

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17.04.2013		
Application Number	W/13/00223/FUL		
Site Address	68 Marina Drive Staverton Trowbridge Wiltshire BA14 8UR		
Proposal	Rear single story extension with balcony on flat roof and roof lantern		
Applicant	Mr And Mrs S Maddern		
Town/Parish Council	Staverton		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	385925 160031		
Type of application	Full Plan		
Case Officer	Mr Philip Baker	01225 770344 Ext 01225 770286 philip.baker@wiltshire.gov.uk	

Reason for the application being considered by Committee

With officers minded to accept this application, Councillor Carbin has requested that this item be determined by Committee due to:

Relationship to adjoining properties

Other – Possible overlooking of rear garden of no.66 from proposed balcony. This would conflict with policy C38 of the West Wiltshire District Plan 1st alteration 2004.

1. Purpose of Report

To consider the above application and to recommend that planning permission is granted.

2. Neighbourhood Responses

1 letter of representation was received objecting to the proposal on the grounds of overlooking from the balcony.

Parish Council Response - No objection.

3. Report Summary

The main issues to consider are:

Visual impact

Impact on neighbours and immediate surroundings

4. Site Description

The application site is 68, Marina Drive, Staverton, which is located to the north of Trowbridge in a contemporary 1990s development at Staverton Marina. The property is a detached brick built dwelling house with concrete double roman tiles and a tarmac driveway. On the rear (west) elevation facing out over the marina, there is an existing wooden balcony supported by timber posts which is accessed from the first floor and was erected in 1996. It runs across the length of the rear elevation.

To the north of the site lies the adjoining neighbour no.66, Marina Drive, with a detached double garage adjacent to the north elevation of no.68 Marina Drive. This double garage is set back into the site and separates the house at 68 from the house at 66.

To the east of the site is the front garden and hammerhead of Marina Drive and beyond that the Kennet and Avon canal.

To the south of the site lies the neighbouring detached dwelling house no.70, which has a balcony serving a first floor room to the rear of the dwelling house.

To the west of the site lies the rear garden and Staverton Marina.

5. Relevant Planning History

06/02759/FUL – 23/10/2006 – Permission – Two storey side extension.

6. Proposal

The proposed development involves demolishing the existing wooden balcony at the rear which projects approx. 1.9 metres from the rear building line of the dwelling house. A ground floor extension to the living and dining room is proposed with a flat roof and projecting out approx. 3.5 metres. This will be constructed from matching brickwork and cedar cladding. On top of the extension a balcony will be constructed with a guard rail at a height of 0.8m which includes an aluminium handrail and opaque glass below on the side panels. The balcony extends 2.5 metres in depth from the rear wall of the house across 5 metres of the rear wall.

7. Planning Policy

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design; C38 - Nuisance

The Emerging Wiltshire Core Strategy

CP57 – Ensuring high quality design and place shaping

8. Consultations

Parish Council

Staverton Parish Council - No objections – Comments received 12/3/2013

Publicity

The application was advertised by site notices / neighbour notification. Expiry date: 12th March 2013

Summary of points raised: 1 letter of representation was received raising the following points:

- The proposed balcony due to its close proximity to our property would be intrusive by enabling people standing up on the balcony to look directly into our private rear garden area.
- The existing wooden balcony is smaller than the proposed balcony. It does not have planning permission and cannot be regarded as an authority or planning precedent to allow the proposed new balcony. Had a planning application been submitted for the one currently in place, then we would have been consulted and we would have objected.
- The long linear length of the proposed ground floor extension means that the end of this building would be in close proximity to our rear garden. Sliding opening doors are proposed, which would open up virtually the entire rear section of the building. This being the case, we are concerned that we would hear all the noise emanating from this house when we are out in our back garden. This noise would impact on our amenities and right to enjoy our garden in peace and quiet.

Additional comments received 3/4/2013 regarding the revised plans

- The proposed opaque glazing within the balcony surrounds, from ground floor to waist height would serve no purpose for people standing at full height, as they will still be able to see into my garden area. Whilst it is noted that the agent has denoted the balcony area as a sitting area, this is something which cannot be controlled and people standing up, will impact on my right to enjoy my garden in privacy.
- Mr Robins states that he has reduced the balcony area by 500mm making it only 700mm longer than the existing wooden balcony area. This is of no comfort because this existing balcony area already overlooks my garden. As this was put up without planning permission I was not consulted. If I had been, I would have objected because of the overlooking aspect. There appears to be a mistaken belief that because this balcony is in place, it gives some sort of authority for the proposed balcony, which it does not.
- Mr Robins suggests that people living on this estate have accepted a certain loss of privacy and views into their gardens, which I do not accept. The layout of garden areas and orientation of neighbouring buildings shows that care has been taken by the original developer to protect privacy.
- The proposed balcony would impact on my amenity because it would be open, close to my rear garden, where any person standing by the railings would be able to look into my garden and impact on my privacy. Whilst, it may not be the current owners intention to do this, any future owners of this property may not be so considerate.

9. Planning Considerations

9.1 Visual Impact

The existing balcony on the west (rear) elevation was built approx 1996. Although there is no record of planning permission, it has been in position for 16/17 years and is immune from any enforcement action.

Balconies are not an uncommon feature of the area, looking out over the marina, with a balcony located at no. 70 and to the south west of the site on the other side of the marina. The proposal will increase the balcony approx. 700 mm westwards beyond the existing balcony. The walls of the proposed extension will be in matching brickwork. By virtue of the height, mass, materials used and location this would not introduce a discordant feature into the character or appearance of the area.

The proposal respects the architecture of the surrounding buildings and is in accordance with policy C31a (design).

9.2 Impact on neighbours and immediate surroundings

Whilst the neighbour notes that the original balcony has not had planning permission, the existing balcony is immune from enforcement action due to the length of time it has been there, well in excess of the 4 years required.

Concern has been raised by the neighbour at No. 66 regarding the new balcony and the potential for overlooking into the garden of no.66 Marina Drive. Whilst the neighbour has concerns regarding the proximity of this proposal, it is no closer than the existing balcony and the existence of the large double garage between the two properties significantly mitigates any potential harm. Given this, and the fact that a balcony has been an accepted feature of the scene for many years, it is not considered that there are sufficient grounds to justify refusal of the application on these grounds.

10. Conclusion

The proposal complies with policy and planning permission should be granted.

Recommendation: Permission

For the following reason(s):

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely C31a and C38.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic conditions of the area.

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A

- 3 The balcony shall not be brought into use until the opaque side panels on the north side have been erected and these shall thereafter be retained.

REASON:
To protect the privacy of the adjacent property.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location plan received on 11/2/2013
Plan 865-SO1 received on 11/2/2013
Plan 865-PO2 received on 13/3/2013

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority

Appendices:	
Background Documents Used in the Preparation of this Report:	