

Aylesford
Aylesford North And
Walderslade

14 December 2016

TM/16/03048/FL

Proposal: Retrospective application for retention of balcony area
Location: 89 Cork Street Eccles Aylesford Kent ME20 7HQ
Applicant: Mrs Sandra Welch
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1. Description:

- 1.1 This is a retrospective application to retain a balustrade around a balcony area that has been created on top of part of the existing ground floor extension. Planning permission is not required to use the flat roof on its own as a roof terrace. Similarly planning permission would not be required for the opening glazed doors that have been inserted in place of the bedroom window to facilitate access onto the roof.
- 1.2 The development which does require planning permission in its own right is the balustrade to the north western and south western boundary. This requires consent due to its height above ground level. The area enclosed by the balustrade measures approximately 2.4m in length x 1.9m in width. The balustrade has a height of approximately 1m and is set approximately 0.1m in from the north western boundary and back approximately 1.5m from the south western edge of the flat roof, finishing level with a first floor outshot to the rear of the host dwelling.
- 1.3 Since the application was first received the applicant has provided details of a solid 1.8m high screen that would provide screening to the north western boundary. This would take the form of a wood grain composite panelled fence.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Base who has received a number of complaints about the structure. It is considered necessary to consider whether such a structure would cause loss of privacy by way of overlooking and so affect the residential amenities of neighbouring properties. It is also queried whether the nature of the proposed development is in keeping with the character of the area.

3. The Site:

- 3.1 Number 89 is a mid-terrace house set on the south western side of the road within the village confines of Eccles. The property has a narrow rear garden extending towards open countryside.

- 3.2 The property has a two storey section projecting at right angles to the main dwelling. To the side and beyond this two storey section is a single storey flat roofed extension that was erected under Permitted Development allowances.
- 3.3 The roof terrace as constructed is bounded on the western and southern sides by a 1m high open wooden balustrade panel. The terrace is screened to the east by the side wall of the projecting section of the property.

4. Planning History (relevant):

TM/15/02617/PDV	Prior Approval Not	21 September 2015
LR	Required	
Prior notification for a larger residential extension (Class A)		

5. Consultees:

- 5.1 PC: Originally raised no objection. A second representation was received stating that the matter had been re-considered following representations from neighbours. An objection was raised on the grounds that the balcony allows occupants to overlook the rear garden of the adjacent property which is considered to be intrusive.
- 5.2 Private Reps: 4/0X/7R/0S + site notice

The material planning considerations set out in the representations can be summarised as follows:

- Overlooking of neighbouring gardens, loss of privacy and harm to quality of life.
- Intrusive and intimidating form of development.
- Change to the character of the houses and out of keeping with the area.
- Panels adjacent to balcony area could easily be removed.
- Noise disturbance from the use of the balcony.
- Double doors should be removed and window re-instated.
- Proposal would set a precedent.
- Non material planning consideration-impact on property values.

6. Determining Issues:

- 6.1 The application is considered in relation to TMBCS policy CP24 which seeks to ensure a high quality environment. All development must be well designed and of high quality in terms of detailing and materials and must through its scale, character and appearance be designed to respect the site and its surroundings.

