

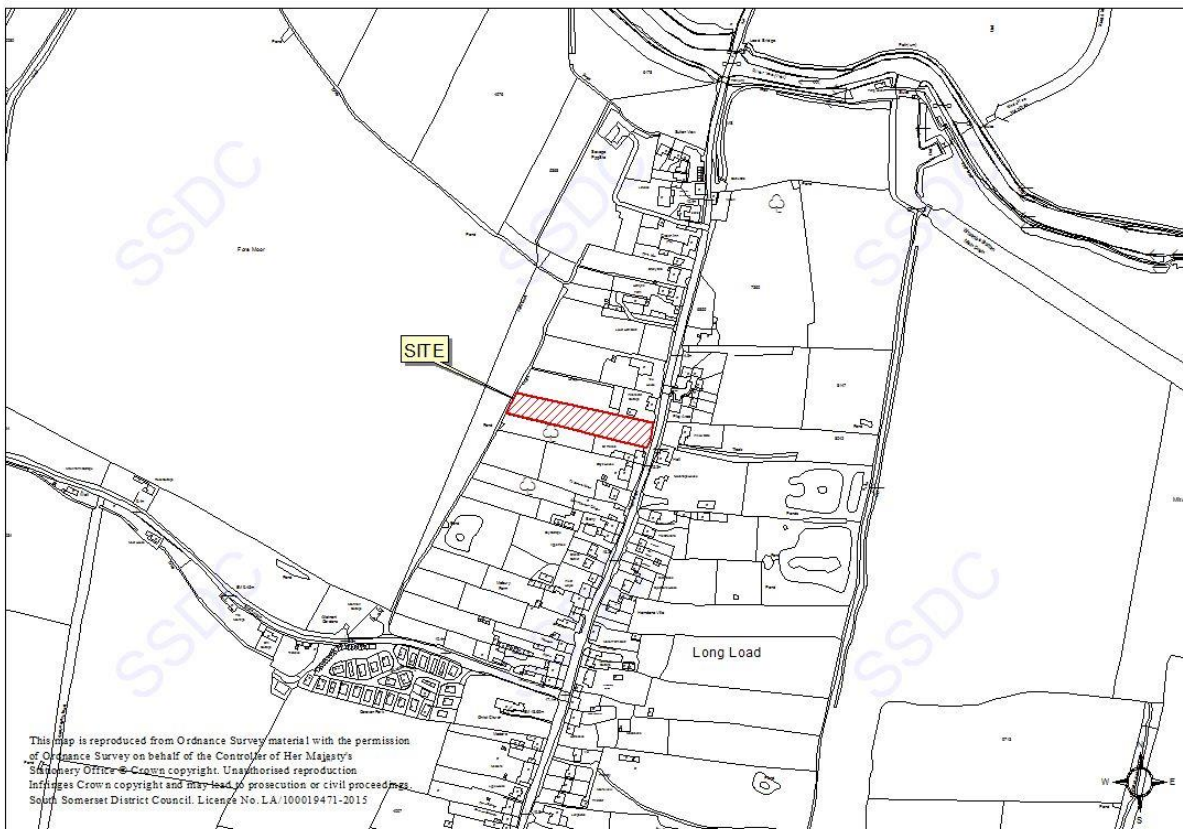
Officer Report On Planning Application: 16/03728/FUL

