

**REFERENCE:** P/20/63/FUL

**APPLICANT:** Mr & Mrs Pagan: 20 Rest Bay Close, Porthcawl CF36 3UN

**LOCATION:** 20 Rest Bay Close, Porthcawl CF36 3UN

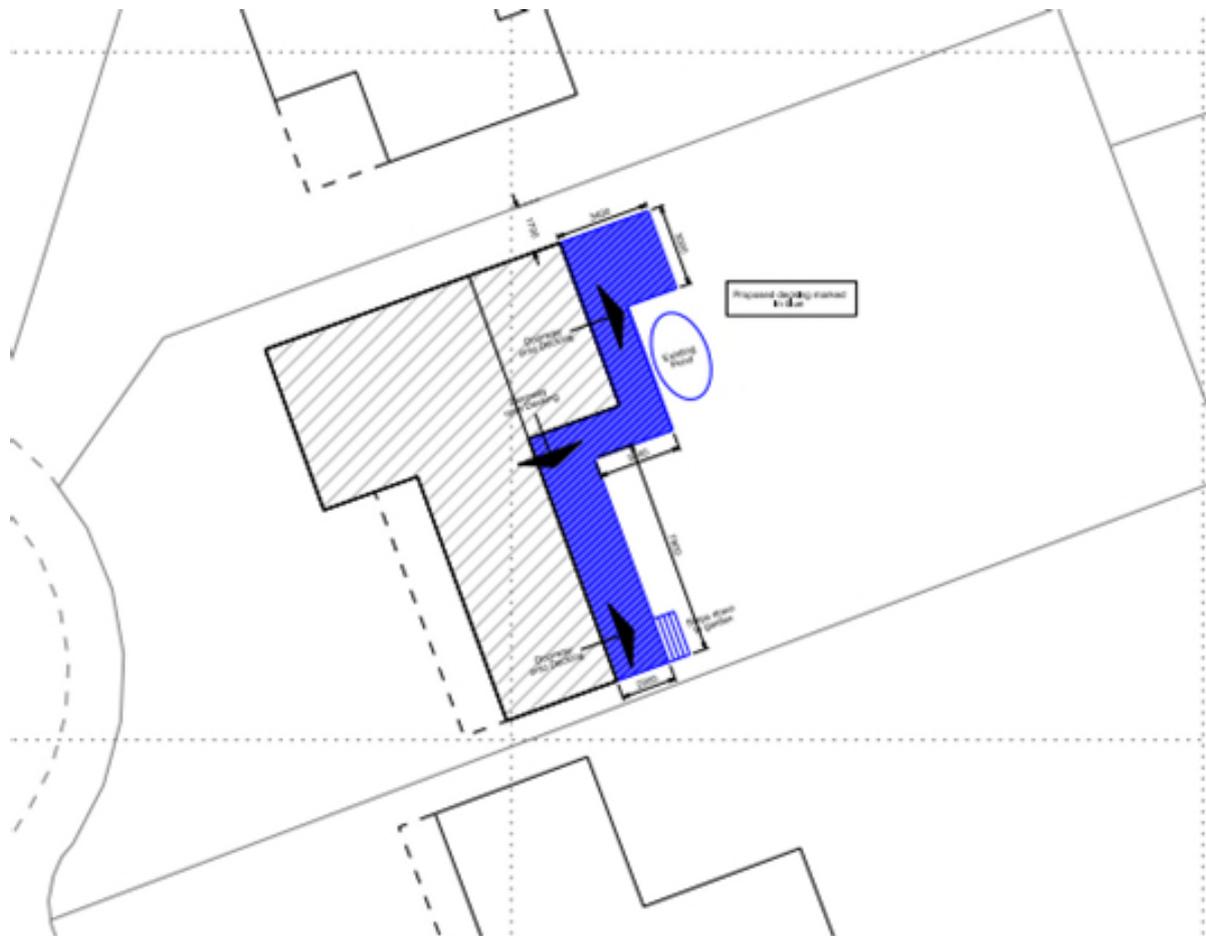
**PROPOSAL:** Construction of new elevated deck area to rear

**RECEIVED:** 20 January 2020

**SITE INSPECTED:** 12 February 2020

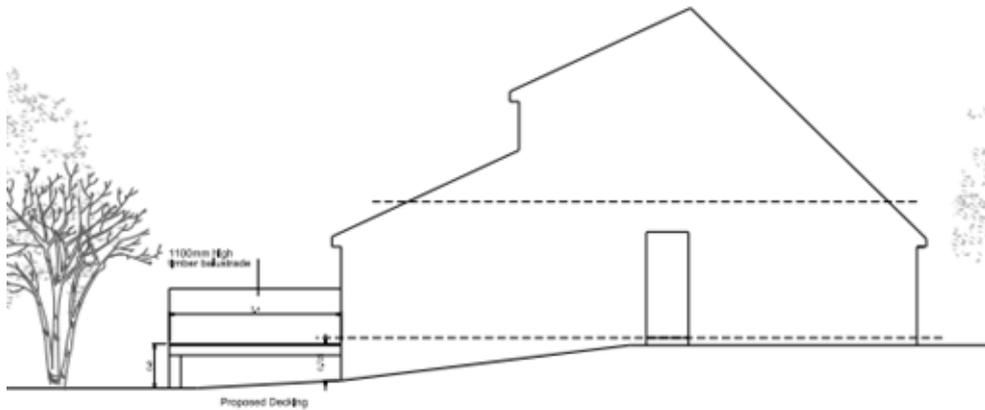
### **APPLICATION/SITE DESCRIPTION**

The application proposes the construction of a decked area projecting from the rear of the dwelling which is elevated above its rear garden and cover the entire rear elevation of the property.



***Proposed Block Plan***

The submitted block plan demonstrates that the northern section of the proposed deck will be flush with the side of the property and project 3.4m from the rear wall of the existing single storey annex and measure 3m wide before stepping in to 1.5m as it wraps around the single storey structure. Across the remainder of the rear elevation the deck will project 2m from the rear wall of the dwelling with steps installed at its southern end to enable access to the lower garden level. A balustrade 1100mm high is proposed to enclose the decked area but details have not been submitted with the application. Due to the topography of the site, the proposed decking ranges between 0.725m and 0.9m above the rear garden level.



***Proposed Side Elevation***

At the time of the site inspection it was evident that construction work to create the proposed deck had already commenced.



***Photograph supplied by applicant's agent***

The applicant has explained that a builder was employed to construct a decked area at the rear of the house to facilitate safe access to the lower rear garden for the then elderly resident. It had not been appreciated at that time that the structure required planning permission and as soon as it was realised that consent was necessary, works ceased. It also became evident that there had been a misunderstanding by the builder as to the extent of the decking as supporting timbers were attached to the side of the property and to the boundary wall with the neighbouring property, 19 Rest Bay Close, to create a deck that wrapped around the side of the building.

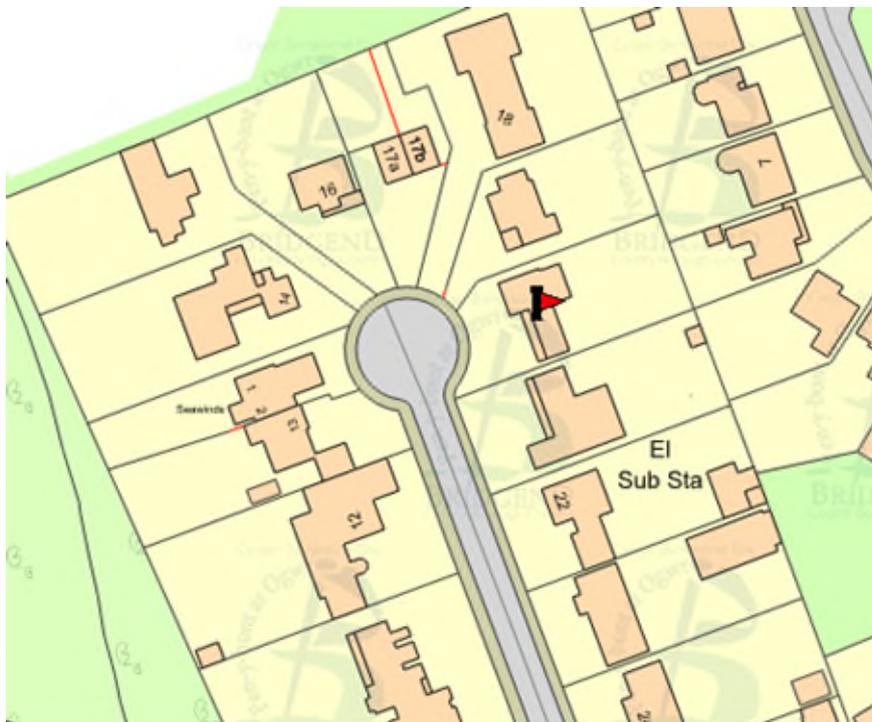


***Photograph showing earlier aborted works***

The applicant has confirmed in writing that these timbers together with the section of supporting wall will be removed and if approved, the decking will be constructed strictly in accordance with the submitted plans, flush with the side elevation of the property.

#### **SITE CONTEXT**

The application site is a detached dwelling located on the eastern side of Rest Bay Close and adjacent to the turning head of the cul-de-sac. The dwellings in this area vary in size and design and due to the curvature of the road fronting the application site, the front building line on this side of Rest Bay Close is not uniform.



***OS Map Extract showing application site flagged***

As indicated in the description of development the land levels slope from west to east and also from south to north which results in the application site being elevated above its rear garden but also at a higher level than the neighbouring property, 19 Rest Bay Close.