- 6.2 It is also necessary to have regard to paragraphs 56, 57 and 61 of the NPPF which cover the importance of achieving a high quality and inclusive design.
- 6.3 The main considerations are whether the development in the revised form is acceptable having regard to the visual amenities of the area and the residential amenities of the occupants of adjacent properties.
- 6.4 In support of the proposal the applicant states that she is disabled and that the roof terrace has been created as she is unable to get downstairs at times.
- 6.5 It is recognised that the introduction of balustrade around a roof terrace in this location involves the formation of a new feature in this residential area. Roof terraces, whilst providing enhanced amenities for the applicants, can result in unacceptable harm to the residential amenities of neighbours. Roof terraces are generally only considered to be acceptable if they are of an acceptable design and do not result in direct overlooking or loss of privacy for the occupants of adjacent properties.
- 6.6 Cork Street is characterised by narrow terraced houses with some shared rights of way across the rear. As a result neighbours are generally living in close proximity to each other without a high level of privacy.
- 6.7 The existing balustrade is approximately 1m high and is constructed of wooden supports and rail above. It has the appearance of an internal bannister rail. The balustrade is set off the side boundary with number 91 Cork Street by approximately 10cm. The terrace does not cover the full extent of the existing flat roof but extends the same depth as the existing two storey projection on the south east side of the host dwelling. Whilst a projecting part of the house screens the terrace from the east, it is currently possible to look out to the west over neighbouring gardens resulting in direct overlooking and associated loss of privacy. This current arrangement represents a poor form of development in terms of harm to residential and visual amenities.
- 6.8 The applicant has been advised that the proposal as constructed is unacceptable due to the harmful impact upon existing residential amenities. In response the plans have now been amended to show the erection of a 1.8m high eco fence for a distance of 2.4m projecting from the rear elevation of the main part of the house. This would replace the existing low balustrade.
- 6.9 The introduction of an eco fence to a height of 1.8m for the entire distance from the rear bedroom window elevation to the southern end of the projecting section of the property would prevent direct overlooking to the west. The installation of such screening can be required by condition. The position of the balustrade across the south western facing side of the flat roof, 1.5m back from the edge, restricts in part overlooking of the gardens to the rear. This however has to be balanced against the fact that the occupiers of the host dwelling could use the roof without the need for planning permission as consent is only required for the balustrade.

- 6.10 It is noted that the occupants of the houses in Cork Street live in close proximity to each other and that windows in rear elevations lead to some mutual overlooking of neighbouring gardens. The terrace area does not extend to the full depth of the existing flat roof, ending approximately 1.5m from the rear most part of the existing flat roof. This set back reduces the sense of overbearing experienced from the terrace area. On balance it is concluded that outlook to the south from the roof terrace is not so harmful to residential amenities of surrounding properties such as to justify withholding consent.
- 6.11 In visual terms, the amended proposal attempts to improve the design of the roof terrace and to assist with the privacy issues. On the basis of the revisions to the terrace area indicated, the works are on balance considered to be acceptable in visual terms and having regard to policy CP24 and paragraphs 56, 57 and 61 of the NPPF.
- 6.12 In addition to planning considerations it will be necessary for the occupants to ensure that the proposed works meet all relevant Building Regulation requirements in relation to safety and access in the event of a fire. This is a separate piece of legislation and not the subject of this report.
- 6.13 The comments of the neighbours are noted. It is acknowledged that the development that has taken place has resulted in an element of harm to the residential amenities of neighbours. The amendments proposed would however address the impact of the appearance and use of the roof terrace on the surroundings.
- 6.14 The development may have taken place without the benefit of planning permission. Legislation does allow though for the submission of retrospective applications and this fact on its own would not constitute a reason to refuse the application.
- 6.15 As amended it is concluded on balance that a roof terrace in this location and with a 1.8m solid fence of appropriate length will retain existing visual and residential amenities at an acceptable level in this area. It is recommended that planning permission with the proposed revisions is granted subject to a condition to ensure the work is carried out within a set time period.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details:
- 7.2 Location Plan dated 12.12.2016, Letter dated 08.03.2017, Proposed Floor Plans dated 08.03.2017, Material Samples fence dated 08.03.2017, Material Samples fence panel tops dated 08.03.2017.

Conditions & Reasons

1. Within one month of the date of this decision notice the 1.8m high eco fence shall be installed in its entirety along the western boundary of the roof terrace area for the depth of the two storey projecting section of the property. This fence shall replace the balustrade panel and shall be retained in this position at all times.

Reason: In the interests of the residential amenities of the occupants of the neighbouring properties.

Informative

1. It will be necessary for you to ensure that the development meets all relevant requirements of current Building Regulations.

Contact: Hilary Johnson