

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**7 July 2009**Attendance:

Councillors:

Jeffs (Chairman) (P)

Barratt (P)
Baxter (P)
Busher (P)
Evans
FallJohnston (P)
Huxstep (P)
Lipscomb (P)
Ruffell
TaitOfficers in Attendance:Mr J Jenkison (Planning Development Control Officer)
Mr N March (Enforcement Manager)
Ms J Wright (Enforcement Officer)
Ms F Sutherland (Planning and Information Solicitor)

1. CHAIRMAN'S ANNOUNCEMENT

The Sub-Committee met at Wickham Community Centre. There were no members of the public present.

2. GREEN TREES, HOADS HILL, WICKHAM
[\(Report PDC810 \(Item 10\) refers\)](#)

The application had been considered by the Planning Development Control Committee meeting held on 18 June 2009. At this meeting, Members agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit. This was because Members did not consider it possible to determine the application, without first visiting the site, to assess the impact of the proposals on the amenity of neighbours. The Committee was also in agreement that it was difficult to visualise the required modifications to the decking and construction of fencing along boundaries, without noting first hand the elevations and proximities to neighbouring properties.

Therefore, immediately prior to the public meeting in Wickham Community Centre, the Sub-Committee visited the site. A neighbour (and objector) from Chesapeake House, to the north of the application site, was also present at the site visit with the consent of the applicant, who was not in attendance.

At the public meeting, Mr Jenkison reminded Members of the main issues regarding the application. In summary, a large section of raised decking had been constructed in the back garden of Green Trees without the benefit of planning permission. The area of decking immediately adjacent to and level with the floor level of the house / conservatory was lawful due to the time that it had been in-situ. The remainder of the decking, which stepped down a level and extended further into the back garden, was the area of decking that required permission. The total length of the deck was approximately 14 metres from the end of the conservatory and 21 metres from the main rear wall of the house. The application details showed the deck and conservatory set back 1 metre from the north side boundary with Chesapeake House.

Due to the sloping land, the rear section of the deck was raised approximately 1.5 metres from ground level and therefore allowed a high level of inter-visibility into the rear garden of Chesapeake House.

The proposal would result in the modification of the existing decking by bringing it further back from the common boundary with Chesapeake by 0.8 metres. It included the construction of a 'wave' trellis fence (maximum height 1.8 metres above the level of the deck) along the northern edge of the deck. The fence would run parallel to the site's northern boundary for a distance of approximately 16 metres. By bringing the deck further from the boundary, it would allow a space for landscape planting, which was covered by condition 2, and the deck would be stained a dark colour, again to reduce its visual impact.

In concluding his presentation, Mr Jenkison recommended that the application be approved.

During Members' questions, it was noted that there was an existing evergreen hedge between the neighbouring properties, in the ownership of Chesapeake House, which had been allowed to grow to reduce the opportunity for overlooking. The gardens were of a good width and length to allow for the growing of a mature hedge. There was overlooking of the neighbouring gardens from both properties, but a consideration was the degree of acceptability that could be achieved by having the boundary fence in a position and at a height that would be to the satisfaction of the Local Planning Authority.

The applicant had been invited to submit the application, which was acceptable to the officers, to negate the need to take enforcement action. The Enforcement Manager confirmed that it was the officers' view that the deck, as it currently exists, was harmful to the amenity of the neighbouring property due to the level of overlooking it afforded. It was therefore open to the Authority to take enforcement action to secure its removal. However, the owners were keen to resolve the situation themselves. Setting in the decking by 0.5m and erecting 1.8m high trellis fencing, as proposed by the application, would mitigate the impact of the decking on the amenity of the neighbour to an acceptable level by minimising the opportunity for overlooking. The wave design of the trellis fence, combined with setting the deck in, would also ensure that the fence would not appear too overbearing when viewed from the rear garden of Chesapeake.

At the conclusion of debate, the Sub-Committee agreed to grant planning permission for the reasons set out in the Report and subject to the Conditions set out below. It was also agreed that the precise wording of the conditions, in particular condition 2, be reconsidered by the Head of Planning Management in consultation with the Chairman under delegated authority, to ensure that the landscape scheme was achievable and that the fence would be provided in a reasonable timescale.

RESOLVED:

That planning permission be granted, subject to the following conditions:

1. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The scheme shall specify species, density, planting, size and layout, and a timetable for its implementation. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

2. Within 3 months of the date of this decision, the following works shall be carried out:

(a) the whole of the lower deck along the north side shall be set in 0.5m from the side (northern) elevation of the main dwelling, as illustrated in the amended plans received 10 June 2009; and

(b) the 1.8m high trellis fence on the north side of the deck shall be fully constructed in accordance with the approved plans and thereafter be permanently retained and shall not at any time be modified unless agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of the occupiers of the adjacent property to the north.

The meeting commenced at 10.30am and concluded at 11.45am.

Chairman