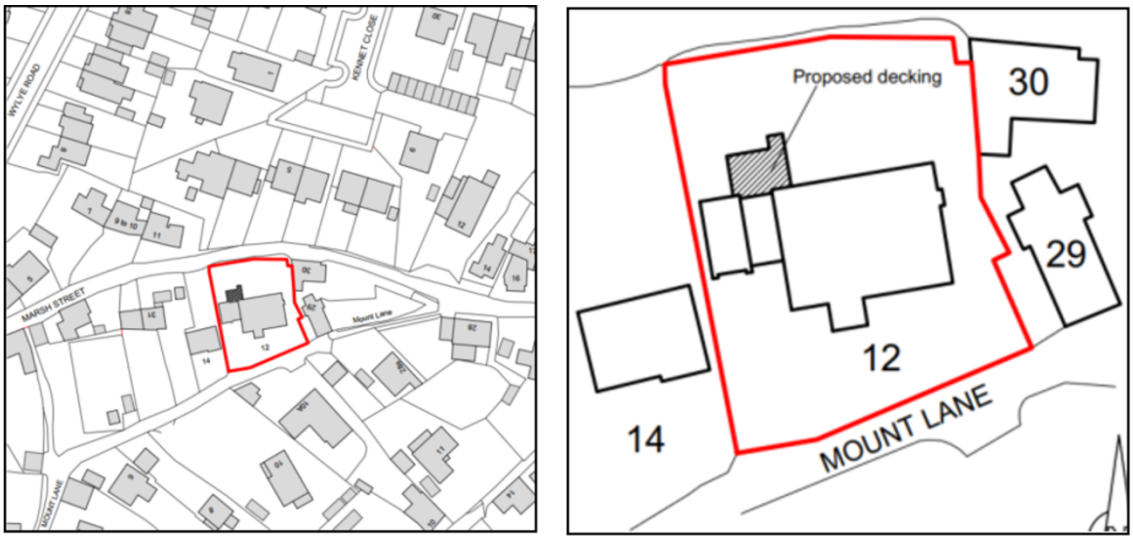
CASE OFFICER'S REPORT

Application Reference:	PL/2023/10026
Application Type:	Householder planning permission
Consultation ends:	20 December 2023
Case officer:	Jemma Foster
Site Address:	12 Mount Lane, Warminster, BA12 9QH
Proposal:	Retrospective application for new doors, decking and steps; and proposed erection of side privacy screen and partial infilling with timber boarding.
Recommendation:	Approve with Conditions

Proposal and Site Description

The application site is located between Marsh Street to the north and Mount Lane to the south within the Warminster settlement limits. The main dwelling is clearly shown set within its plot, with neighbouring residential properties also clearly highlighted. The site is not subject to any landscape designations, but the site does slope away from the rear elevation. Boundary hedging fronts Marsh Street although some views of the structure are possible from the public domain - this is partly due to the elevated position of the house in relation to the garden and highway.

This application seeks retrospective planning permission for the erection of a raised wooden decking area and steps attached to the rear elevation of an unlisted dwelling at 12 Mount Lane in Warminster. The decking is made of treated softwood and is set on 1.5m high timber posts with a 1.9m (approx.) high wall on the western side, and timber railings on the eastern and northern sides. The application also proposes the construction of timber cladding to infill the open areas underneath the decking along the western side and part of the northern side. A 2 metre high obscurely glazed privacy screen is also proposed along the western side of the decking area (amended from 1.5m during the course of the application). The design of the decking area takes its cue from the differing levels between the existing dwelling and the garden and allows access directly from the dwelling to the rear garden rather then having to use the gate that exists on the side elevation. These additional elements are intended to help address the previous reasons for refusal relating to the impact of the development on visual and neighbour amenity.



