

4/03042/18/FHA	REPLACEMENT OF OLD WOODEN DECKING WITH NEW SUSTAINABLE COMPOSITE DECKING. INSTALLATION OF SAFETY RAILINGS AND SCREENING (AMENDED SCHEME).
Site Address	9 UPPER HALL PARK, BERKHAMSTED, HP4 2NW
Applicant	Mrs D Rodbard, 9 Upper Hall Park
Case Officer	Briony Curtain
Referral to Committee	Contrary views of Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The application site is located within the town of Berkhamsted wherein residential development is encouraged in accordance with Policy CS4 of the Core Strategy 2013. The raised deck and fencing constructed do not adversely detriment the appearance of the parent site or immediate street scene. Given the orientation of the dwellings, separation distances and boundary treatments the development does not have a significant adverse impact on the residential amenity of neighbouring residents. The proposal is therefore considered in accordance with Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11 and CS12 of the Core Strategy (2013), and the NPPF (2018).

3. Site Description

3.1 The application site is located to the northern side of Upper Hall Park in Berkhamsted, close to its junction with Cedar Road and comprises a detached residential dwelling.

4. Proposal

4.1 Retrospective Planning permission is sought for the retention of the raised decking, the installation of safety railings, steps and screening. The main part of the decking is approximately 0.6m higher than the original.

5. Relevant Planning History

- 4/01648/18/FHA REPLACEMENT OF OLD WOODEN DECKING WITH NEW SUSTAINABLE COMPOSITE DECKING. INSTALLATION OF SAFETY RAILINGS AND SCREENING.
Withdrawn
25/09/2018
- 4/00281/04/FHA SINGLE STOREY REAR, TWO STOREY/SINGLE STOREY SIDE AND TWO STOREY FRONT EXTENSIONS. NEW VEHICLE ACCESS
Granted
22/03/2004
- 4/01798/03/FHA SINGLE STOREY REAR, TWO STOREY/SINGLE STOREY SIDE AND TWO STOREY FRONT EXTENSIONS. NEW VEHICLE ACCESS
Withdrawn
07/11/2003
- 4/01300/93/4 ERECTION OF ONE DETACHED DWELLING (RENEWAL)
Granted

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS11 and CS12. .

6.3 Saved Policies of the Dacorum Borough Local Plan

Appendix 3 & 7

7. Constraints

- CIL1
- TREE PRESERVATION ORDER
- 15.2M AIR DIR LIMIT

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Site / Street Scene
- Amenity of Neighbours
- Other

Policy and Principle

9.2 The application site is located within a residential area, wherein in accordance with Policy CS4 of the Core Strategy (2013) the principle of a residential development is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues of consideration relate to the impact of the proposal on the character and appearance of the site, immediate street scene and the impact on the residential amenity of neighbouring properties.

Impact on site / Street Scene

9.3 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2018) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

The garden of the application site is not overtly visible from the public domain as such no aspect of the raised patio or boundary fencing / screens would materially alter the character or appearance of the street scene. Therefore, the proposal does not detriment the appearance of the parent dwellinghouse and street scene. Accordingly the proposed coheres with the NPPF (2018), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013).

Impact on Residential Amenity of adjoining properties

9.4 The NPPF (2018) outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

The raised deck area with its screen, steps and railings has already been constructed. Historically there was a deck in this position but this was accessed via steps from the property and as such was lower than that now constructed. In the main part the deck is now approximately 0.6m higher than the previous. Given the topography and layout of the area, the impact of the development is largely confined to No. 46 Cedar Road. No. 9 Upper Hall Park already occupies an elevated position in relation to the properties of Cedar Road (which are sited at right angles). Notwithstanding the elevated position, it is concluded that there would be no significant harm to the residential amenities of surrounding properties with regard to privacy, visual intrusion or light.

