

2019/0728

Reg Date 06/09/2019

Bagshot

LOCATION: 9 HEYWOOD DRIVE, BAGSHOT, GU19 5DL
PROPOSAL: Raising of land levels in garden up to 1m in height and erection of a 1.8m closed board fence on new land levels to the sides, and a 2.2m fence to the rear on previous land levels (retrospective).
TYPE: Full Planning Application
APPLICANT: Mr & Mrs Scott
OFFICER: Mr N Praine

The application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Valerie White due to concerns regarding overlooking and loss of privacy at neighbouring properties.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application seeks part retrospective planning application for raising of land levels in the garden up to 1m in height and erection of a 1.8m closed board fence on the new land levels to the sides and a 2.2m fence to the rear on previous land levels. The proposed development is considered to be in keeping with the established character of the area and will not form any over-dominant impacts or any significant overshadowing of neighbouring properties. In addition screening is proposed to boundaries to mitigate any adverse loss of privacy and therefore the application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site falls within the settlement area of Bagshot. The application site comprises a detached two storey style dwelling. Historically the rear garden fell away from the rear of the house as the rear garden headed east toward 7 Heywood Drive. The drop was gradual starting at approximately 280mm from the finished floor level of the dwelling but increasing to nearer 1.3m below finished floor at the far eastern corner of the garden, at the boundary shared with 7 Heywood Drive.

3.0 RELEVANT PLANNING HISTORY

- 3.1 18/0945 - Erection of a two storey side extension and single storey rear extension following demolition of existing detached garage – approved 04/01/2019 and at the time of the officer site visit was under construction.

4.0 CONSULTATION RESPONSES

- 4.1 Windlesham Parish Council: No objection, however, the Parish Council also noted that it does not support retrospective applications.

5.0 THE PROPOSAL

- 5.1 The application proposed is part retrospective and follows a Corporate Enforcement investigation, this investigation invited a planning application to allow a full planning assessment of the proposal. Therefore, this part retrospective planning application seeks to regularise the raising of land levels in the garden of up to approximately 0.3m at its shallowest sections and up to approximately 1m in height at its deepest sections (far eastern corner of the garden, at the boundary shared with number 7 Heywood Drive). It is also proposed to erect a 1.8m closed board fence on new land levels to the sides, and a 2.2m fence to the rear on previous land levels.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report no letters of support and three objections have been received. The objections raise the following concerns:

- Loss of privacy - [*Officer comment: see Section 7.3*]
- Overbearing - [*Officer comment: see Section 7.3*]
- 1.5m hedge not sufficient to screen views - [*Officer comment: see Section 7.3*]
- Loss of light - [*Officer comment: see Section 7.3*]
- Issues with damp proof course, access to rainwater pipes and structural loading – [*Officer comment: these are not material planning considerations*]

7.0 PLANNING ISSUES

- 7.1 The application site is located in the settlement area of Bagshot. The application should therefore be determined against Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012. The Residential Design Guide Supplementary Planning Document (RDG) SPD 2017 and National Planning Policy Framework are also material planning considerations.

7.2 Impact on the character of the area

- 7.2.1 Policy DM9 (Design Principles) of the CSDMP seeks to promote high quality design that respects and enhances the local environment. The NPPF has a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. Paragraph 129 of the NPPF requires design policies to be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 7.2.2 The application site sits within a cul-de-sac of five properties off of Heywood Drive and dwellings in the area are all of similar age, but design finish is mixed. The proposals are to the rear of no. 9 Heywood Drive and in the main are not visible from public vantage points. That said, the proposed 1.8m fence to the south side of the garden (facing 10 Heywood Drive) will sit approximately 800m above the existing wall. This would be visible for a length of approximately 3m along the wall before ending at the existing detached garage which serves no. 10 Heywood Drive, this garage will obscure further views of the fence.

Given the fence would only sit above the existing wall by approx. 800mm for a length of approximately 3m this is not considered to adversely impact on the wider character of the area.

- 7.2.3 Having regard to the above built form relationships it is considered that this proposal would respect the character of the area and the development is therefore considered to be in accordance with the design requirements of Policy DM9, of the CSDMP and the NPPF in respect to its impacts upon the wider character of the area.

