
Site Address: 12 Bramley Close, Waterlooville, PO7 7SU
Proposal: Retrospective application for decking with balustrade and steps to rear with privacy screen
Application Type: Full Planning Permission
Application No: APP/22/00847 Expiry Date: 26/10/2022
Applicant: Mr Pollard
Agent: Mrs Taylor Case Officer: Denise Sheath
Thorns Young Architectural
Ward: Waterloo

Recommendation: **GRANT PERMISSION**

1 Site Description

12 Bramley Close, Waterlooville, is a two storey pitched roof detached dwelling constructed with red/brown brick with brown clay hung tiles to the first floor front and rear elevation, the property has a recently built single storey extension located to the rear of the property. The property has a built in garage to the front with a block paved area leading to the garage and partially covering the front garage area, the remainder of the front garden to the west is laid to lawn, the property has a small brick wall to the front and western boundary. The rear garden has decking area which the retention of is part of this current application the remainder of the rear garden is laid to lawn with a shed along the rear eastern elevation. The boundary treatment consists of 2m close boarded wooden fencing with trellis along the top, to the east and west boundary elevations and 1.8m close boarded fencing to the rear boundary.

2 Planning History

APP/21/01167 - Single storey rear extension with decking to rear., PERM,23/12/2021

3 Proposal

Retrospective application for decking with balustrade and steps to rear with privacy screen

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014
AL1 (Presumption in Favour of Sustainable Development)

Submission Version Havant Local Plan

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Not required

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I wish to strongly object to the retrospective application for decking with balustrade and steps to rear, with privacy screen to the rear of the above property. (redacted text) I feel that the violation of the original plans APP/21/01167 dated November/December 2021 will have a serious impact on my standard of living. By violating the plans of App/21/01167 the additional size of the decking has been increased significantly both in width from 7.2m to 8.2m and in depth from 1.5 m to 2.3m, plus building a ramp down the west side of their property. (Redacted text) My specific objections for this development are as follows: 1. Loss of privacy, overlooking and light. With this retrospective application the applicant has not taken any steps to ensure that neighbouring properties are not over looked and has not avoided invasion of privacy of neighbours. I believe I have a right to private enjoyment in my home and garden as stated in the Human Rights Act article 8, private life encompasses not only my home but my surrounding land.	A retrospective planning application has been submitted due to the differences in the approved plans and the development which was erected. Each planning application is considered and assessed on its own merits. See Section 7

By extending the decking by width and depth, to include the height above ground level and building a ramp on the west side of the extension, (redacted text). The bottom end of Bramley close has a significant land gradient from west to east and therefore a significant height difference from ground level between the two properties and the new extension. I note a timber screen will be erected, not only will this have even more impact on my outlook but also more additional loss of sunlight in the morning on the back of my property. Since the extension has been built I do have reduced lighting in my kitchen and by the erection of a screen it is going to have a greater impact on that fact particularly in the winter months and when the large oak tree boarding my property is in leaf.

Because of the raised ramp, using it as an entrance and exit to and from the decking (redacted text) I will still will lose my privacy in my kitchen and patio as there is no screening to the ramp area.

2. Health and safety

The original application APP/21/01167 had planning permission for the decking to end in line with the end of the extended building with a brick wall from ground level to decking with a safety balustrade and screening which I did not object to. This meant that there was a reasonable metre gap between the end of the decking (redacted text). I understand that this ramp is to be used for wheel chair access for a visitor. I was originally told by the owners before the original plans were passed that all access to the extension and decking would be on the eastern side of the property.

(Redacted text)

3. Noise

I am concerned that the additional size of the decking has the potential to create more noise as there is more space for social gatherings and leisure activities such as hot tubs. On the west side of the extension wall just above the ramp an exterior double wall socket was installed during the original construction.

See Section 7

This is a civil issue between the two parties any unsusceptible noise level complaints should be raised with Environmental Health.