The deck and screening is higher than that previously on the site, however given the layout and orientation of the surroundings, the nearest residential property; No. 46 Cedar Road is located at right angles, and sited over 29m away. Whilst the development is visible from the rear facing windows and rear garden it is not considered overbearing, or oppressive and would not harm light levels to habitable rooms or the immediate garden. The appearance of the development is softened and screened in some areas by the existing trees and structures in the rear garden of No. 46.

Turning to privacy, a screen has been erected to the eastern boundary which, whilst stepped in height does extend the full depth of the decked area and maintains an acceptable level of privacy between adjacent sites. Given the 29m distance to the rear facing windows of No. 46, the deck as constructed is not considered to result in an unacceptable level of overlooking or loss of privacy to the dwelling itself, especially when compared to previous overlooking levels from the steps and former deck. The north-western corner of the rear garden of No. 46 would be visible over and above the safety railings but this is already visible from the rear facing windows of the application property and as such there would be no significant increase in overlooking levels between the site. In addition it is important to note that all views to No. 46 are oblique not direct views.

No concerns are raised in regards to overlooking or loss of privacy to No. 7a Upper Hall Park due to the position of this property in relation to the application site (they are both at the same level). Similarly given the boundary treatment, the deck area, as constructed is not visible to them.

Thus, the proposal in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Other Material Planning Considerations

9.5 There is a TPO protected tree located to the very north-western corner of the site. The decking would not impact on the health or amenity value of this tree. There is a current TPO application being considered but this would not be relevant to considerations of the current application.

Community Infrastructure Levy (CIL)

9.6 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liabe. .

10. Conclusions

10.1 The raised deck and fencing does not adversely detriment the appearance of the parent dwellinghouse and immediate street scene or residential amenity of neighbouring residents. The proposal is therefore considered in accordance with Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11 and CS12 of the Core Strategy (2013), and the NPPF (2018).

11. RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

Conditions

No	Condition
1	The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2	The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Site Plan Location Plan 035/300/PL 035/100A/PL 035/100B/PL 035/200/PL Design and Access Statement

	<p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35;</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage (following a refusal) and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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Appendix 1

Consultation responses

Berkhamsted Town Council

The majority of the Committee considered that there would be loss of privacy and therefore amenity. It was disappointed that this is a retrospective application, and members were being asked, once again, to comment on an application that had already been completed.

Appendix 2

Neighbour notification/site notice responses

Objections

46 Cedar Road	<p>The prospect of a neighbour being able to stand above a six-foot fence looking into our kitchen and living room is dreadful, irrespective of the distance ; not to mention the loss of total privacy in our garden. No one can be expected to enjoy their dwelling and its setting if one has to endure such unfairness. This is a serious set back for us as permission is being sought retrospectively.</p> <p>The screens which sit above the existing fence interfere with the light as the sunset strikes from that direction.</p> <p>We therefore have to object to the application for the REPLACEMENT (already constructed) of the old timber decking.</p>
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Supporting

12 Upper Hall Park	<p>We are writing to support the householder planning application for 9 Upper Hall Park - Ref 4/03042/18/FHA.</p> <p>Living opposite at 12 Upper Hall Park for eleven years, we were familiar with the household in question before Mr & Mrs Rodbard moved in and support the application on grounds of safety.</p>
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	<p>1. Replacing the original wooden decked patio with sustainable composite material has eliminated safety issues that had arisen from the wood becoming rotten with age, despite regular maintenance by Mr Rodbard.</p> <p>2. The composite material has also eliminated the slip hazard associated with timber decking due to algal growth resulting from the deck's location on the north side of the house, which gets very little sun.</p> <p>3. Smart adaptation of the original design to provide a level, and therefore safer, egress from the back of the house, by decking over the original steps down to the patio whilst retaining the same footprint of the original design.</p> <p>Additionally, the incorporation of simple but natural screening materials mitigates expressed concerns that neighbouring gardens being overlooked more than previously, especially given that Mr & Mrs Rodbard are both less than 6 foot tall.</p>
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7a Upper Hall Park	I live next door to Ms Rodbard. The decking area at 9 Upper Hall Park is visible from my house. I completely support their application to replace their old decking.
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