7.3 Impact on residential amenity

- 7.3.1 Paragraph 127 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. The Residential Design Guide (RDG) Supplementary Planning Document 2017 sets out at paragraphs 8.1 and 8.2 that residential amenity, in the form of light, privacy, outlook is an important design matter that has a very strong influence on the quality of resident's living environment.
- 7.3.2 Principle 8.1 of the RDG states that developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted. Principle 8.3 of the RDG advises that developments should not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access.
- 7.3.3 Paragraph 8.3 of the RDG explains the importance of people being able to enjoy a degree of privacy which makes them feel comfortable inside their dwellings and also able to enjoy their private outdoor spaces without feeling overlooked. The RDG identifies areas of particular sensitivity as habitable rooms and the first 3m of private space behind a rear elevation of a dwelling. Page 37 of the RDG explains that screening (such as walls, fencing, hedges and general landscaping), provided it does not create significant overshadowing, can be used to provide privacy to private spaces.
- 7.3.4 Paragraphs 8.5 and 8.6 of the RDG states that although there is no right to a view, residents should be able to enjoy good quality outlook to the external environment from habitable rooms, without walls (or fences) being overbearing or visually intrusive. A poor outlook can be caused by dense high vegetation significantly dominating the outlook of a habitable room or area. Topographical changes can also create overbearing relationships and poor outlooks.
- 7.3.5 No. 7 Heywood Drive is located to the rear of the application property and sited east of the proposal. By reason of this easterly orientation and the height of boundary fence at 2.2m in height, it is not considered to result in any adverse overshadowing or overbearing impacts. For the same reasons the proposed 1.5m hedge is also not considered to result in any adverse impact upon neighbour amenity enjoyed at 7 Heywood Drive.
- 7.3.6 Turning to the raising of the land, it is noted that the increase in height will allow views over the fence into the garden area of 7 Heywood Drive. This would also enable views onto the side elevation of this neighbouring dwelling, however, no primary windows exist on this side elevation. The pathway down the side of no. 7 is also not considered to be a sensitive area either (see paragraph 7.3.3 above). On this basis the proposal would not achieve any views into the habitable or sensitive areas of the dwelling house itself. That said, when standing in the southeast corner of the garden of the application site, views into the most sensitive areas of no. 7's garden are possible. While at this corner point of the applicant garden, the views are particularly penetrating, the applicant has offered to plant this eastern rear boundary with a hedge to a minimum of 1.5m in height and this is considered

to considerably reduce opportunities for overlooking. However, an actual height of 1.8m in height is considered to be a more appropriate to reduce opportunities for any actual or perceived overlooking. The most penetrating views can only be achieved from a corner in the rear garden of the application site and people often spend the least amount of time occupying these far corners of gardens (the first 3m of private space behind a rear elevation of a dwelling are the most used, RDG para 8.3). On this basis and subject to a condition to secure the planting, no objections are raised in respect to any impacts upon no. 7 Heywood Drive.

- 7.3.7 No. 8 Heywood Drive is located to the side of the application property and sited north of the proposal. The land levels are such that the height of boundary fence will undulate between 1.8m and at 2.2m in height and will be no higher than the existing trellis of the existing fence. However, given the change in levels, the proposed fence will be sited up to 2.8m above ground at the far end of number 8 for approximately 2 metres in length. While this height is noted as being significant, it is sited at the least sensitive rear section of the garden where the land levels drops by approximately 1m with the main dwelling and primary garden levels sited on higher land. As such the fence will not be overbearing or overshadowing to these higher, primary areas and only runs for a distance of approximately 2m. No objections are raised in respect to any loss of privacy upon 8 Heywood Drive.
- 7.3.8 No. 10 Heywood Drive is located to the south side of the application property and sited south of the proposal. The closest windows of this neighbour are approximately 5m from the closest boundary of the applicant property where the fence is proposed. As indicated above at paragraph 7.2.2, the proposed 1.8m fence to the south side of the garden (facing 10 Heywood Drive) will sit approximately 800m above the existing wall. This would be visible for a length of approximately 3m along the wall before the existing detached garage, which serves number 10, will obscure views of the fence. The officer also notes that number 10, is splayed away from the proposal, so direct views from these windows are to the north west away from the proposed fence. Coupled with the separation distance of at least 5m (further increasing, due to the splayed siting, to nearer 7m away) and northerly orientation of the proposal, in the officer's opinion this is sufficient to ensure the fence will not be overbearing or overshadowing to the windows of no. 10. Views from the garden area of 10 Heywood Drive are screened by their existing detached garage. Therefore, the proposal is not considered to be adversely overbearing or result in any significant overshadowing of no. 10. Finally, given the presence of a 1.8m fence along the boundary no objections are raised in respect to any loss of privacy upon 10 Heywood Drive.
- 7.3.9 Having regard to the retained separation distances and / or screening to all other adjoining or nearby neighbours in Heywood Drive and beyond, it is considered that no undue loss of residential amenity will result from this proposed development to the occupiers of any other adjoining or nearby residential properties.
- 7.3.10 In conclusion the proposal is considered to comply with Policy DM9 (Design Principles) of the Surrey Heath Core Strategy and Development Management Policies 2012, the RDG and the NPPF.

8.0 CONCLUSION

- 8.1 The proposed development is considered to be in keeping with the established character of the area and will not form any over-dominant impacts or any significant overshadowing of neighbouring properties. In addition screening is proposed to boundaries to mitigate any adverse loss of privacy and therefore the application is therefore recommended for approval.

9.0 WORKING IN A POSITIVE/PROACTIVE MANNER

9.1 In assessing this application, officers have worked with the applicant in a positive, proactive and creative manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development;
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

RECOMMENDATION

GRANT subject to the following conditions:-

1. The building works, hereby approved, shall be retained / constructed in external fascia materials to match those as specified on the application forms and drawings, unless otherwise agreed in writing with the Local Planning Authority .

Reason: In the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

2. The proposed development shall be retained in accordance with the following approved plans: CS2, CS3 and GP 1 unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. Within 2 months of the date of this decision notice, full details of all soft landscaping to the rear boundary of the application site (i.e. facing 7 Heywood Drive) shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented within 2 months of agreement. The submitted details should include an indication of species, spread, location, heights of planting (to be maintained at 1.8m in height required) and programme for maintenance. Once implemented the landscaping shall be retained to the satisfaction of the Local Planning Authority and if any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5
3. Party Walls (etc) Act 1996 DE3
4. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.
5. Whilst it would appear from the application that the development is to be entirely within the curtilage of the application site, care should be taken to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land.