
Site Address:	5 Crown Close, Waterloooville, PO7 5RN		
Proposal:	Retention of raised timber decking area to rear, with storage below.		
Application No:	APP/16/00984	Expiry Date:	29/11/2016
Applicant:	Mr S Patrick		
Agent:		Case Officer:	Tina Pickup
Ward:	Purbrook		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The application site relates to a detached bungalow on the east side of the cul-de-sac of Crown Close. It is one bungalow set within a line of other similar bungalows and the land is at its highest here such that the bungalows have rear views across the lower land to the north. No 6 to the west is set slightly further back than the application site and the bungalows are separated by their drives which serve original small garages set back behind the bungalows. This driveway area is open such that the bedroom window in the east elevation of No 6 looks directly across to the side of application bungalow and its garden area. Due to the levels the gardens slope away to the north.

This is a retrospective application to retain a decked area that currently extends across the full width of the bungalow. This has been erected such that it is flush with the floor levels of the bungalow which means that it projects out above the natural ground level, above the 300mm allowed within the GPDO - and hence planning permission is required. The decked area currently extends out 4.55m by 8.5m wide and at its northern end projects 1.5m above ground level. 1m high iron railings provide a balcony edge to the northern elevation with close boarded timber fencing to the west elevation that has a maximum height of 2.5m. There are currently some open steps down in the north-western corner.

The levels of the area are such that views across to the rear garden areas of the properties in both Shillinglee and Capel Ley are possible. The shared boundary with Shillinglee has dense trees that have recently been trimmed but still provide adequate screening. From within the garden of 2 Capel Ley the open, southern end of the garden, already has a sense of being overlooked - the windows of No 6 look directly into this area and it is not currently a particularly private space.

2 Planning History

61/12642 - for the erection of 41 garages, UNK 24/02/1961

3 Proposal

Retention of rear terraced timber verandah with storage below.

This application has been submitted following Enforcement involvement after the works were undertaken without the appropriate permission. Discussions with the applicant have led to the submission of some revised plans which propose making some amendments to the existing structure: it is now proposed to bring the steps down to within the north western corner of the decking which will offset the useable

decked area by 1.86m to the east and provide additional fencing and some 900mm high metal railings linking to the bungalow, extending out by 2m; aswell as the provision of some planters in the new north-western corner of the decked area.

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)

DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Support from No 4 Crown Close	A garage on the shared boundary with the decking screens No 4 and protects their privacy; the proposal does not impact the amenity of the occupiers of No 4.
Objection - from 2 Capel Ley:	
significant structure that extends such that height above ground level is 5 times above permitted height of 30cm	impact on residential amenity assessed below
used for entertainment causing noise disturbance	impact on residential amenity assessed below
set precedent adding to invasion of privacy	each application considered on their merits
trees not cut down	noted

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

(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. Whilst development first took place without the appropriate consent, this application regularises the situation and enables the LPA to assess the impact of the development.

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

7.3 From the street scene the side elevation of the structure is visible across the open plan frontages of the bungalows. This elevation is close boarded fencing and at a max height of 2.5m high is a substantial structure. However it is set back behind the bungalow in this established residential area, where close boarding fencing is a typical boundary feature. As such it is not considered unduly inappropriate and will weather and mature in time, making it less visually prominent. On balance it is considered that the oblique side views of the structure from the street scene are not sufficiently harmful to the visual character of the area to warrant a refusal of permission.

(iii) Effect on neighbouring properties

7.4 Due to the surrounding levels, there are currently extensive views from within the application site ie from the kitchen and lounge, over the adjacent gardens - particularly the garden of 2 Capel Ley. However the provision of the raised decked area does enable people to stand at the elevated height deeper into the garden area which increases the views of surrounding gardens. The angle of vision changes and a greater area of the garden of 2 Capel Ley is visible. Also when people lean on the western side fence views are possible directly into the side windows and garden of No. 4 Crown Close. In its existing form there is some loss of residential amenity from the use of the decked area.

7.5 To overcome these privacy issues the applicant has agreed to amend the decking area. By re-siting the steps (which currently extend beyond the decking & protract the views) to within the decked area on the north western corner the useable decked area is pulled over by 1.86m away from the western boundary. Together with the proposed additional railings linking to the bungalow this would eliminate the possibility of leaning over this western boundary and would benefit the amenity of the occupiers of No 4 Crown Close.

7.6 The narrowing of the useable decked area would also slightly reduce the angle of vision into the rear garden of 2 Capel Ley and minimise the extent of overlooking. The applicant has also offered to provide some planters on the new north western corner

of the decking with some high screening plants (he has suggested laurel as evergreen). These would further help to reduce the actual vision from the decking, but importantly, from within the garden of 2 Capel Ley the greenery would provide a partial screen to help with reducing the perception of being overlooked when the decked area is in use.

- 7.7 Considering the southern end of the garden of 2 Capel Ley is already overlooked and is not a particularly private area of garden (there are other more private sitting out areas close to the house that are unaffected by the proposal) then the amended proposal would not significantly add to this sense of overlooking. Since other private areas are outside the line of vision of the decked area and views are not possible into the house itself, then it is considered that on balance, the amended proposal would not materially add to any further loss of residential amenity to the occupiers of 2 Capel Ley.
- 7.8 The letter of objection also mentions levels of noise. However in this established residential area where rear gardens abut each other and their use can generate noise, it is not considered that there would be any significant additional noise from the use of the decking compared to a more traditional patio.
- 7.9 The applicant has agreed to make the amendments within the next 4 months ie by the end of March 2017 which would ensure the decked area is reduced by next summer when it is likely to be used more. The issue of the proposed planters and an appropriately worded condition to ensure suitable screening in perpetuity has also been discussed - see recommendation below.

8 Conclusion

- 8.1 The proposed amendments to the existing decked area are considered to help alleviate the privacy issues with neighbours and reduce potential overlooking to an acceptable degree. Accordingly, provided implemented within the next 4 months, then the amendments are considered to meet the requirements of Policy CS16 of the HBLP (Core Strategy) and are therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/16/00984

(A)

(B) subject to the following conditions

- 1 The re-sited steps, additional fencing and metal railings, as shown on the amended plans received on 14/11/2016, shall be implemented in full by 31st March 2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that minimises harm to neighbouring residential amenity, having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 By 31st March 2017 planters shall be provided within the new north-western corner adjacent the steps, as indicated on the hereby approved plan. These planters shall have a minimum height of 700mm, and project a minimum of 1m in both a southern and eastern direction from the corner, and be planted with Laurel hedging plants (*Prunus Laurocerasus*) to be provided and maintained to a height of no less than 1.8m above deck level and at a minimum spacing of 0.45m. Any plant that is removed, uprooted, destroyed, dies or becomes severely damaged or becomes seriously diseased within 5 years of planting, shall be replaced within the next planting season by shrubs of a similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable evergreen screen in accordance with the approved plans, in the interests of neighbouring residential amenity, having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Please also refer to Informative No 1 below.

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

Sketch elevation looking north, received 14/11/2016

Sketch elevation looking west, received 14/11/2016

Reason: - To ensure provision of a satisfactory development.