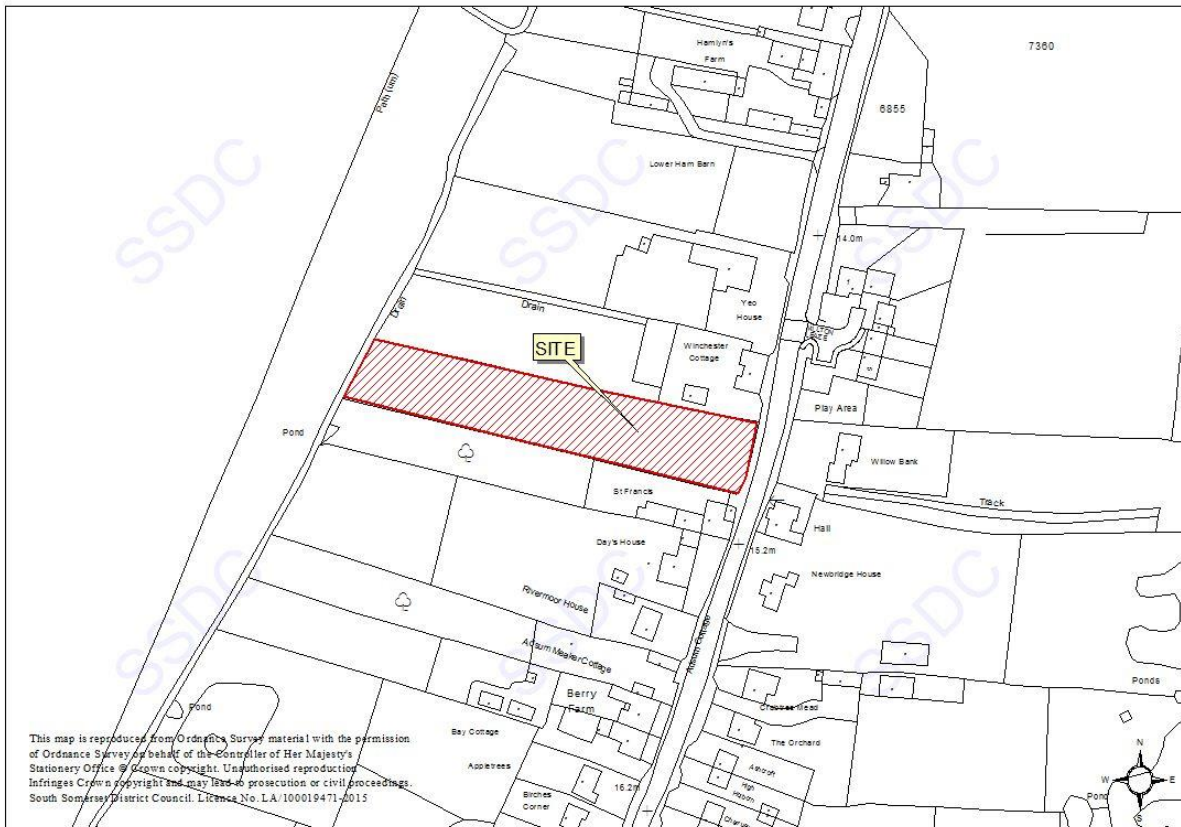
Proposal :	Replacement balcony and stairs (retrospective application)
Site Address:	Wayfarers Long Load Langport
Parish:	Long Load
MARTOCK Ward (SSDC Member)	Cllr Graham Middleton Cllr Neil Bloomfield
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	12th January 2017
Applicant :	Mrs Norma Spencer
Agent: (no agent if blank)	Battens Solicitors Ltd Mansion House Princes Street Yeovil Somerset BA20 1EP
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member to enable a full discussion of the issues raised by the Parish Council and local residents.

SITE DESCRIPTION AND PROPOSAL





The property is a 1960s, two storey, detached dwelling on the west side of the road in a middle of row of houses that make up the linear form of Long Load. The property to the south is a grade II listed, detached house.

Following the grant of permission in 2000 a flat roof swimming pool was attached to the south side of the rear. This this is c.1m from the boundary with the listed building site, and extends some 7.5m into the garden from this boundary. The approved scheme includes the use of the roof as a roof terrace, subject to the agreement of appropriate balustrading.

The originally agreed trellis screening balustrade has been removed and replaced with a steel and obscure glass balustrade approximately 1m high over the length of the roof.

This application originally sought to retain the balustrade as it exists on site. However, it has been amended on various occasions in response to comments from neighbours. The proposal now includes the installation of a further raised section of obscure glass along half the length of the terrace (extending away from the dwellinghouse end).

HISTORY

00/02218/FUL - Planning permission granted for erection of swimming pool extension (29/11/00). Condition 4 stated:-

No part of the development hereby approved shall be commenced until full details of the means of enclosure around the rooftop balcony area have been submitted to and approved in writing by the District Planning Authority. Such details shall be fully implemented and not altered without the prior written permission of the District Planning Authority.