I do believe that the violation of the original plan was pre planned as the drainage from the sloping extension roof does not go to ground level as the decking / ramp would block access to it, but continues two thirds of the way up from ground level to across the west wall of the extension which is an eyesore. (redacted text) For the above reasons I would be grateful if the council would take my objections into consideration when deciding on this application so that it can revert back to the original acceptance of APP/21/01167 so I can resume the privacy of my home and garden.	
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7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Humans Rights Act 1998

(ix) Human Rights Act 1998 and the Equality Act 2010

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

7.3 The application is for the retention of the timber decking area to the rear of the property and an access ramp to the rear western side elevation. The decking area has a depth of 2.4m from the rear eastern elevation wall of the existing rear extension with a width of approximately 8.2m spanning the width of the rear elevation of the extension and up to the shared boundary with No.11 Bramley Close. The access ramp is located to the western side elevation of the rear extension and attaches to the decking area. The ramp has a depth of 3.9m, a width of approximately 0.9m and a maximum height of 0.3 inclining from the decking down to the ground level toward the front of the ramp slope. There are timber steps off the eastern elevation of the decking leading to the rear garden area. The decking is approximately 0.75m from the ground level of the rear garden. It is noted that the ground levels of the property are higher to the front of the property and lower towards the rear of the property.

- 7.4 A timber privacy screen has been proposed as part of this application. The privacy screen would be located along the western side boundary of the decking, the screen will have a height of 1.8m from the platform of the decking with a width of 2.4m. The propose screening has been provided to alleviate any overlooking or loss of privacy concerns with regard to the neighbouring property along the western shared boundary.
- 7.5 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.6 The proposal is in excess of 28.5m from the rear facing elevation of the neighbouring property to the rear No.20 Billett Avenue. This neighbouring property is screened by the 1.8m close boarded wooden fencing and the TPO tree adjacent to the rear boundary. It is therefore considered that the proposal would have an acceptable impact upon this neighbouring property.
- 7.7 The neighbouring property to the east (No.13 Bramley Close) rear elevation is set back 5m from the application property. The decking area has a 1m further depth than the neighbouring property's rear elevation. There will be a 4m gap between the facing side elevations. The proposal would be partially screened by the 1.8m close boarded wooden fencing with trellis above the fencing along this shared boundary. Screening would normally be considered appropriate to ensure there is no overlooking concerns. Due to the ground floor level differences between the neighbouring properties to the east and west the element of overlooking is already in situ, and it is therefore considered screening would not have a significant impact in the reduction of overlooking. It is therefore considered that the proposal would have limited and acceptable impact upon neighbouring properties either side.
- 7.8 The proposal is considered to have the most likely impact upon the neighbouring property to the west (No.11 Bramley Close). The decking area is built up to the shared boundary and has created the same ground level height as No.11, whereas prior to the decking being installed the ground level on No.11 was approximately 0.75m higher than the application site. A privacy screen will be placed on the platform of decking area along this shared elevation at a 1.8m height, and a 2.4m width to alleviate any overlooking or loss of privacy concerns. Due to the separation distance with No. 11, the screen would not materially impact by reason of loss of light within this property.
- 7.9 Concerns have been raised with regard to a higher level of garden noise. An element of noise in rear gardens are expected due to their use as a private amenity area. Should noise levels be significantly higher a concern can be raised with the Environmental Health Team and if appropriate, action taken under environmental legislation.
- 7.10 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Humans Rights Act 1998

- 7.11 The Human Rights Act 1998, which incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property). The planning application has been assessed to ensure that the determination of the development proposal is compatible with the Act and would not conflict with Articles 8, and 14 and Article 1 of Protocol 1 of the Human Rights Act 1998.

8 **Conclusion**

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00847 subject to the following conditions

- 1 Within one month of the date of the decision, the proposed privacy screen panel along the western boundary shall be erected in accordance with the approved plans (Floor Plans and Elevations - Drawing No. 4186.20.1 Rev F - Received 21 September 2022) and shall be at a height of 1.8 metres, as shown, from the decking platform level. The privacy screen shall thereafter be retained at all times in accordance with the approved details.

Reason: To safeguard the amenities of the locality occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form - Received 31 August 2022
Location Plan - Received 31 August 2022
Block Plan - Received 31 August 2022
Floor Plans and Elevations - Drawing No. 4186.20.1 Rev F - Received 21 September 2022

Reason: To ensure provision of a satisfactory development.