

ITEM NO:

Application No.
15/01239/FUL
Site Address:

Ward:
Ascot

Date Registered:
11 December 2015

Target Decision Date:
5 February 2016

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. (Re-submission of 15/00765/FUL).

Applicant:

Mr and Mrs Patrick and Gillian Bailey

Agent:

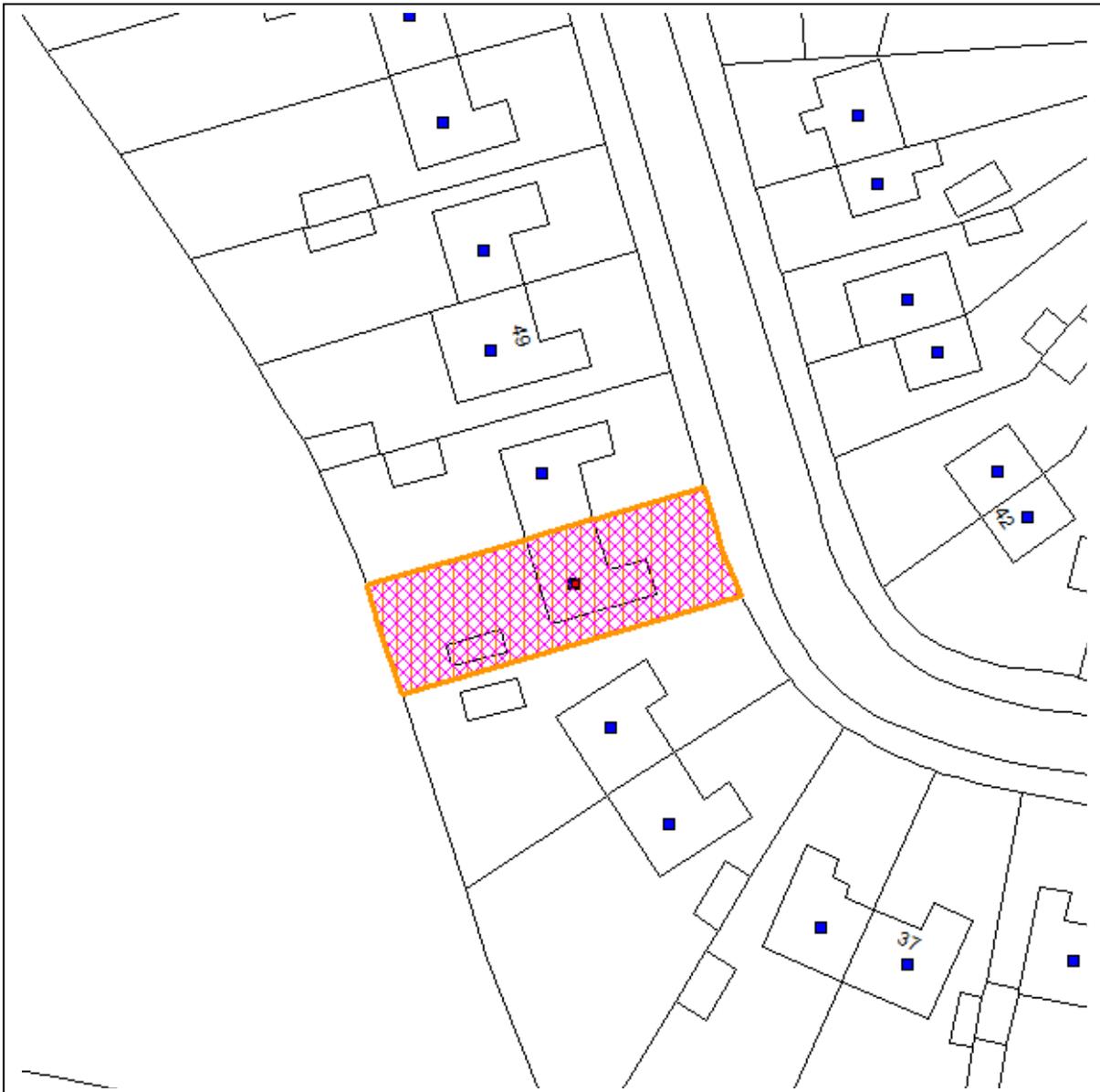
Mr David Bailey

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 Full, retrospective, planning permission is sought for the raised decking and handrail. The development would include the erection of a screen, 0.6 metres from the northern end of the raised decking. The balustrade to the northern end of the decking would be removed.

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, set back from the northern edge of the raised decking, overlooking would be reduced. The proposal is not considered to be unduly overbearing and there would be no significant effect 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 three objections, the Local Authority's 1-3 Objection Procedure was undertaken. Councillor Virgo has requested that the application be considered by the Planning Committee as the changes suggested in this application are not sufficient to overcome the original reason for refusal.

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)
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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 of roof lights to front of dwelling, and formation of rear dormer.