Reason: To safeguard the amenities and character of the area and to protect the amenity of the neighbouring properties.

Details were provided in August 2001 which specified a trellis as had been suggested by the case officer. This was agreed by letter dated 21/08/01.

In June 2016 it came to the Council's attention that new screening and an external staircase at the rear had been erected.

This application seeks to regularise the situation with regard to the balustrade and new stairs on the west end of the building. The proposal includes various amendments to the screen discussed during the course of the application.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise. The policies of most relevance to the proposal are:

EQ2 - General Development
EQ3 - Historic Environment

National Planning Policy Framework

Part 7 - Requiring good design
Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Long Load Parish Council - initially objected on grounds of harm to setting of listed building and invasion of privacy. They suggested the balustrade be set back from the edge.

In response to the finally amended scheme these concerns are re-iterated and it is suggested that if a smaller part of the roof were to be agreed as the balcony it would not be overly intruding upon the neighbours.

Conservation Officer - initially considered that the low level glazing, in the context of the existing flat roofed extension, to have "a negligible further harmful effect on the setting of the listed building, and the overall impact of the glass balustrade and stairs is neutral."

In response to the full length of raised glazing commented:-

"This increase in height is akin to an additional storey of opaque glass along the full length of the roof. It is for you to assess residential amenity and impact, but I take the view that the additional height full length increases the harm to the setting of the building, as it further encloses the rear garden and the mix of materials adjacent to the boundary compete and distract from the principle building. It certainly does not improve it, and in my view, in the context of what I understand what was there before, it is not neutral.

"My view is one of weighing what is a close balance here given the harm from the extension. In my view the increase in height full length is harmful to the point that the balance is tipped against the proposal. It is an unfortunate situation. My suggestions in terms of what I might suggest to improve this would be to have an increase height for a short section close to the rear of the house, reducing in height after."

Subsequently in response to the reduction to 4m of the raised glazing commented:-

"I consider this proposal, in the context of the adjoining garage position, the pool extension, and how the pool extension overlaps with the rear wing of the applicant's house, to have a neutral impact on the setting of the [listed building]."

The matter of extending the raised screening to half the length of the terrace has been discussed - the conservation officer similarly does not raise an objection.

REPRESENTATIONS

Letters have been received from 3 individuals, making the following main points:

- submitted details are poor and not to scale
- the intention at the time of approval was not to allow the whole terrace area to be used as a balcony; there was agreement on some restriction, but approval of the entire area has not been granted and needs permission
- the area being screened has changed from the original as approved under discharge of conditions
- there is no application relating to the steel steps on the west of the building
- the submitted scheme is not practicably possible (wind impact etc.)
- a previous owner notes that the area of terrace that was actually fenced was only about 15ft from the doorway of the house; the whole terrace was never used or enclosed

CONSIDERATIONS

An application was approved in 2000 for the erection of a pool room with a terrace on the roof. No conditions were attached to that consent limiting the use of any part of the terrace. The submitted plans at the time showed low level railings around the perimeter of the roof, and a staircase at the north side. A condition did require prior approval of the details of 'the means of enclosure around the rooftop balcony'. This appears to have been done, but no record has been retained of the exact design and detail of the screening, save that it was timber trellis-work. Reference in a letter (later referred to in the plans condition) to 'some fencing/trellis on the balcony area' is not backed up by any recorded detail, and certainly does not result in any restriction on the use of any part of this terrace, which would have to have been included in a condition.

In 2016, the trellis work was removed and the current obscure glass screens incorporated in a steel balustrade were installed along the entire length of the terrace. No agreement was given to the details of this change, which places the development in breach of Condition 4 of the permission.

The application seeks to retain the balustrading, with additional panels of higher-level glazing along half the length of the terrace.

