrusive and overly prominent feature which harms the character and appearance of the area, especially given the presence of other large balconies and raised terraces in the area including one visible at the end property on Woodstone Avenue which is also raised considerably higher than the unauthorised structure on site. Parts of the design of the structure, comprising the exposed silver metal beams and uprights are unsympathetic to the appearance of the dwelling on site and the character of the surrounding area although the presence of bamboo screening helps to soften the visual impact although this is proposed to be replaced by a more solid looking metal and glass screening with a greater visual impact although even with this added, the overall scale, siting, height and design of the structure would not lead to significant harm to the overall character and appearance of the area particularly as it is set back away from the end of the road, separated from it by the front part of another property.

With regard to residential amenity, the decking structure replaces another such structure which may have been part of the original house. The property also has other balconies, also deemed to be part of the original property, on ground floor level, closer to the south boundary of the site. There was also a first-floor rear balcony close to the south boundary but the handrails have been removed although the agent has stated these could be returned to provide a further raised rear seating out area. Despite the “original” two seating out areas being much closer to the south side boundary than the unauthorised new decking structure and the neighbouring dwelling to the south (Kaseme) being at a diagonal angle so that the rear garden lies more to the east of the site, it is difficult to view into much of the rear garden of Kaseme from the original ground floor terrace due to the presence of boundary vegetation. It is possible to view over the vegetation from the first-floor balcony. However, from those seating out areas, views into the rear windows of Kaseme are also at an obscure angle due to the diagonal positioning of the house and not leading to a harmfully intrusive amount of overlooking to the detriment of the neighbours privacy. Although from the first floor balcony, views into the Kaseme garden are possible. the angle into the rear windows of Kaseme is also more obscure as it is not level with the windows, unlike the ground floor terrace.

The recent unauthorised decking structure is considerably larger than the decking area it replaced, which although projecting from the same part of the house, projects further into the rear garden. Although this is further from the rear windows and rear garden of Kaseme than the original balcony/terrace areas, the siting is such that if standing at the south edge of the decking structure, the views into the rear windows of Kaseme are at a more intrusive angle. The distance between the edge of the structure and the rear windows is between 15 and 20 metres, which, as a guide, is less than the 22 metres recommended between opposing rear windows for "3-bedroom or more" properties in the Council’s Space About Dwellings Design Guidance which seeks to protect privacy and other impacts on neighbours, amongst other things. I consider the scope of overlooking from the structure into the neighbours rear windows is greater than that of the original balconies and to the extent that is introduces a new level of significant harm to the levels of privacy existing at the neighbouring property, Kaseme. Furthermore, the scope of overlooking into the rear garden of Kaseme (which is 6.3m from the nearest part of the structure) is also greater as views down into the rear garden are not interrupted as much by boundary vegetation.

The applicants agent states that the removal of the unauthorised structure would only lead the occupants of the site to use the original sitting out areas including the one at first floor level once the handrail is returned, claimed to lead to a greater level of intrusion to the neighbours at Kaseme. However, as previously stated, I do not consider scope of overlooking from these areas to be greater than the unauthorised structure, which I consider to lead to a greater loss of privacy and an overall more harmful impact on the residential amenities of the neighbours than the original balconies/sitting out areas. It introduces a greater level of harm to the residential amenities of the neighbours and so I do not consider the retention of the unauthorised structure would compensate for any harms caused by the use of the original first-floor balcony and ground floor sitting out areas.

Although a more robust and higher screen is proposed for the south edge of the unauthorised raised decking structure, with a height of 1.8 metres, I do not consider this would not significantly reduce the intrusive nature of the development. It would largely block views over Kaseme (although it would still be possible to view into part of the rear garden from the back edge), but the perception of there being such a large raised outdoor decking area would still be there and also would be further re-enforced due to the replacement higher solid obscured glass and metal screens making the unauthorised structure more visually prominent when viewed from Kaseme. Furthermore, I do not consider this would significantly reduce noise emanating from the use of the structure. The decking area is larger than the original terracing and balconies and due to its location, readily accessible from the main rear rooms of the house, this area is more likely to be used by the occupants than the original sitting out areas.

I have noted the letters received from the occupants of two properties on Woodstone Avenue to the north-east of the site, on the opposite side of the site to where Kaseme is located. However, I do not consider the unauthorised structure is creating a significant additional harmful impact on the adjacent residents in relation to the situation before the unauthorised structure was built. With regard to “Seven Arches” immediately to the north, only the front driveway is overlooked and this does not amount to a significant harmful level of privacy loss, especially as front driveways in residential areas are always commonly overlooking by houses opposite. The primary windows of Seven Arches are not overlooked by the structure. Furthermore, there is a far more intrusive raised outdoor terrace area at Seven Arches at a much greater height than the unauthorised structure which causes a far greater level of overlooking of neighbouring properties than the unauthorised structure, including the application site itself. With regard to Woodcroft, adjacent to the site to the east(rear), like Kaseme, this is placed at a diagonal angle to the dwelling at the application site. The replacement structure has pushed users of the terrace area approx. 4.0 metres closer to Woodcroft. A distance of approx. 17 metres separates the back edge of the decking from the nearest front window of Woodcroft. I do not consider there is a harmful level of overlooking resulting from views from 17 metres away into a window at such at obscure angle due to the diagonal positional relationship between the two properties. I also do not consider there would be a significant increase in noise and disturbance emanating from the new structure in relation to the decking it replaced due to the distance of 17 metres from the structure to the nearest windows at Woodcroft, 9 metres of which is the rear garden of the application site.

Overall, whilst the unauthorised large outdoor rear decking structure is considered to lead to harm to the residential amenities of the occupants of Kaseme to the south side of the site, I do not consider there is significant harm caused to the overall residential amenities of the two adjacent properties at the end of Woodstone Avenue to the north and east. However, due to the harm to Kaseme, the application does not comply with Policy DC1 of the Council’s Local Plan, which amongst other things, requires that all developments do not harm the residential amenities of the area, including harms to privacy.

CONCLUSION/PLANNING BALANCE

The existing unauthorised development, of which retrospective planning permission is sought, is not harming the visual amenities of the area but due to the impact on the levels of privacy at the residential property immediately to the south of the site, the development is harming the residential amenities of the area and this harm is not significantly reduced by works proposed to reduce the impact on the residential amenities at the neighbouring property. The application therefore does not comply with the Council's Local Plan (Policy DC1) or the government planning guidance contained within the National Planning Policy Framework (NPPF) and the application for retrospective planning permission should therefore be refused and the unauthorised structure removed.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 13/01/2023

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council