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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | | |
| **Signed:** | | **Officer:** | BT | | | | **Date:** | | 14/3/22 | | **Manager:** | | **LH** | **Date:** | **17/3/23** |
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| **Application Ref:** | | | | | 3/2023/0040 | | | | | | |  | | | |
| **Date Inspected:** | | | | | 21/10/22 | | | **Site Notice:** | | N/A | |
| **Officer:** | | | | | BT | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | | **REFUSAL** | | | |
|  | | | | | | | | | | | | | | | |
| **Development Description:** | | | | | | Proposed new raised decked area to rear of property with ramp to garden. Resubmission of 3/2022/0923. | | | | | | | | | |
| **Site Address/Location:** | | | | | | 3 Knowsley Road West, Wilpshire. BB1 9PW | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Parish/Town Council** | | | | | | | | | |
| **Wilpshire Parish Council:** | | | | | | Consulted on 2/2/23 – no response. | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| None. | | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Additional Representations.** | | | | | | | | | |
| One objection has been received in relation to the proposal which is summarised as follows:   * Impact of the proposal upon residential amenity | | | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Policy DMG1 – General Considerations  Policy DMG2 – Strategic Considerations  Policy DMH5 – Residential And Curtilage Extensions  National Planning Policy Framework (NPPF) | | | | | | | | | | | | | | | |
| **Relevant Planning History:**  **3/2022/0923:**  Proposed new raised decked area to rear of property with ramp to garden (Refused) | | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to a detached dormer bungalow property in Wilpshire. The property consists of brick, concrete roof tiles and white UPVC windows. The surrounding area is residential and is characterised by numerous detached dormer bungalow properties. A large area of Green Belt and open countryside adjoins the South-western corner of the application site. | | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  Consent is sought for the construction of a raised decking area and side / rear access ramps. The proposal is a resubmission of a previous application which was refused on the grounds of residential amenity due to the loss of privacy that would have occurred to an adjacent neighbouring property.  The current proposal includes some minor revisions to the design of the previously refused proposal with the Eastern extent of the decking area set further in from the common boundary shared with No. 1 Knowsley Road West and a ramp providing access to the Western side of the decking from the front of the application property. Replacement boundary fences are also proposed for the Eastern and Western common boundaries shared with No. 1 and No. 5 Knowsley Road West respectively. | | | | | | | | | | | | | | | |
| **Impact Upon Residential Amenity:**  Paragraph 130 of the NPPF states:  *‘Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting [and] create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users’.*  In addition, Policy DMG1 of the Ribble Valley Core Strategy states that:  ‘*All development must consider the density, layout and relationship between buildings’* and *‘provide adequate privacy distances’.*  In this instance, the Eastern extents of the proposed decking area would be sited close to the common boundary shared with No. 1 Knowsley Road West. The proposed decking area would be sited 0.6 metres above the property’s existing rear patio level with its depth projecting almost 4 metres away from the rear elevation of the application property.  The topography of the application property’s rear garden descends Southwards away from the rear elevation of the dwelling with the individual sections of common boundary fence between No. 1 and No. 3 descending in line with the sloping topography of the property’s rear garden. The existing sections of fencing forming the common boundary between No. 1 and No. 3 currently provide little in terms of privacy screening.  As such, the proposed decking area, by virtue of its outwards projection, height above ground floor level and proximity to the adjacent common boundary would allow largely unrestricted sideways views into the rear garden of No. 1 Knowsley Road West.  The loss of privacy detailed above underpinned the decision to refuse the previously submitted application. Following this refusal, it was conveyed to the applicant that the installation of a 1.8 metre high screening fence on top of the Eastern side of the proposed decking area could be utilised to mitigate the loss of privacy to No. 1.  The application’s proposed plans include the provision of a 1.8 metre high fence with the accompanying annotation stating that the fence is to be installed on top of the decking to stand at a total height of 2.4 metres above ground floor level. Notwithstanding this, the application’s proposed plan depicts the fence in question as being sited off and below the proposed decking area therefore the 1.8 metre high fence shown would be ineffective as a privacy screen. These observations have been conveyed to the applicant on numerous occasions however no revisions to the design of the proposal have been forthcoming to date.  