

Officer Report On Planning Application: 16/03200/FUL

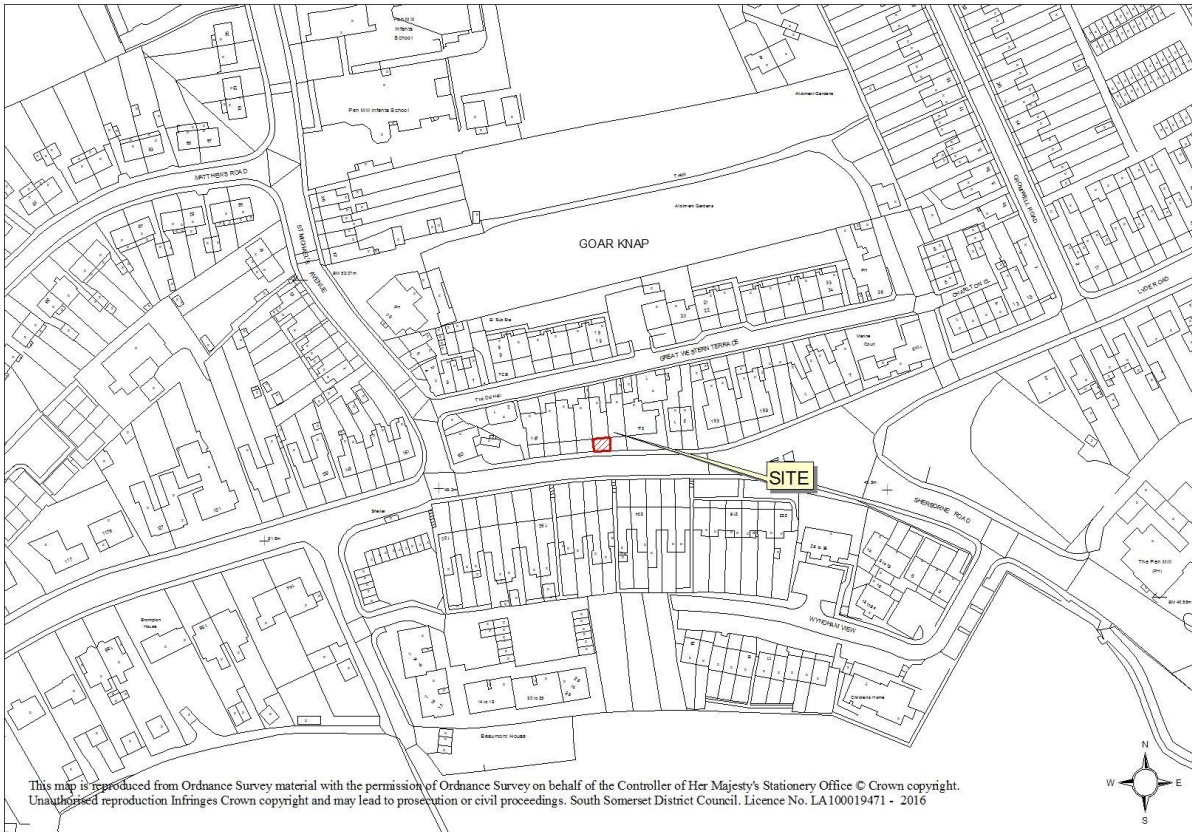
Proposal :	The formation of a raised decking area with fencing (Retrospective)
Site Address:	Flat 2 169 Sherborne Road Yeovil
Parish:	Yeovil
Yeovil (East) Ward (SSDC Member)	Cllr D Recardo Cllr R Stickland Cllr T Lock
Recommending Case Officer:	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
Target date :	26th September 2016
Applicant :	Miss Amy Davey
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

Reason for referral to Committee

This application is referred to Area South Committee at the request of Cllrs Lock and Stickland in agreement with the Area Chair to allow the merits of the application to be discussed in a public forum as this is a retrospective application and different opinions have been expressed.

Site Description and Proposal





The site is located on the northern side of Sherborne Road to the east of St Michaels Road. The property is a 3 storey mid terrace dwelling currently in use as 2 flats. The properties on this part of Sherborne Road are approximately 2m higher than the road level. At the front are steps up to the entrance of the properties with a garden area to the front.

