

APPLICATION REPORT – 24/00072/FULHH

Validation Date: 31 January 2024

Ward: Coppull

Type of Application: Householder Application

Proposal: Use of rear flat roof as a balcony with privacy screens of 1.1m to 1.8m in height (retrospective)

Location: 83 Clayton Gate Coppull Chorley PR7 4PR

Case Officer: Mrs Hannah Roper

Applicant: Mr Clive Nightingale

Agent: Mr David Perry

Consultation expiry: 22 February 2024

Decision due by: 27 March 2024

RECOMMENDATION

1. Refuse Full Planning Permission on the following grounds:

The development has an unacceptable adverse impact upon the amenity of neighbouring occupiers due to loss of privacy to both homes and gardens and through noise and disturbance. The addition of the proposed privacy screen would result in an overbearing and visually intrusive impact that would result in unacceptable harm to the living conditions of neighbouring occupiers. The development is, therefore, contrary to the National Planning Policy Framework, policies HS5 and BNE1 of the Chorley Local Plan 2012-2026 and the Council's Householder Design Guidance Supplementary Planning Document.

SITE DESCRIPTION

2. The application relates to a recently developed detached dormer bungalow of modern design style located on the corner of Clayton Gate and Roe Hey Drive in the settlement area of Coppull. The property was built with a flat roofed projection to the rear of the building and is an original feature. It was approved planning permission under application reference 17/00742/FUL. It is noted that a number of conditions requiring further details were attached to the planning permission and that none of these details have been provided therefore the dwelling was completed and occupied without conditions requiring materials details, dwelling emission rate details, an intrusive site investigation scheme and details of any necessary mitigation measures having been discharged.
3. To the rear of the site to the south west lies the side elevation and boundary of number 27 Roe Hey Drive. This is a modest sized bungalow with windows and a door in the side elevation. To the north west side is number 85 Clayton Gate, which a modest semi-detached bungalow with a garage along the common boundary. The site also borders a corner section of the garden of No.17 Roe Hey Drive to the rear.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission retrospectively for the erection of a privacy screen to facilitate the use of the flat roof above the rear projection as a balcony. At present a 1.1m glass balustrade has been erected around the periphery of the roof serving the rear projection, however, the proposed plans specify that a 1.8m high privacy screen would be erected along the north west side of the roof, wrapping around the northwest corner of the balcony projecting 6m along the western elevation of the balcony.
5. It should be noted that this application is a resubmission of application 23/00031/FULHH - *Use of rear flat roof as a balcony with privacy screens of 1.1m to 1.8m in height (retrospective)*, which was refused on the 09 March 2023 and was subsequently dismissed at appeal (ref: APP/D2320/D/23/3322723) on 06 October 2023.
6. The sole difference between the previously refused scheme and the scheme currently being considered is an extension of the privacy screen along the western elevation from 5m to 6m.
7. The previous application and the Inspectors conclusions on the previously dismissed appeal represent a significant material consideration in the determination of the current application.

REPRESENTATIONS

8. Three letters of support have been received.

CONSULTATIONS

9. Coppull Parish Council – object to the proposal on the grounds that *'this application does not sufficiently mitigate the overlooking/loss of privacy caused by the balcony. Neighbouring properties (in particular nos. 17 & 27 Roe Hey Drive) would still suffer a measurable loss of privacy in their rear gardens.'*
10. CIL Officers – proposal is not CIL liable.

PLANNING CONSIDERATIONS

Design and impact on the dwelling and streetscene.

11. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*
12. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular it states that the installation of balconies and terraces are almost always problematic and, in many cases, unacceptable. One possible solution is to incorporate some form of privacy screen. Privacy screens can significantly increase the visual impact of a proposal and should only be used with great care. Ideally, they should be designed into the fabric of an extension rather than be added as an afterthought.*
13. The element of the property, above which the terrace is located, projects to the rear of the dwelling and extends beyond the main part of the south east side of the dwelling. The site occupies a corner plot and therefore the extension and balustrade are visible from the public highway and prominent from public vantage points on Roe Hey Drive.

The inclusion of the balustrade results in a taller structure than would otherwise be anticipated in this position.

14. The dwelling itself is finished in white render and already appears rather stark and at odds with the overall streetscene due to the scale and design of the dwelling and the facing materials used, whilst the boundary treatment and landscaping features further compound this. From the streetscene only the glass balustrade would be prominent with the taller 1.8m high screen set back further within the site. Given that the dwelling and projection already appear as a stark and somewhat discordant feature in the streetscene it is not considered that the proposed balustrades and privacy screen intensify this existing impact or are out of keeping with the appearance of the host dwelling. In this context the effect that the proposed development has on the surrounding streetscape is not significantly detrimental. The proposal is therefore considered to be in accordance with Policy HS5 of the Chorley Local Plan and the Householder design Guidance SPD in respect of the impact on the streetscene.