In addition, the Western extents of the proposed decking area would project from the Western side elevation of the property and would therefore be sited close to the common boundary shared with No. 5 Knowsley Road West.  The existing boundary fencing in place between No. 3 and No. 5 provides a more effective privacy screen in comparison to the fence currently in place between No. 1 and No. 3 however photographic analysis shows that the proposed decking area would still allow views well above the Western common boundary fence by virtue of its height above ground floor level and proximity to the common boundary. As such, the proposed decking area would allow largely unrestricted views towards the South-eastern side elevation of No. 5 Knowsley Road West which contains windows forming part of habitable rooms.  Following the refusal of the previous application, it was conveyed to the applicant that it would be desirable for the Western extent of the decking area to be set in from the common boundary shared with No. 5 however this advice has not been acted on. The installation of a 1.8 metre high screening fence on top of the Western side of the proposed decking area was also suggested as a second solution however the applicant has deemed this solution as impractical.  In response to the previous refusal, the applicant has proposed the installation of 2 metre high boundary fences along the common boundaries shared with No. 1 and No. 5 in order to prevent overlooking from the proposed decking area.  Notwithstanding this, analysis shows that the proposed decking area would more than likely overlook any fence installed at 2 metres in height by virtue of its height above ground floor level and outwards projection from the rear elevation of the application property.  In addition, the plans submitted in support of the proposal do not provide enough detail to demonstrate otherwise, nor do the submitted plans make any assessment of the impact of the proposed decking upon the privacy of the occupants residing at No. 65 Knowsley Road West, whose rear garden runs directly adjacent to the Southern boundary of the application property at a significantly lower topography.  Furthermore, acceptance of the proposal on the basis of erecting common boundary fences to prevent occurrences of overlooking from the proposed decking area would be both problematic and unreasonable in as much that future changes to existing occupancy arrangements, neighbour relations and financial situations would make permanent retention and ongoing maintenance of any fences an impractical long term prospect.  All of the above observations have been conveyed to the applicant numerous times in the period between the refusal of the original application and the submission of the current proposal however the applicant has failed to act on any of the advice given.  Taking account of the above, it is considered that the proposed decking area by virtue of its outwards projection, height above ground floor level and proximity to the adjacent Eastern and Western common boundaries would allow largely unrestricted views into the rear garden of No. 1 and towards windows serving habitable rooms within No. 5 Knowsley Road West, both of which would be unduly harmful to the amenity of the adjacent neighbouring residents. As such, the proposal would be contrary to the aims and objectives of Policy DMG1 and DMH5 of the Ribble Valley Core Strategy and Paragraph 130 of the NPPF. | | | | | | | | | | | | | | | |
| **Visual Amenity/External Appearance:**  The proposed decking area and ramp system would cover a significant area in terms of footprint however the large majority of the structure would be sited away from the public realm to the rear of the property therefore the overall visual impact of the proposed works would be minimal. Accordingly, it is not considered that the proposed development would have any undue impact upon the visual amenities of the area. | | | | | | | | | | | | | | | |
| **Highways and Parking:**  The proposed works would not affect the existing parking arrangement at the application property therefore it is not considered that the proposed development would have any undue impact upon highway safety. | | | | | | | | | | | | | | | |
| **Landscape/Ecology:**  No ecological constraints were identified in relation to the proposal. | | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  The proposed development would be unduly harmful to the amenity of the occupants residing within the adjacent neighbouring properties of No. 1 and No. 5 Knowsley Road West due to the loss of privacy that would occur from the largely unrestricted views afforded by the proposed raised decking area.  As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. | | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | | That planning consent be refused for the following reason: | | | | | | | | | | | |
| **01:** | The proposed decking area, by virtue of its outwards projection, height above ground floor level and proximity to adjacent neighbouring properties, would compromise the privacy of the occupants residing at the properties known as No. 1 and No. 5 Knowsley Road West to an unacceptable degree which in turn would be contrary to the aims and objectives of Policy DMG1 and DMH5 of the Ribble Valley Core Strategy and Paragraph 130 of the NPPF. | | | | | | | | | | | | | | |