Impact on Residential Amenity

The immediate neighbour raises a concern about overlooking. An adequate form of screen to avoid this is therefore necessary. This need has to be weighed against various practical and other implications:

- wind resistance of an unbroken length of screen along the entire length of the terrace would cause structural failure
- inappropriate screening could cause unacceptable visual harm to the setting of the listed building to the south of the site (immediate neighbour)

In a lengthy process, the compromise that has been reached with the applicant includes retaining the current balustrading, and the increase in height of part of it. The degree now proposed meets the requirements of the Conservation Officer, and the applicant considers that this can be achieved safely.

Given that this entire terrace enjoys permission for use as an outdoor amenity area, this is considered to represent a reasonable compromise. It protects the garden area of the adjacent dwellinghouse from most casual overlooking (i.e. activities closer to the house). The obscure glazing is certainly considered to be a more reliable means of preventing overlooking than the previous timber trellis-work. The section

of taller screening would extend to a point more than 20m from the neighbour's house, which is considered to be a reasonable distance to ensure reasonable privacy of the house and immediate amenity space.

Although not ideal, the proposal is now considered to reduce amenity impact to a level that would not warrant a refusal.

Visual Impact

Although there is a small section of three panels visible from the road, the development is mainly not within public view, being viewed from the garden of the immediate neighbour. Arguably, the main visual impact is caused by the pool-room extension itself, a 16m long grey reconstituted stone structure running along the northern boundary of the neighbour's site. Any screen erected on top of this would be visually prominent, but would not represent the main visual impact. The design and materials of the current screen is modern and of high quality. It generally accords with the look of the building. Given the circumstances, there is not considered to be a visual impact that would, of itself, warrant refusal.

The new staircase at the western end of the building is away from public view and is similarly not considered to constitute harm that would warrant refusal.

Impact on Listed Building

The listed building is located to the south of and some distance to the east of the terrace. In the assessment of the Conservation Officer, the balustrading represents a neutral impact on the setting. It is not considered that there is a degree of harm to the setting represented by these railings that would justify a refusal of the application.

Parish Council Comments

The Parish has suggested that there should be a limitation on the amount of space allowed for use. As noted above, the permission for use of this terrace already exists, and cannot be rescinded by way of consideration of these railings, which have to be considered on their merits. As set out above, there is not considered to be a reason to refuse retrospective permission for the railings, subject to the amended design improving the screening along the first half of the south side.

Neighbour Concerns

These have been carefully considered and largely dealt with above. The poor quality of the submitted details/drawings is noted, but as the development is built and capable of consideration, it is not considered that these drawings would represent a reason for refusal. The application does now include consideration of the steps at the western end of the building. As set out above, reducing the scale of the balcony is not considered a practical option, given what has been already approved.

Conclusion

This building, with a large roof-top terrace, enjoys planning permission. There have been suggestions that this is unacceptable and that this use should in some way be curtailed. This is not practicably possible.

Assessment of visual impact and the impact on the listed building similarly have to face the fact of the lawful existence of this building. Under the circumstances, it is necessary to consider what sort of balustrade and screen *would* be acceptable. This is a large building, with a requirement for 16m of edge treatment to make it safe and to avoid overlooking. The current design together with the amendments proposed are of good quality and are considered to achieve these objectives reasonably well. There is certainly a visual impact, but under the circumstances it is hard to envisage how this could be improved, and alternatives would ultimately depend on matters of taste. There are therefore not considered to be any reasons for refusal that could be sustained, and it is recommended that the scheme be approved.

RECOMMENDATION

Grant permission.

FOR THE FOLLOWING REASON(S)

01. The railings and stairs are of an acceptable design and detailing for the building, and do not have a demonstrably harmful impact on visual or residential amenity that would warrant a refusal. As such the proposal complies with policies SD1, EQ2 and EQ3 of the South Somerset Local Plan, and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings received on 19 December 2016 and 21 March 2017, showing plan and elevations of the screens and staircase.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Within three months of the date of this permission, full details, including drawings to a scale of at least 1:5 of the amended design details for the screens along the southern boundary (as set out under cover of the letter dated 2 August 2017) shall be submitted for approval to the Local Planning Authority. The details, once approved, shall be fully implemented within 6 months of such approval, and thereafter retained and maintained.

Reason: In the interests of residential amenity and to accord with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.
