

Planning Committee

26 July 2012

Reference:
APP/12/00422

Area Team:
South Team

Case Officer:
Ms C Berry

Ward:
Prenton

Location: 6 BURRELL CLOSE, PRENTON, CH42 8QE
Proposal: Retrospective householder planning application for rear conservatory and decking, and to retain clear glass to side elevation to conservatory (amended description)

Applicant: Mr Keith Stewart
Agent : SDA

Site Plan:



Development Plan allocation and policies:

Density and Design Guidelines Area
Primarily Residential Area

Planning History:

APP/07/07310 - Erection of conservatory and decking at rear of property - Refused 25/01/08

APP/08/05818 - Retention of conservatory and decking at rear of property (re-submission of APP/07/07310) - Approved 23/07/08

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regards to the Council's Guidance on Publicity for Applications, neighbour notifications were sent to the occupiers of 6 neighbouring properties and a Site Notice was also displayed. Two letters have been received from the occupiers of 5 Burrell Close objecting to the application for the following reasons:

1. Overlooking from the conservatory and decking
2. Threat to privacy
3. Impact on future value of their property
4. The occupiers of number 6 should erect a screen to guarantee privacy

CONSULTATIONS

None required

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council.

INTRODUCTION

The application is for the retention of clear glass in the side elevation of a rear conservatory and decking. The application is retrospective as the clear glass is fitted in the conservatory and the decking is in place in line with approval APP/2008/05818.

A previous application APP/07/07310 for the conservatory and decking was refused as the siting close to the adjacent property 5 Burrell Close was considered to result in an unacceptable level of visual intrusion that would be detrimental to the occupiers of this property. The proposal was amended to remove the element of the decking that formed a seating area and an amended application was submitted APP/08/05818. This application was subsequently approved subject to a condition requiring that the side elevation facing 5 Burrell Close should be fitted with obscure glazing.

An application for rear decking/balcony to allow a second exit from the bungalow through patio doors was submitted for 5 Burrell Close in 2011, reference APP/11/00378. This was assessed on the basis that there would be no undue overlooking, mainly due to a detached garage located to the side of 5 and 6 Burrell Close and the fact that the decking would face the existing conservatory at 6 Burrell Close. The existence of the conservatory at number 6 and the decking at number 5 presents a situation usually seen in properties located side-by-side, for example, it is quite usual to exit through the rear of a property and look into an adjacent garden area.

The occupiers of 6 Burrell Close now seek to reinstate the decking with a sitting out area originally sought through the refused application APP/07/07310. And to retain the clear glass in the side elevation as they consider that there is now no undue overlooking as a result of the decking and balcony present at 5 Burrell Close, erected since the original refusal and subsequent approval that reduced the decking and was subject of a condition requiring obscure glazing. As the obscure glazing has not been inserted into the side elevation of the conservatory as required by the condition attached to approval APP/08/05818 the Local Planning Authority are considering prosecution as a breach has occurred.

PRINCIPLE OF DEVELOPMENT

The proposal is acceptable in principle subject to the criteria set out in Policy HS11

SITE AND SURROUNDINGS

Burrell Close is a cul-de-sac that rises steeply from east to west. 6 Burrell Close is a detached bungalow located in a row of similar bungalows situated on the lower level of Burrell Close. The bungalows are immediately to the left when entering the Close and the road rises up to the end of the cul-de-sac. The bungalows along this row are at road level but the rear gardens slope steeply down where they are parallel with Mount Road. The bungalows were originally built with no rear access to the garden due to the vast difference in ground levels. Many of the bungalows have formed new exit/openings from the rear elevation and decking with steps that allow access to the rear gardens.

POLICY CONTEXT

The proposal is assessed against Policy HS11 House Extensions where it states that the scale of proposals should be appropriate to the size of the plot, not dominate the existing building and not be so extensive as to be unneighbourly, particular regard being had to the effect on light to and the outlook from neighbours' habitable rooms and not so arranged to result in significant overlooking of neighbouring residential property.

APPEARANCE AND AMENITY ISSUES

The decking has been constructed in line with the approval, APP/08/05818 (amended scheme) however the side elevation of the conservatory has clear glass as opposed to the obscure glazing required by the planning condition. At the time of imposing the condition in 2008, the site conditions and officer's assessment concluded that there would be an element of overlooking to 5 Burrell Close. The degree of overlooking has now been reduced and in fact is balanced by the existence of the balcony at 5 Burrell Close approved in 2011. The extent of overlooking is now equal for each property as the view into 5 Burrell Close from the proposed decking and existing conservatory is similar to that from the existing balcony at 5 Burrell Close. The occupiers of 5 Burrell Close raise concerns relating to overlooking and loss of privacy. However, it is considered that the proposed decking and conservatory at number 6 will result in a neutral impact that would not be any more harmful than the overlooking currently from the decking at 5 Burrell Close. Mainly as the proposed decking and conservatory will be sited at the same level, which represents a typical situation where properties and gardens are adjacent to each other and a level of two-way view exists.

Since imposing the condition requiring obscure glazing in the side elevation of the conservatory, the circumstances have changed due to the siting and location of the decking and balcony at 5 Burrell Close. For the reasons set out above, the issue of overlooking is not considered to be significantly increased by approving the decking with a sitting out area and in addition, fitting the side elevation with obscure glazing is no longer relevant or necessary. The sitting out area will be located outside the conservatory doors facing the existing balcony at number 5, therefore overlooking from the conservatory will not be any more harmful considering the decking at both properties. Given this, although there is a breach of condition relating to the provision of obscure glazing attached to approval APP/08/05818, it is considered unnecessary to pursue the prosecution as it is no longer in the public interest. Government guidance states that before considering the use of legal powers the Council should be satisfied that such action is the right thing to do and furthermore that action should only be taken where serious harm to local public amenity is being caused.

SEPARATION DISTANCES

Separation distances do not apply in this instance.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that the proposed decking and retention of clear glass in the side elevation of the conservatory will not introduce significant overlooking that warrants refusal of the planning application or the requirement to pursue the prosecution of the breach of condition. The proposal accords with Policy HS11 House Extensions as is recommended accordingly.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the proposed decking and retention of clear glass in the side elevation of the conservatory will not introduce significant overlooking that warrants refusal of the planning application. The proposal accords with Policy HS11 House Extensions as is recommended accordingly.

**Recommended Approve
Decision:**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on the 27th April 2012 and listed as follows: 01 Revision A and 02 Revision A dated 05.11.07

Reason: For the avoidance of doubt and to define the permission.

Further Notes for Committee:

Last Comments By: 17/07/2012 13:41:06

Expiry Date: 22/06/2012