

PLANNING COMMITTEE

12TH APRIL 2016

AMENDMENT SHEET

ITEM 6

<u>APPLICATION NO:</u> P2016/0089	<u>DATE:</u> 09/02/16
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	

The applicant has submitted representations and supporting documents including photographs of other structures throughout the County Borough for consideration by Members. The written elements of the submission are summarised as follows:

10 letters of support have been submitted by the applicant from neighbouring residents. These are copies of letters which were submitted to the Planning Inspectorate in relation to the enforcement appeal referred to within the report in early 2014. These letters were considered by the Inspector when dealing with the appeal at that time.

In addition the applicant provides a statement in respect of the enforcement history of the site. Members should note that the planning history is set out within the committee report.

In addition the applicant expresses concern that the Planning Department have not sufficiently considered the fall-back position and the fact that there was a patio on the application site in the past which could have been modified for recreational use. Reference is also made to other developments within the area with or without planning permission including sheds, conservatories and dormers, which by virtue of the topography of the surrounding area have an impact upon privacy. The applicant proposes to erect a shed within the garden

to further protect the privacy of neighbouring residents. The applicant also confirms that the works undertaken were always completed in consultation and having regard to the amenities of neighbouring properties. The works also comply with Policy BE1 of the Local Development Plan.

In response to this part of the applicant's submission, Members are advised that the impacts of the development applied for together with the fall-back position have been addressed within the officers report, and that the comments from the applicants most recent submission do not alter the conclusion and recommendation. It is important to note that it is the projecting element of the platform which is of greatest concern due to its elevated position and proximity to the boundary which in turn has an unacceptable impact upon the privacy of neighbouring residents rather than the excavated area alone. The proposed shed referred to by the applicant does not form part of the application and as such cannot be considered as mitigation in relation to the unacceptable impact upon privacy and cannot be conditioned to address such impacts.

Turning to the issue of other lawful and unlawful works and the impact they have upon privacy, Members will be aware that all applications must be considered on their own merit.

The applicant also wishes to draw to Members attention that the Authority included engineering operations within the description of development, and at the Applicants request, this element of the works were removed from the description of development. Whilst this is referred to within the officer's report the applicant maintains concern regarding the date of the request. In response to this concern, reference to the change in the description of development is clearly referred to within the officer's report. It is not considered that the date is an important factor in the merits of the case.

Notwithstanding this the submitted plans clearly show that significant changes in ground level have occurred. The description of development is required to accurately reflect the works undertaken, to ensure that all works undertaken/proposed are covered under the planning permission and to properly inform consultees who may have an interest in the development. As a result it is common practice for planning officers to amend the description of development to ensure that it adequately and accurately covers the works undertaken/proposed. To this end, the acknowledgement letter sent to all applicants or their agents upon registration of their application includes the following statement; "Please can you check that the site address and description of proposal are accurate. If you do not agree that they are please contact us".

In this case, the acknowledgement letter was sent to the applicant on the 18th February 2016. The applicant queried the description on site on the 2nd March 2016, and followed this up with an email on the 3rd March 2016 requesting removal of the engineering works from the description of development. The case officer responded on the 4th March 2016 clarifying the reasons why the engineering works were included within the description of development ie the applicant's submitted plans clearly show a change in ground levels which in the Authority's view constitute an engineering operation that would have required the submission of a planning application. This information was clearly identified on the original and current cross sectional plans submitted by the applicant. As a result it was considered that the description afforded to this development was appropriate. Furthermore the applicant was also advised that the engineering works which he had undertaken have the potential to affect the stability of the land beyond his rear boundary, which is an adopted public highway.

Given the potential impact upon the highway from such engineering works (which were clearly undertaken to create the level platform) he was advised that the description was appropriate. He was also advised that it would be in his interests to submit structural calculations to demonstrate that the excavations had not undermined the highway, given the potential liabilities associated with such damage. Further emails were received from the applicant on the 7th and 9th March 2016 which continued to request an amendment to the description of development, with a further request by the applicant on the 9th that these matters be considered separately.

In order to progress matters, reference to the engineering operations were deleted from the description of development. However the amended description does not remove the fact that engineering works were required to create the platform and removal of their specific reference in the description of development does not mean that those works were undertaken lawfully at the time, have become lawful since, or that those works did not require planning permission. As a result whilst the description of development was amended it was important to cover this issue within the officer's report to ensure that Members are fully informed when making a decision.

Members should also note that the stability of the land form in place, without any supporting retaining works, may still result in stability issues in the future which may affect the highway to the rear. The applicant has decided not to submit structural calculations and there is no ability to force such a submission under this planning application. If the highway to the rear is undermined and suffers damage at a future date, the Highway Authority can take action, however they cannot intervene until damage is evident.