Approved August 2014

4.2 15/00765/FUL

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

Refused November 2015 – Appeal pending

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 (including the screen) and a total width of 11 metres. There is a section of lower level decking to the south, attached to the raised decking, this projects a maximum of 4.9 metres from the existing rear elevation. The decking has a maximum height of 1.03 metres, and the

handrail, including posts, has a maximum height of 1.15 metres (from the level of the decking).

5.2 The previous application was refused by the Planning Committee on 12th November 2015 for the following reason: By reason of its size and position, the proposed screen and decking is considered to be unneighbourly, resulting in an overbearing impact to the detriment of the residential amenity of the occupiers of 47 Wentworth Avenue. The proposed screen and decking is therefore contrary to 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan. The current proposal aims to overcome the previous concerns.

5.3 The proposed screen would have a height of 1.8 metres (from the level of the decking), and would be set back from the boundary with the neighbouring property by 0.75 metres. The total structure would have a height of 2.83 metres when measured from the highest adjacent ground level.

5.4 The application has been amended during the process of applying for planning permission. The existing handrail, 0.2 metres from the boundary with 47 Wentworth Avenue, was originally to be retained. However it is now proposed to remove the section of handrail adjacent to the boundary along the northern edge of the decking. The newel post would be retained to prevent access to this section of the decking. With the exception of the newel post there would then be no visible structure (when viewed from the north) until the screen which would be set back from the boundary.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council:

6.1 Winkfield Parish Council recommended refusal for the following reason; by reason of its size and position the proposed screen and decking is considered to be unneighbourly resulting in an overbearing impact to the detriment of the residential amenity of the occupiers of 47 Wentworth Avenue. The proposed screen and decking is therefore contrary to saved policy EN20 of the BFC Local Plan.

[Officer Note: This is the same as the reason for refusal for the previous application (reference number 15/00764/FUL), the amended scheme relocates this screen 0.75 metres from the boundary with 47 Wentworth Avenue to reduce the overbearing impact on the occupier(s) of the neighbouring property.]

Other representations:

6.2 An objection was received from 47 Wentworth Avenue, which shares a boundary with the application site. In the objection, concerns were raised regarding the unneighbourly nature of the development which would amount to an invasion of the privacy of the occupier of no. 47 and would result in the loss of private amenity space. The proposed screen would be visually overpowering and would overshadow the garden. There would be overlooking impact as a result of the development because the proposed screen would not be a fixed permanent structure. The daughter of the applicants, who is disabled, is not a permanent resident at no. 45 and the accessibility of the scheme should not be a consideration. The development would create issues if no. 47 were to extend in the future.

[Officer Note: The proposed screen would be obscure glazed, therefore there would be no overlooking, and the private amenity of the occupiers of the neighbouring property would be protected. This screen would be a fixed structure and would be conditioned to be retained as such.]

A loss of light assessment has been conducted; the screen, in its relocated position, would not overshadow the rear habitable rooms of the neighbouring property. The 'Perspex' material the screen would be constructed from would allow a limited amount of light through.

Whilst accessibility is a planning consideration, for this particular application as the daughter is not a permanent resident of no. 45, it has not been given significant weight.

Any future applications would be considered on their own planning merits. However, there is no application submitted for the neighbouring property at the present time]

6.3 An objection comment was received from 51 Wentworth Avenue, a property to the north of the application site. In the comment, it was stated that the proposed development would infringe on the privacy of the property.

[Officer Note: Impacts on residential amenity is addressed in section 9 iii below.]

7. SUMMARY OF CONSULTATION RESPONSES

7.1 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. Transport and Highways Considerations
- v. 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 Polices 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 of 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 Following the receipt of an objection from no. 51 Wentworth Avenue, the impact of the development on that property was assessed. The raised decking is located 23 metres from no. 51 at the closest point. Therefore the proposal would not result in an overbearing impact on this property. In addition, as no. 51 has extended to the rear, the development would not be visible from this property due to the oblique angle. The proposed screen would prevent any overlooking. As such the development would not have a negative impact on the residential amenity of the occupiers of 51 Wentworth Avenue.

9.9 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.

9.10 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.

9.11 A loss of light assessment was conducted inline with the guidance set out in the SLPDS during the 2014 application (planning reference: 14/00425/FUL) and concluded that there would be no adverse loss of light impact on number 47 Wentworth Avenue. The same 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 application has been amended to reduce the impact of the development on the neighbouring property.

9.14 The proposed use of 'Perspex' in a timber frame as the screen would allow for a limited amount of light to enter the garden of no. 47 Wentworth Avenue, whilst still protecting the privacy of the occupiers. The total height of the development would be 2.8 metres. The screen would be 0.4 metres lower than the eaves of the existing rear extension; and would be set back from the boundary by 0.75 metres. It is not considered that the proposal would be unduly overbearing to warrant refusal of the application.

9.15 As such, the proposal would not be considered to have a significant adverse effect on 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.

iv. Transport and Highways Considerations

9.16 Due to the scope and nature of this development, there would be no impacts on highway safety.

v. Community Infrastructure Levy (CIL)

9.17 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 development 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 set back from the northern end of the raised decking (as shown on approved drawing 1589 [113]-9A received by the Local Planning Authority on 21.01.2016) shall be positioned 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.