

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2016/0089	<u>DATE:</u> 09/02/2016
PROPOSAL:	Retention of timber tiered platform and access steps
LOCATION:	33 Drummau Park, Skewen , Neath SA10 6PL
APPLICANT:	Mr David Whitmore
TYPE:	Householder
WARD:	Coedffranc North

Background information

The application has been called to Committee by Councillor Mike Harvey (Coedffranc North) to enable Members to assess whether or not the works carried out at 33 Drummau Park have impacted excessively upon the amenities of neighbouring residents.

Planning History:

The site has the following relevant planning history: -

- P2010/0392 Demolition of existing garage and construction of a two storey side extension – approved 6 January 2011

Enforcement History:

In addition, it is of direct relevance that an Enforcement Notice was issued by the Council on 20th December 2013 against unauthorised operational development at the site. The Notice was appealed against (albeit not on ground (a) 'planning merits') and the Notice was upheld by an independent Planning Inspector on 7th August 2014.

The Notice as upheld relates to the following breach of planning: "Without planning permission, erection of a platform to facilitate the construction of an outbuilding and veranda".

The Notice requires the owner to "Remove the platform, outbuilding and veranda", and should have been complied with by 4th September 2014. Despite contact with the owner, and instigation of prosecution action

(subsequently deferred at the Courts suggestion due to the submission of a planning application), the raised platform (which is the subject of this application on its own) and outbuilding remain in situ.

Publicity and Responses if applicable:

2 neighbouring properties were notified by letter and two no. site notices were posted: To date no response has been received.

Head of Engineering and Transport (Highways Section): Raise concern in respect of the potential impact the works have had on the structural integrity of the highway

Head of Engineering and Transport (Drainage Section): No objection, subject to conditions

Contaminated Land: No response

Coedffranc Community Council: No Objection

Description of Site and its Surroundings:

The application property is an extended semi-detached dwelling fronting Drummau Park. The site is bounded by the adjoining property number 34 to the north east, by a detached dwelling to the north west and the adopted highway Drummau Park to the north and south. The property benefits from front and rear gardens, the rear garden slopes upwards steeply towards Drummau Park.

The levels of the rear garden have been substantially altered and the land re-profiled to create a lowered platform to the rear end of the garden. An outbuilding (subject of the extant Enforcement Notice referred to above) currently sits on this re-profiled land with associated timber tiered platform and access steps.

The slab levels of the immediate surrounding dwellings to the east are similar, although the dwellings to the west, including number 32, are set at a higher level and accessed from the section of Drummau Park that runs at a higher level to the rear of the application property. The dwellings within the immediate street have a common building line fronting Drummau Park presenting a uniform road frontage.

The property has a front driveway with parking for approximately 2 cars.

Brief description of proposal:

Full planning consent is sought for the retention of a timber tiered platform and access steps set within the rear garden of the application property. It is emphasised at this point that the applicant has chosen not to include the retention of the unlawful outbuilding and engineering works under this application.

The raised platform has a width of 6.95m and a maximum depth of 2.4m (including access steps). The platform and steps project above the sloping land that forms the applicant's garden area.

The materials used in its construction include stained decking and softwood vertical posts and a glass balustrade.

Material Considerations:

The main issues to be considered in the determination of this application are the impact upon the character and appearance of the property and wider area, the impact upon the amenity of neighbouring properties and the impact on highway and pedestrian safety.

Policy Context:

The Neath Port Talbot Local Development Plan (LDP) was formally adopted on 27 January 2016, and accordingly now comprises the Adopted Development Plan, within which the following Policies are of relevance:

- Policy SC1 Settlement Limit
- Policy BE1 Design
- Policy EN8 Pollution and Land Stability

The Council also has approved planning guidance 'A Guide to Household Extensions'.

Principle of Development

The site is located within the defined settlement limits as outlined in the Local Development Plan (Policy SC1 Settlement Limits).

Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the

settlement hierarchy will be acceptable in principle. The proposal is therefore considered to be acceptable in principle, subject to an assessment of its impact on local context.

Visual Amenity:

The materials used in the development including the wooden decking / cladding and timber balustrades with glass infill panels, which are not uncommon in a residential setting and are therefore considered acceptable in respecting local context.

In terms of visual amenity, the platform and steps whilst sited to the rear of the property are located within an elevated position visible from public vantage points including Drummau Park. However, the raised platform and steps are relatively modest in scale and set back from the road by a distance of approximately 28m. As such, by virtue of the limited scale of the development, significant setback from the road together with sensitive use of materials it is considered that it does not dominate the streetscene or result in the introduction of a visually incongruous structure to the detriment of the visual amenity of the immediate area.

