

ITEM NO:Application No.
15/00765/FUL

Site Address:

Ward:
AscotDate Registered:
26 August 2015Target Decision Date:
21 October 2015**45 Wentworth Avenue Ascot Berkshire SL5 8HX**

Proposal:

Retention of raised decking and handrail, with screen to the northern end, to enable disabled access to garden.

Applicant:

Mrs Gillian Bailey

Agent:

Mr David Bailey

Case Officer:

Shannon Kimber, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

1.1 The proposal is for the retention of raised decking and handrail, and for the erection of a screen to the northern end, to the rear of the existing rear extension.

1.2 The current situation presents an unacceptable level of overlooking from the application site to the neighbouring property to the north, however with the erection of a screen on the northern boundary of the raised decking, overlooking would be reduced. There would be no significant effect on the streetscene nor on the character of the surrounding area.

RECOMMENDATION
Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 Following the receipt of two objections, the Local Authority's 1-3 Objection Procedure was undertaken. Councillor Virgo has requested that the application be considered by the Planning Committee due to an overbearing and unacceptable adverse effect on the resident of number 47.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary (The area to the west is outside of the settlement boundary and is within the Green Belt)

3.1 No. 45 is a semi-detached bungalow with accommodation in the roof, located on the west side of Wentworth Avenue. The dwelling is attached to no. 47 Wentworth Avenue on the northern side. To the north, east and south are other residential properties. There is woodland to the west, beyond which is St. Christopher's Care Home, part of Ascot Residential Homes, accessed from Priory Road.

4. RELEVANT SITE HISTORY

4.1 14/00425/FUL

Erection of a single storey rear extension, and loft conversion with installation roof lights to front of dwelling, and formation of rear dormer.

Approved 2014

5. THE PROPOSAL

5.1 The raised decking to the rear of the existing dwelling is in place and has a depth of 2.87 metres and a total width of 11 metres. The decking has a maximum height of 1.03 metres, and the handrail has a maximum height of 1.2 metres. The proposed screen would have a height of 1.8 metres (from the level of the decking) and project for 2.87 metres along the northern end of the raised decking from the rear elevation of the existing extension.

5.2 The application has been amended during the planning process. The decking and handrail is retrospective, the screen at the northern end is proposed. This screen would protect the amenities of the occupiers of the attached neighbouring property.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council:

6.1 Winkfield Parish Council recommended refusal. However the Parish Council also made a comment that if the application were to be approved, there should no loss of amenity to the neighbouring property.

Neighbouring Property:

6.2 An objection was received by John Andrews Associates on behalf of the owner/occupier of 47 Wentworth Avenue, raising concerns regarding the invasion of privacy resulting in the loss of private amenity space and views into the living room of number 47. It would be an un neighbourly development in terms of its siting and design, and contrary to the NPPF. The development would be visually overpowering and would overshadow the garden. The disabled person who will benefit from this development is not an occupier of the application site.

[Officer Note: the screen would protect the amenities of number 47. The overlooking, overshadowing and overbearing impacts of this development are assessed in part 9 of this report]

6.3 Following the submission of an amended scheme with the proposed screen a second objection was received from John Andrews Associates on behalf of the owner/occupier of 47 Wentworth Avenue. This comment raised concerns of overbearing and visually unacceptable impacts.

[Officer Note: The John Andrews Associates second objection also referred to prior approval and permitted development, however limited weight can be given to this as the screen forms part of this application which will be considered on its own merits]

7. SUMMARY OF CONSULTATION RESPONSES

7.2 No statutory or non-statutory consultations have been required.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key planning policies and guidance applying to the site are:

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity	'Saved' policy EN20 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 39 refers to LPA's setting their own parking standards for residential development
Supplementary Planning Documents (SPD)		
Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2007		
Other publications		
National Planning Policy Framework (NPPF)		
Bracknell Forest Borough Council 'Extending your home: A Householder's Guide' (2003)		
Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2011 (SLPDS)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Community Infrastructure Levy

i. PRINCIPLE OF DEVELOPMENT

9.2 No. 45 Wentworth Avenue is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), SC2 (Location Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring occupiers etc. These matters are assessed below.

ii. IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

9.3 Number 45 Wentworth Avenue is level with the neighbouring properties to the north, and slightly elevated in comparison to the properties to the south. The application site slopes steeply downhill to the west. There is a 1.03 metre difference from the patio doors to the rear of the existing rear extension to the ground level. This development offers a solution for means of access to and from the extension.

9.4 The development is to the rear of the property and is therefore not visible from the highway as it is screened by the dwelling, as such there would be no negative effects on the streetscene. It is noted that there is a similar decking development to the rear number 43 Wentworth Avenue. It would therefore not be considered out of keeping with character of the surrounding area.