Impact on the amenity of neighbouring occupiers

15. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*
16. *The Householder Design Guidance SPD seeks to ensure that property extensions have a satisfactory relationship with existing neighbouring buildings, do not have overbearing impacts on adjacent properties and amenity areas and do not lead to the excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties. Furthermore, it states that balconies or terraces which lead to an unacceptable level of overlooking or are visually intrusive are unacceptable.*
17. *Policy BNE1 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that the proposal does not cause an unacceptable degree of noise disturbance to surrounding land uses.*
18. The flat roofed projection that is being used as a terrace is located to rear of the dwelling between the application property and the boundary with the property at 27 Roe Hey Drive. This neighbouring property is a modest bungalow with habitable room windows in the side elevation facing onto the common boundary between the two dwellings.
19. The terrace maintains a distance from the common boundary of between 2.5m closest to the frontage of 27 Roe Hey Drive, and 5.6m furthest from the road and adjacent to the rear garden of this neighbouring dwelling. The Householder Design Guidance SPD sets out that a distance of 7m is required from habitable room windows to a rear boundary and whilst there is no defined distance for balconies it is reasonable to expect a similar distance, at the very least, to ensure that the privacy of neighbouring residents is not impacted to an unacceptable extent.
20. Whilst a 1.8m high privacy screen would wrap around the north west corner of the terrace and run 6m along the side parallel to the boundary, at the point where this screen drops in height to 1.1m the balcony is only 4.4m from the common boundary with 27 Roe Hey Drive and would permit views directly across the neighbouring garden and into the side elevation of the conservatory. Furthermore, the property has a kitchen window on the side elevation, which the terrace allows unfettered views into due to the close proximity.
21. It is noted that the Inspector in the recent appeal decision set out that;

Whilst some mutual overlooking of gardens already exists from the first-floor bedroom windows on the rear elevation of the appeal site, these windows are located further away from shared boundaries than the balcony. The use of the balcony, which is located

much closer to the neighbouring properties, would be likely to increase opportunities for direct overlooking of the side elevation windows of No. 27 Roe Hey Drive and into the rear gardens of Nos. 17 and 27 Roe Hey Drive and No. 85 Claytongate. This would result in a loss of privacy to these properties and be detrimental to the living conditions of the occupiers of these properties.

The increase in the extent of the 1.8m high balcony by and additional 1m would not overcome this harmful impact that was identified by the Inspector.

22. On this basis it is considered that the use of the terrace that would be facilitated by the erection of the screens and balustrades, for which permission is sought, results in an unacceptable loss of privacy to both the house and garden at 27 Roe Hey Drive and as such it is contrary to policy HS5 of the Chorley Local Plan and the Householder Design Guide SPD.
23. With regard to the neighbouring property to the north west, number 85 Clayton Gate, this property is also a modest bungalow. The terrace is located 0.5m from the common boundary with this dwelling. There is a garage along the common boundary set back from the rear elevation of this neighbouring property. Notwithstanding this the addition of a 1.8m high privacy screen along this elevation would close the gap between the garage and the rear of the property with a structure totalling 4.7m in height. The resultant structure would result in an overbearing impact in relation to the neighbouring property and garden that would be visually intrusive.
24. This harm was also identified by the Inspector in the appeal decision, who considered that *the balcony with the proposed 1.8-metre-high privacy screen would sit significantly above the height of the garage and boundary fence and be highly visible from this property. Whilst the increased height of the balustrade would serve to minimise the loss of privacy to No.85, it would by virtue of its overall bulk, height and proximity to the shared boundary be a visually prominent feature that would have an overbearing impact on the outlook of the neighbouring property.* It therefore remains to be considered that the proposal fails to accord with policy HS5 and BNE1 of the Chorley Local Plan and the Householder Design Guidance SPD due to the unacceptable harm to the living conditions of neighbouring occupiers with regard to outlook.
25. The scale of the terrace and it's proximity to the neighbouring dwellings also gives rise to concerns regarding noise as the terrace is of significant size such that it would attract social congregation and the associated noise and disturbance that this would result in. This was a harm identified by the Inspector in the appeal decision, who stated;

Whilst the balcony would be set in slightly from each of the shared boundaries it likely that its use, due to its size, elevated position and proximity to neighbouring properties, would have the potential to be a source of noise and disturbance which would be detrimental to the living conditions of the neighbouring residents. I acknowledge that the activities that may take place on the balcony would be likely to be similar in nature to the use of a garden. However, by virtue of its raised position this means that the level of disruption which could occur would be likely to be greater than would be experienced from a typical garden, situated at ground floor.

On this basis the proposal also remains contrary to policy BNE1 of the Chorley Local Plan 2012-2026 due to the unacceptable degree of noise and disturbance to surrounding land uses that may be generated through the use of the terrace.

CONCLUSION

26. The development has an unacceptable adverse impact upon the level of amenity that could reasonably be expected by neighbouring occupiers due to a loss of privacy affecting both homes and gardens and through noise and disturbance. The addition a 1.8m high privacy screen as proposed would not fully alleviate these concerns and would result in an overbearing and visually intrusive impact that would result in

unacceptable harm to the living conditions of neighbouring occupiers. The development is, therefore, contrary to the National Planning Policy Framework, policies HS5 and BNE1 of the Chorley Local Plan 2012-2026 and the Council's Householder Design Guidance Supplementary Planning Document.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

RELEVANT HISTORY OF THE SITE

Ref: 23/00031/FULHH **Decision:** REFFPP **Decision Date:** 9 March 2023
Description: Use of rear flat roof as a balcony with privacy screens of 1.1m to 1.8m in height (retrospective)

Ref: 17/00742/FUL **Decision:** PERFPP **Decision Date:** 30 November 2017
Description: Demolition of existing bungalow and replacement with new dormer bungalow and temporary siting of a storage container and accommodation cabin for the applicant to use (to be removed upon completion of new dwelling)

Ref: 83/00809/FUL **Decision:** PERFPP **Decision Date:** 16 December 1983
Description: Conversion of garage to dining room and garage extension

Ref: 81/00326/FUL **Decision:** PERFPP **Decision Date:** 6 April 1981
Description: Extension to garage