

**REPORT TO THE DEVELOPMENT CONTROL  
COMMITTEE**

Report No.

<b>Date of Meeting</b>	<b>24<sup>th</sup> September 2008</b>
<b>Application Number</b>	<b>08/01674/S73A</b>
<b>Site Address</b>	<b>The Limes, The Ridge, Neston, Corsham, Wiltshire, SN13 9PL</b>
<b>Proposal</b>	<b>Application to Vary Condition 3 On Existing Planning Application 04.00940.FUL to allow the use of French casements and balcony together with erection of visual screen</b>
<b>Applicant</b>	<b>Roland Wright</b>
<b>Town/Parish Council</b>	<b>Corsham</b>
<b>Grid Ref</b>	<b>387390 168229</b>
<b>Type of application</b>	<b>Full application – Variation of Condition</b>

**Reason for the application being considered by Committee**

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8<sup>th</sup> April 2002 because Councillors Tonge and Hartless have requested that the application be considered by committee to assess the impact on the neighbouring property.

**Summary of Report**

This application is to vary a condition imposed on a planning permission granted in 2005 (04/00940/FUL). The permission was for a loft conversion and remodelling of a bungalow. The condition specifically stated that permission was not granted for a balcony area which had been included in the original proposal.

- Implications on DC Core Policy C3 and Housing Policy H8
- Affect of the residential amenity of existing properties

**Officer Recommendation**

Planning Permission be GRANTED subject to conditions

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## Proposal and Site Description

Permission was granted in 2005 for extensive re-modelling of the bungalow including building into the loft space.

The work is currently underway and the applicants are seeking an amendment to the design to allow the use of flat roofed area as a balcony or roof terrace accessed via a bedroom located in the loft space. This application is therefore largely retrospective.

A balcony was specifically omitted from the permitted scheme to avoid overlooking of the neighbouring garden.

The harm and overlooking resulting from the balcony was considered by the Development Control Committee and refused under an earlier planning application. This earlier application was also subject of an appeal, which was dismissed on the same grounds.

This proposal differs from previous application in that a 1.8m high slatted visual screen is proposed for the length of the balcony elevation facing the nearest neighbour.

Planning History		
Application number	Proposal	Decision
04/00940/FUL	Loft conversion, replace front façade in natural stone and rebuild garage/toolshed.	Allowed
07/01819/S73A	Variation of condition 03 of existing planning permission 04/00940/S73A and insert opening doors onto existing roof	Refused Appeal dismissed 19/06/08

## Consultations

### CorshamTown Council

Resolved that the application be refused on the same grounds as the previous appeal that there is a need to avoid detrimental levels of overlooking.

## Representations

2 letters of objection has been received.

Summary of key points raised:

- Proposal is in part retrospective (building works still underway)
- Overlooking of garden of neighbouring property.
- Issues have not altered from the time of the previous appeal decision.
- Previous appeal inspector would have imposed a condition if he had considered a visual screen would be sufficient to overcome his concerns
- The proposed screen is visually unsightly and incongruous
- Screen will not stop noise

## Planning Considerations

As part of the originally submitted scheme a flat roofed area above a bedroom was proposed to be used as a balcony or roof terrace with access from one of the first floor (loft-space) bedroom. Officers were of the view that the balcony would have a detrimental impact on the neighbouring garden due to overlooking. The rear elevation of the dwelling is clearly visible from part of the quite extensive grounds of Ridge House (and vice versa), to boundary to which is some 11.0m to the north. Although at that

time not used as part of what would be regarded as their private garden, it is clear that it could be. As such the proposed balcony and the doors/french casements used to access it were removed from the application. In addition a condition was added specifically stating that the works should be carried out in accordance with the approved plans “without the balcony or french casements” in order to avoid detrimental levels of overlooking.

For the above reasons, the previous 2007 planning application to remove this condition was duly refused planning permission. A later appeal was lodged, but subsequently dismissed, with the Inspector noting that the level of overlooking which would be possible from the flat roof area, whilst might not be uncommon in urban areas, would be harmful and inappropriate within the isolated and rural setting of The Limes and Ridge House.

The creation of a 1.8m high visual barrier the length of the northern elevation of the balcony would physically restrict direct views down and into the garden area of Ridge House to the North. This could be a method of overcoming the acknowledged harm associated with overlooking from the balcony. In itself the balcony, as a physical feature, has never been objected to.

Clearly, the method of visual screen can be a matter of debate, and it is clear that some may regard the slatted louvered barrier as still allowing for a line of sight. However, as a means of providing a deliberate barrier, so as to respect privacy, the proposed approach cannot be disputed. Indeed, whilst it must be acknowledged that in any situation a deliberate attempt to “spy” or otherwise unneighbourly attempt to intrude upon neighbours privacy can never be completely guarded against, it is considered that the additional information submitted in respect of line-of-sight and suggested degree or “attitude” of slats would demonstrate that peering through the gaps would not be possible, whether sitting or standing.

Within the context of the other alterations already carried out to The Limes, the visual appearance of the visual screen is not considered to be objectionable, and therefore not a reason to refuse to remove condition 03.

### **Recommendation**

Subject to no new and substantial issues being raised in respect of additional information then:

Condition 03 of planning permission 04/00940/FUL be removed and that the following conditions be added to that approval:

1. Within one month of the date of this decision, the proposed 1.8m high visual screen shall be erected in complete accordance with the plans hereby approved, shall extend the entire length of the northern elevation of the balcony, and shall remain in that condition thereafter.

Reason: For the avoidance of doubt and to secure the long-term privacy of neighbouring residents.

2. With the exception of condition 03, all other conditions attached to planning permission 04/00940/FUL shall remain in force unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt.

### **Informatives**

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

### **Plan References**

Proposed plans and elevations and site location, block plan both received by the local planning

authority 10/07/08

1:5 lines of visibility and 1:50 lines of visibility received by the local planning authority 03/09/08

### **Reason for granting permission**

The proposed visual screen will prohibit overlooking into the adjoining residential garden area and will enable the removal of condition 03 in accordance with policies C3 and H8 of the North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>NONE</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>4.03, 4.02, 4.04, 5.01.</b>