9.5 Before the rear extension was built there was a raised patio area. The raised decking is a similar structure. In addition, it is noted that the neighbouring property to the south has a similar raised decking area.

9.6 As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with 'Saved' policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iii. IMPACT ON RESIDENTIAL AMENITY

9.7 There is a separation distance of approximately 7 metres from the decking to the neighbouring dwelling to the south, 43 Wentworth Avenue, at the closest point. The decking adjacent to the boundary with number 43 ranges from 0.6 metres to 0.15 metres in height. This development would not have a negative impact on the residential amenity of the occupiers of number 43 Wentworth Avenue.

9.8 Whilst the existing decking does present an unacceptable level of overlooking into the private amenity space and living room of the neighbouring property to the north, 47 Wentworth Avenue, the proposed screen would prevent a person standing on the decking from seeing to the north or north east therefore protecting the privacy of the occupiers of number 47 Wentworth Avenue.

9.9 Due to the height of the existing boundary divide between these two properties, approximately 1.2 metre high staggered timber fence, both gardens and the rear of both properties can be seen from the garden of the neighbouring property. Number 47 does not have any existing private amenity space that is not overlooked and if the decking were to be removed there would still be views into the rear garden and rear windows, of number 47, due to the fence height. With the proposed screen, views would be restricted and as such the proposed screen would result in a reduction of overlooking.

9.10 Following a comment from the occupiers of the neighbouring property to the north, a loss of light assessment was conducted. The guidance set out in the SLPDS is used as a guide for assessing potential loss of light.

9.11 A loss of light assessment was conducted during the 2014 application and concluded that there would be no adverse loss of light impact on number 47 Wentworth Avenue. A loss of light assessment has also been conducted to assess the potential loss of light to the living room of number 47. A 45 degree line was drawn on the horizontal plane from the midpoint of the closest window serving a habitable room at the affected residential property. This line intersected the existing rear extension, therefore a 45 degree line was drawn on the vertical plane from the highest point of the proposed screen towards this window. This line does not intersect the window, therefore it would be considered that this development does not encroach any further in the vertical plane than the recently constructed extension. As such it would not result in an adverse impact on the property with regards to loss of light.

9.12 It is also acknowledged that the screen will result in some additional overshadowing of the garden, but not significantly enough to warrant a refusal on those grounds.

9.13 Due to the existing rear extension, the decking will project 6.8 metres from the original rear elevation of the application site. The proposal has been amended during the course of the application. The initial proposed screen would have been a horizontal timber structure, similar in appearance to the existing 1.2 metre high timber fence that currently denotes the boundary between the two dwellings. However this was then altered so that the screen would be constructed by frosted Perspex within a wooden frame.

9.14 This proposal would allow for a limited amount of light to enter the garden of number 47 Wentworth Avenue, whilst still protecting the privacy of the occupiers. The total height of the development adjacent to number 47 Wentworth Avenue, including both the decking and the screen, would be 2.8 metres from ground level. The screen would be 0.4 metres lower than the eaves of the existing rear extension; it is not considered that the overbearing situation would be exacerbated by the proposed development.

9.15 As such, the proposal would not be considered to have a significant adverse affect the residential amenities of neighbouring properties and would have a positive impact in terms of privacy. It would therefore be in accordance with 'Saved' policy EN20 of the BFBLP and the NPPF.

v. COMMUNITY INFRASTRUCTURE LEVY (CIL)

9.16 Following the introduction on the 6th April 2015 of the Community Infrastructure Levy (CIL), all applications for planning permission will be assessed as to whether they are liable. In this instance the proposal is not CIL liable.

10. CONCLUSIONS

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the host dwelling or surrounding

area, nor would the development result in a negative impact on the residential amenity of the neighbouring properties so as to warrant refusal with the screen providing mitigation. It is therefore considered that the development, including the proposed screen, complies with 'Saved' policy EN20 of the BFBLP, Policies CS2 and CS7 of the CSDPD and the NPPF.

11. RECOMMENDATION

11.1 The application is recommended to be **APPROVED** subject to the following conditions:-

01. Within one month of the date of this permission, the screen at the northern end of the raised decking (as shown on approved drawing 1589 [113]-8A received by the Local Planning Authority on 12.10.2015) shall be implemented in accordance with the approved plan at a height of 1.8m above the height of the decking and retained as such thereafter.

REASON: In the interests of the privacy of the residents of the neighbouring property.

[Relevant Policy: BFBLP EN20]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

1. Implementation and retention of the screen

03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.

Doc. Ref:

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk