

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

None

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: 3no. objections from one address. The points raised in respect of the original submission are summarised below:

- a. The increased depth of the extension results in loss of light into conservatory next door and a loss of privacy.
- b. The shared boundary wall was not built to retain the increase in ground level on the application site and is already showing signs of cracking.
- c. There is a loss of privacy along the shared boundary as a result of the raise in levels.
- d. The removal of the back line of trees has allowed views into No. 33. There is a covenant on the two properties meaning that they have to have a screen of at least 20ft along the rear boundary.
Officer comment: This is not a planning consideration.
- e. The suggested amendments to the shared wall make is dangerous and there is no note to say that the boundary would be reinforced.
- f. The raised patio area reduces privacy in the rear garden of No. 33.
- g. Some information in the design and access statement is incorrect.

Objections contained in the letter received on 11/6/14 following the submission of a structural survey of the boundary wall from the applicant are summarised below:

- i. It is not planned to cover the four panels. All drawings show it only covering 75% of the wall that the earth has been heavily banked up against.
- j. If the wall continues for the whole length of the wall (i.e. the complete four panels), then there would be no objection.
- k. The height of the planned pillars and fencing is dangerous.
Officer comment: Revised plans have now been received confirming that the retaining wall will be extended to cover all four fencing panels referred to.

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) Effect on the neighbouring properties
- (i) Principle of development

7.2 The site is located in an urban area whereby development is considered to be

acceptable in principle subject to other development management considerations.

(ii) Effect on the neighbouring properties

- 7.3 The increased depth of the rear extension by 120mm is considered to not have a significantly different impact to that of the approved depth of extension in terms of loss of light or outlook. An increase of 120mm is considered to be minimal and would not warrant a reason for refusal on those grounds.
- 7.4 The raised decking area is located at the rear of the original house and provides a platform which is 0.6m higher than the original ground level. The steps onto the decked area are located 1.7m from the shared boundary with No. 36. No. 36 does have a single storey rear extension which is not shown on the block plan. This means that the majority of the decked area looks onto the side elevation of the extension which has no windows. Therefore whilst the scope of overlooking is increased as a result of the raised platform, it is not so significant as to warrant a reason for refusal. No objections have been received from No. 36. Views of the rear garden belonging to No. 33 from the decked area would be limited due to the separation distance and the presence of the rear extension, which would partially restrict any views.
- 7.5 Previously the ground level in the rear garden sloped downwards to the rear boundary. However, the ground level has been raised to that of the highest level of the garden, which is to the rear of the extension. This provides an almost levelled out rear garden. These works have required a large amount of earth to be placed in the garden which has raised concerns by the neighbouring property (No.33) that this has put pressure on the shared boundary wall and caused it to become damaged and that it should be reinforced.
- 7.6 The applicant submitted additional information on 20/5/14 with regards to a plan to reinforce the wall. They submitted a plan (S103/SK2) showing the boundary fence divided into four panels at the lower part of the garden. The plan set out a proposal to construct a new 215mm thick dense block wall on new foundations in front of the existing boundary wall along panels 1-3, which is the where the levels have changed the most in the garden. The purpose of the wall would be to retain the soil and avoid any additional load going onto the existing boundary wall; it would also contain a land drain. Following notification of this amendment further concerns were raised by the neighbour in that the retaining wall was not planned to cover the entire length of the boundary where the levels have been raised.
- 7.7 As a result of this, the applicant was requested to revise the plans and include a retaining wall along all four of the fence panels towards the lower part of the garden, which is where the majority of the raise in land levels has occurred. A revised plan was submitted on 28/7/14 (S103/SK2A) which shows that this is now the intention and that the retaining wall would feature along all four fence panels shown on the plan.
- 7.8 On balance it is considered that whilst the neighbours concerns are recognised, the applicant has proposed a scheme which would retain the bank of earth in the garden for the majority of the area which has been raised and therefore mitigated against the potential future damage to the garden wall. Overall, it is considered that this is sufficient so as not to refuse the application - any remaining issues over private property damage would be for the relevant parties to resolve as a private legal matter, in which the local planning authority could not intervene. A planning condition is proposed to be imposed requiring the retaining wall (as proposed in the plan received on 28/7/14), to be erected within two months of the date of the permission and remain

in situ thereafter.

- 7.8 The other consideration of the raised level of the garden means that the existing shared boundary which comprises brick piers interspersed with feather wood panelling, are lower in height, relative to the ground level in No.34's garden, than before. The raised ground level therefore allows the potential for greater overlooking of the neighbouring property at No. 33. It is proposed to overcome this by raising the height of the piers by 100mm and also the height of the fence panels so that they are 2m in height above the new raised ground level. Concern has been raised that the increased height of the boundary treatment is dangerous. However with the proposal to reinforce the wall from within the application site boundary, the sections where the boundary would be raised the most would be reinforced and it is considered that this approach will address this particular issue. The raised boundary treatment would appear higher when stood within the boundary of No. 33. However this is already the case due to the change in levels towards the rear of the gardens and on balance, the increase is not so significant as to warrant a reason for refusal.

8 **Conclusion**

The raised deck and modest increase in depth of the extension proposed in this application are both considered acceptable. With regard to the increase in garden level, following negotiation and on balance it is considered that as the raised part of the boundary would be reinforced this would address the issue of the safety and stability of the wall and therefore the application is deemed acceptable and recommended for approval.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/14/00341 subject to the following conditions:

- 1 The retaining wall and drainage details proposed and outlined in the information and plan received on 28 July 2014 - Drawings S103/SK1A and S103/SK2A refer - shall be completed no later than 2 months after the date of the granting of planning permission and shall be retained in situ thereafter.
Reason: In the interests of the amenity 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 2012.
- 2 The proposed alterations to the boundary wall/fence as shown on the 'Proposed West Elevation' on submitted drawing 12167/100 shall be completed no later than 2 months after the date of the granting of planning permission and shall be retained in situ thereafter.
Reason: In the interests of the amenity 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 2012.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing and proposed location plans, elevations and floor plans - Drwg No. 12167/100

Structural survey information and reinforced wall and drainage proposal received on 28th July 2014 - Drawings S103/SK1A and S103/SK2A

Reason: - To ensure provision of a satisfactory development.