

App.No: 150384	Decision Due Date: 9 June 2015	Ward: Sovereign
Officer: Anna Clare	Site visit date: 30 July 2014	Type: Planning Permission
Site Notice(s) Expiry date: 9 May 2015		
Neighbour Con Expiry: 9 May 2015		
Press Notice(s): n/a		
Over 8/13 week reason: Deferred from Planning Committee to seek mitigating improvements to the scheme/proposal		
Location: Flat 18, Chatham Court, 28 Chatham Green, Eastbourne		
Proposal: Retrospective application for the retention of raised decking to patio(Amended description).		
Applicant: Mr Gordon Jackson		
Recommendation: Grant Permission subject to conditions		

Executive Summary:

The application is brought before planning committee for a decision given the objections, and as the works are existing.

The development consisting of the installation of decking to the rear terrace of the flat which leads to significant overlooking impacts detrimental to the amenity of the occupier of the adjoining flat No.19 was undertaken in 2014. An application was submitted to retain the decking however given the level of objection the Applicant is proposing to reduce the size of the decking to attempt to overcome objections from neighbouring flats.

It is considered that the revised/amended scheme provides an appropriate compromise to the situation and the degree of overlooking when compared to that which currently exists from the existing-original patio area is considered to be acceptable and insufficient loss of residential amenity sufficient to substantiate and sustain a reason for refusal.

The revised scheme is now recommended for approval.

Relevant Planning Policies:

National Planning Policy Framework 2012

7. Requiring good design

Core Strategy Local Plan 2013 Policies
B2: Creating Sustainable Neighbourhoods
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
HO20 Residential Amenity

Site Description:

The site refers to a ground floor flat, No.18, with rear terrace area, within Chatham Court a block of 22 flats situated on Chatham Green a Cul-de-sac within Sovereign Harbour. The site is not listed, nor is it situated within a conservation area.

Relevant Planning History:

An enforcement investigation was commenced in July 2014 following a complaint that the decking had been erected without planning permission. The Owner of the property was informed that planning permission was required for the works and it was requested that an application was submitted to retain the works as per our enforcement policy in order for a proper assessment to be carried out and neighbours to be consulted. An application was submitted to retain the decking as existing, however given the level of objection and as the application was recommended for refusal the applicant has elected to reduce the size of the decking in order to overcome objections.

Proposed development:

The application seeks to retain a section of the existing decking to the rear terrace of the property facing the sea measuring 2m by 2m, 38cm in height. The proposed section would be located adjacent to the boundary with Flat 19. The rear elevation of Flat 19 juts out by approximately 800mm.

The decking was installed to allow a view when seated towards the sea, which without the raised decking is not possible given the height of the rear wall. The decking is proposed to be reduced in size to allow sufficient room for a table and 4 chairs.

The applicant has suggested a form of screening consisting of a trellis and shrubs to be installed to the boundary between the application site and Flat 19. A triangular section of trellis to a height of 1m above the existing wall is proposed.

Consultations:

Neighbour Representations:

Two objections were received to the first round of consultation to retain the decking as existing.

Flat 10 which shares a boundary with the application site to the north, have objected to the application on the grounds that the raised height increases overlooking, development sets a precedent for other properties, and lack of freeholder consent.

Flat 19 which shares a boundary with the application site to the south, have also objected to the application on the grounds of loss of privacy and loss of visual amenity.

Flat 20 raise no objection to the application.

At the time of writing no objections had been received to the re-consultation on the basis of reducing the decking to 2m by 2m. If any are received then these will be orally reported to Planning Committee and included on the Addendum sheet.

Appraisal:

Principle of development:

In principle there is no objection to alterations to the flat/terrace area provided there would be no significant impact on the amenity of the surrounding residential occupiers and the works were acceptable in terms of design, in accordance with the National Planning Policy Framework 2012, policies of the Core Strategy Local Plan 2013 and Saved Policies of the Borough Plan 2007.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The rear terraces of the flats are separated by brick walls approximately 80cm in height with a further railing to a height of 35cm giving a total height of approximately 115cm. Therefore without the installation of decking there is an element of overlooking, and a lack of privacy when both standing and seated on the existing patio/terraces. The flats above also have small balconies which can overlook down onto the rear terraces. The raised decking has been installed to allow a view of and to the sea, as the brick wall to the rear of the terrace restricts any view from the original terrace level.

The decking raises the level of the terrace by 38cm, adjacent to the boundary of the property with Flat 19. This additional height increases both the real overlooking when both standing and seated, and the perception of being overlooked for the occupiers of the adjacent property.

It is considered that the reduction in the size of the decking and given that part of the terrace would be adjacent to the wall of Flat 19, the main concern in relation to the overlooking and perception of overlooking is reduced. The smaller section of decking will allow only for a small table and 4 chairs and the location partly behind the existing wall will reduce the overlooking. This is further reduced by the proposed trellis.

The trellis is proposed triangular as given the seafront location and the high winds a large square section of trellis would not be sustainable.

There has always been an element of overlooking and a lack of privacy between the flats, and it is considered that the reduction in size of the decking would overcome concerns of overlooking to a point whereby a refusal could not be justified.

Design issues:

Given the decking is not visible from public viewpoints it is considered there is minimal impact on the visual appearance of the building and therefore there is no objection to the works in terms of design.

Impact on character and setting of a listed building or conservation area:

The site is not listed, nor is it situated within a conservation area.

Other matters:

No other matters identified.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

The reduction in the size of the decking would overcome concerns in relation to overlooking to an extent that a refusal could not be justified.

A condition is recommended that the reduction of the decking in size occurs within 1 month of the date of the decision.

The failure to comply with the terms of this submission will warrant the Council pursuing the necessary legal proceedings as the decking in its current form is considered to be inappropriate and unacceptable.

Recommendation:

To approve planning permission subject to the following conditions;

1. The existing decking shall be removed and/or reduced in size to that shown on the approved drawing within 1 month of the date of this decision.
2. Approved drawings

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3. The trellis shown on the approved drawing shall be erected as soon as the approved decking is implemented and maintained in perpetuity.