Retrospective planning permission is sought to erect a raised area of decking surrounded by a timber close boarded fence. The raised area is 1m in height and the close boarded fence is a further 1m in height. Therefore the total height of decking and fencing is 2m. This has been erected approximately 1m above road level. The raised decking and fencing's exterior has been painted green.

Submitted with this application is a statement from the applicant. As private photos have been provided she has requested that this is not made public. This statement details that the applicant and her partner purchased the property in 2007 and hoped to move to a house with a garden before having children. However due to the housing market this was not possible and they now have 2 young children. The decking area was created to transform a potentially hazardous outdoor space into a safe area for their children to play. This is especially important during the summer months

The applicant's own the top floor 2 bed flat and detail that they have ownership over the land at the front. It is also detailed that the occupiers of the ground floor flat have young children who play on the decking with the applicant's children.

It has also been detailed that since the decking has been constructed the applicant has been able to dry clothes outside, that there are other development at the front along Sherborne Road and they propose to plant around the decking to minimise its appearance.

HISTORY

16/00209/OPERA - Enforcement Enquiry. This enforcement case relates to the erection of the raised decking the subject to this application.

04/01599/COL - The use of premises as 2 No. self contained flats (Certificate of Lawfulness)
- Application permitted - 15/02/05

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

South Somerset Local Plan (2006 - 2028)

On the 5th March 2015 this new local plan was adopted and constitutes the development plan. The most relevant policies are:-

SD1 - Sustainable Development
SS1 - Settlement Strategy
EQ2 - General Development

National Planning Policy Framework

Chapter 7 - Requiring Good Design

CONSULTATIONS

Yeovil Town Council - Recommend approval subject to additional planting.

County Highway Authority - No observations

SSDC Highways Consultant - No highway issues - no objection.

REPRESENTATIONS

1 letter of representation has been received from the Sherborne Road Residents Association (SRRA) and the following concerns have been made;

- o The fenced area should be replaced with metal railings to improve the appearance.
- o It is noted that there is a legal covenant which restricts development in front of the building line.

CONSIDERATIONS

Planning permission is required for the development as the property is a flat and there are no permitted development rights for flats. Also even if this was a dwellinghouse, any development located to the front and any decking over 300mm in height requires planning permission.

The key considerations in this instance are the impact upon residential and visual amenity and assessing whether any material considerations indicate that permission should be given.

Residential Amenity

The decking area is located outside of the bay window of the ground floor flat and when standing up there could be direct looking in the ground floor flat's window. This ground floor flat is in separate ownership to the applicant. It is noted that no letter of objection has been received from the ground floor flat and the submitted information indicates that the two set of children play together. However this is the current situation and the application is for the permanent retention of the decking. This means that the occupiers of both flats could be long gone and the decking is still in position. Future occupiers of the first floor flat due to time of operation and nature of the use could result in an adverse impact upon residential amenity.

In assessing how close the decking is in relation to the neighbour property it is not considered that the future use of the decking would protect the residential amenity of neighbouring properties. As such the proposal is contrary to Policy EQ2 of the Local Plan.

Visual Impact

The applicant's submitted justification for the decking on visual impact grounds is that other properties have overgrown front gardens, there is a case of a raised patio surrounded by timber railings nearby and that the structure is professionally built and looks good. It is also proposed that planting will be undertaken to further minimise impact.

The example expressed by the applicant has been investigated and no planning permission can be found for this structure. It is also noted when assessing applications that each application has to be judged on its own merits and that just because there is existing poor development that we should allow further poor development.

Even if planting was undertaken to front of the decking any built front at the front of Sherborne Road is an alien, incongruous feature. The proposal is not therefore considered to reinforce local distinctiveness and respect local context and is considered to be poor design.

As such the proposal fails to comply with Policy EQ2 of the Local Plan and chapter 7 of the NPPF.

Other Matters

As this is a retrospective application and planning permission is refused enforcement proceedings should be made in relation to the removal of the structure.

RECOMMENDATION

Refuse permission

SUBJECT TO THE FOLLOWING:

01. The proposal by reason of location of the decking in relation to the neighbour's window will result in overlooking and a poor neighbour relationship to the detriment of residential amenity. As such the proposal is contrary to Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).
02. The proposal by reason of the location and form and even with proposed mitigation measures including planting the decking is a prominent, alien, incongruous feature

results in poor design and fails to reinforce local distinctiveness or respect the character of the area to the detriment of visual amenity. As such the proposal is contrary to Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF especially chapter 7.