***Photograph showing land levels***



***Photograph showing deck in relation to Boundary & No 19 Rest Bay Close***

## **RELEVANT HISTORY**

None

## **PUBLICITY**

Neighbours have been notified of the receipt of the application and the period for consultation response expired on 21 February 2020.

A letter of objection has been received from the occupier of 19 Rest Bay Close and the grounds of objection relate to the impact the raised deck would have on the privacy of the entire rear garden of the objector's home. It is highlighted that there is a difference in land level of between 0.4 and 0.5m between the two properties with 20 set at the higher level. It is suggested that if the deck were to be set at a slightly lower level combined with an increase to the height of the boundary wall, it should be possible to create a decked area that would not infringe the privacy of the neighbour's garden. The existing boundary wall is however, unsuitable to be increased in height and therefore the relevant section of the boundary would need to be rebuilt in order to increase its height.

## **CONSULTATION RESPONSES**

Porthcawl Town Council has objected to the application on the grounds that it is an unneighbourly development and results in a loss of privacy to the neighbouring property.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following comments are provided in respect of the concerns raised by the occupier of the neighbouring property regarding the impact of the development on the privacy of the rear garden:-

Privacy – As indicated in the description of the development, building works to create the deck area were commenced without realising the need to obtain planning permission. The original scheme for the decking proposed that it would wrap from the northern side of the property around to the eastern (rear) elevation to create a platform level with the internal ground floor level.

As soon as the need to seek formal consent for the structure was understood, works to create the decking ceased and an application for planning permission to regularise the development submitted.

Having been made aware of the concern relating to the impact of the structure on the neighbouring property's rear garden, the scheme was amended so that now the decking will be flush with the side elevation of the property and set 1.7m away from the common boundary with 19 Rest Bay Close.

It is considered that a condition requiring the provision of a screen a minimum of 1.7m in height, erected along the northern boundary of the decking combined with this separation distance, will safeguard the privacy of the neighbour sufficiently to prevent unreasonable overlooking of the rear garden of the adjoining property notwithstanding the difference in land levels and the elevation of the decked area.

## **APPRAISAL**

This application is referred to Committee to enable Members to consider the objections raised by the adjoining occupier and Porthcawl Town Council.

## **RELEVANT POLICIES**

The relevant policies and supplementary planning guidance are highlighted below:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making

<b>Supplementary Planning Guidance (SPG) 02</b>	Householder Development
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In the determination of a planning application regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

<b>Planning Policy Wales Edition 10</b>	
<b>Planning Policy Wales TAN 12</b>	Design

## **DESIGN**

Policy SP2 of the Local Development Plan (2013) states "*all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment*". Design should be of the highest quality possible, and should be appropriate in scale, size and prominence".

The Policy establishes fifteen criteria against which development proposals can be assessed and, in respect of this rear two storey domestic extension, it is considered that only criteria 2, 3 and 12 are relevant.

Criteria 2 and 3 require development proposals to have a high quality design that respects and enhances local character and distinctiveness and is of an appropriate scale, size and prominence. In this case, as the deck is attached to the rear elevation of the property, it will not be readily visible from public vantage points and will not therefore adversely impact the visual amenities of the area or the street scene.

The final relevant criterion (12) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected by development proposals.

In this regard the Authority has also adopted Supplementary Planning Guidance (SPG) 02 which provides more detailed guidance on the manner in which the impact on the

residential amenity of neighbours is assessed. Notes 1 and 2 state that no extension should unreasonably dominate or overshadow adjoining property. It is evident from site photographs supplied by the applicant's agent that there are no windows in the side elevation of the adjoining property and therefore the decking and screen will not dominate or overshadow habitable room windows at this neighbouring property.

Note 6 of the SPG stipulates that an extension should respect the privacy of neighbouring houses. In this case, provided the decked area is constructed flush with the northern elevation of the dwelling thereby leaving a 1.7m separation from the boundary with the neighbouring property combined with a screen fence a minimum of 1.7m in height erected along the northern perimeter of the decked platform, it is considered that it will not so significantly impact the privacy of the rear garden at 19 Rest Bay Close as to warrant refusal for this reason.

Overall, the scheme is considered to be compatible with both the SPG and the identified criterion of Policy SP2.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and will not adversely affect visual amenities nor so significantly harm privacy and neighbours' amenities as to warrant refusal.

## **RECOMMENDATION**

(R02) That permission be GRANTED subject to the following conditions:-

1. The development shall be carried out in accordance with the following approved plan: plan number 20\_220 PLo1 Rev 2 received 4th June, 2020.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. A solid screen fence/enclosure a minimum of 1.7m in height shall be erected along the northern perimeter of the decked area prior to the beneficial use of the decking commencing and be so maintained in perpetuity.

Reason: To safeguard the privacy of the adjoining property in the interests of residential amenity.

3. \* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION \*

This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect visual amenities nor so significantly harms the privacy or neighbours' amenities as to warrant refusal.

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

## **Background Papers**

None