Accordingly, it is concluded that the proposal does not result in any unacceptable harm, and accords with Policy BE1 of the Local Development Plan.

Residential Amenity

With regard to the effect on local amenity, it is noted that the owners of the adjacent properties have not objected to the proposed development. Notwithstanding this, it is considered that the platform and steps as built give rise to increased levels of overlooking and loss of privacy to both private garden areas and the rear habitable room windows of the adjacent properties.

In particular, while the top tier of the garden has been levelled off (such works not forming part of this application at the applicants request) the development projects out beyond a lower retaining wall, thus creating a raised platform whose 'floor level' is at the same height as the existing 1.8m high boundary fencing which goes along the boundary at an angle reflecting the change in levels on the adjacent site.

As a consequence, the steps and raised platform allow the occupants to access the upper levels at a projected / raised level and afford the

opportunity at an elevated position for unrestricted views towards the rear gardens of adjacent properties and towards their first floor windows. The separation distance between the steps and platform is only approximately 14.5m which is not a sufficient distance to overcome the overlooking issue.

Officers have considered whether there is an option to provide screening to prevent overlooking. However, in this instance it is not considered that sufficient and effective screening could be provided without itself forming an unacceptable feature. For example, the erection of a 1.8m high fence on top of the already installed platform and steps would in itself create an unacceptably obtrusive structure that would be detrimental to the amenities of the occupiers of the adjacent property.

In reaching the above conclusions, regard has been had to the previous sloping topography of the site, and it is acknowledged that prior to the construction of the platform and steps, the previous situation would have afforded some views from the applicant's previously unaltered garden level to the adjacent properties. Nevertheless, it is considered that this previous arrangement would not have caused unreasonable privacy impacts given that the garden previously contained soft landscaping and given its steep gradient could be considered less usable for recreational activities. The lower tiered garden area created at the property has also been undertaken sensitively to minimise impacts on the adjoining properties.

The installation of the raised platform and steps, however, in addition to the impacts described above, essentially activates this space (the 'verandah' referred to in the Enforcement Notice) for people to use the land for recreational purposes, providing opportunities for sustained periods of overlooking from an elevated position (with or without the unlawful outbuilding) that would not previously have existed.

It is therefore considered that the development unacceptably impacts on the residential amenity of the residents of the neighbouring properties in terms of overlooking and loss of privacy, a view which is consistent with the decision to issue the Enforcement Notice which remains extant on the property for this platform and the outbuilding sited thereon. It is therefore contrary to Policy BE1 of the Local Development Plan.

Highway Safety (e.g. Parking and Access):

The land to the rear of the application site is adopted public Highway (Drummau Park). Given the extent of engineering works that have been carried out and their proximity to the public highway, The Head of Engineering and Transport (Highways section) were consulted. In response, concerns were raised in respect of the safety implications of the engineering works carried out and whether they had resulted in a destabilising impact on the public highway. It was also suggested that there may be a need for a retaining structure to prevent the highway from possible collapse as a result of the works.

In light of these concerns, the applicant was advised to address the matter as part of this planning application through the submission of relevant details such as calculations and professional reports to demonstrate that the works had not resulted in the destabilisation of the highway.

The applicant informally stated that a Chartered Civil Engineer had advised him that the work carried out had not affected the stability of the highway. While this information would not be sufficient to resolve the matter, it was at this point the applicant requested that the engineering works were withdrawn from the application description. The matter of the engineering works cannot therefore be considered under this planning application, and instead will be a matter to be addressed separately by the Highway Authority.

Notwithstanding the above, it is considered that there are no other implications of the development that would unacceptably impact upon highway and pedestrian safety.

Conclusion:

Given the elevated position of the platform and steps close to the boundaries with the adjacent properties and their rear elevations together with the subsequent intensification of the use of this previously sloped area of the garden there would be a resultant unacceptable level of overlooking and loss of privacy to the garden areas and first floor rear habitable room windows of adjacent properties which is detrimental to residential amenity. Accordingly, the retention of the platform and steps would be contrary to Policy BE 1 of the adopted Neath Port Talbot Local Development Plan.

RECOMMENDATION: Refusal

CONDITIONS

(1) The platform and steps by reason of their elevated position close to the boundaries with the adjacent properties and their rear elevations, together with the subsequent intensification of the use of the previously sloped area of the garden, results in an unacceptable level of overlooking and loss of privacy to the garden areas and first floor rear habitable room windows of adjacent properties which is detrimental to residential amenity. Accordingly, the retention of the platform and steps is contrary to Policy BE 1 of the adopted Neath Port Talbot Local Development Plan.