Location Plan and Site Plan

Policies

National Context:

National Planning Policy Framework 2023 (NPPF) Planning Practice Guidance (PPG)

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015 CP57 - Ensuring High-Quality Design and Place Shaping

Warminster made Neighbourhood Plan 2016

Key Issues

The main issues to be assessed in the determination of this application are:

- Design and visual impact
- Impact on neighbour amenity
- Highway safety and parking

Relevant Planning History

2023/04658 - Retrospective application for raised decking and steps to garden - Refused 27/09/23 for the following reason:

The proposal, by reason of its design and bulk on the rear elevation sited on an elevated position, is considered to be of poor design that harms the character and appearance of the host dwelling and the immediate environs. Given the elevated circumstances, the offending structure overlooks the private rear gardens of neighbouring property, and this loss of privacy adds further weight to a refusal decision based on the conflicts with the aims of Core Policy 57 of the Wiltshire Core Strategy, the made Warminster Neighbourhood Plan, and section 12 of the NPPF, in particular Paragraphs 130 and 134.

14/07792/FUL - Flat roof canopy to front elevation and improvements to create level access - Approved with Conditions

Consultation Responses

Warminster Town Council - objects as the application denies the right to amenity and is an invasion of privacy.

Representations

Twelve neighbours were consulted, and one objection was received which is set out below:

In August 2006, the Wiltshire Council Building Control Surveyor declared that the retaining wall between 30 Marsh Street and 12 Mount Lane was a dangerous structure due to cracking. This wall was totally rebuilt to make it strong enough to support the garden of 12 Mount Lane. Since 2006 there has been a gradual landslide from 12 Mount Lane into Marsh Street. This is apparent from the fact that the original boundary hedge of 12 Mount Lane is halfway down the slope into Marsh Street and a new hedge has been planted at the top of the slope. 20 years ago when I moved here the garden of 12 Mount Lane was relatively level and the bank did not encroach to such a degree into Marsh Street. Until recently the growth on the bank was cut and maintained by the owners of 12 Mount Lane but this ceased when the property was unoccupied and has not been resumed. My concern regards the effect of any additional structure built at 12 Mount Lane on the stability of the land adjoining my property."

Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Design and Visual Impact

Core Policy 57 of the WCS must be considered as part of any planning permission. This policy states under paragraph (iii) that new development should respond positively to the existing townscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

Paragraph (xii) of CP57 further highlights that applications must demonstrate how applications will make positive contributions to the character of the area through the use of high standards of building materials, finishes and landscaping.

With regards to design the previous case officer's report stated: *The unauthorised decking appears visually at odds with the simple elevation form of the dwelling and it competes with the main dwelling in elevation terms and appears a poorly executed design element on the rear elevation that cannot be argued to be high quality or an appropriate subservient addition to the house. The raised decking conflicts with CP57 and the made Neighbourhood Plan and section 12 of the NPPF as this addition fails to deliver high-quality development.*



Photographs of the raised deck and stairs (Provided by the agent)

The existing property, which is finished in red/brown brick, occupies an elevated position and is visible, albeit predominantly from other properties. Although described as having a "simple elevational form", it is noted from a site visit that there is an existing lean to attached to a projecting gable which appear as extensions to the original dwelling. There is also an existing timber outbuilding to the rear, in the garden, that serves as a garden room.

The structure as built, whilst not of a high quality design, does at least appear as a subservient addition to the dwelling as it is not particularly large. It is also built of differing materials to the original dwelling so clearly appears as an addition. The proposed erection of a glazed screen and the partial blocking in of the area underneath the decking would help to assimilate it with the host dwelling when viewed from outside the site, this helped by the choice of materials and the more 'solid' appearance of the structure.

In light of the above, it is considered that the previous reason for refusal has been satisfactorily addressed and that no harm would be caused to visual amenity. The proposal would therefore comply with the relevant criteria of CP57.

Impact on Neighbour Amenity

CP57 of the adopted WCS requires in part vii for development proposals to have *"regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)".*



Views from the raised deck to the west, north and east

The application proposes an obscure glazed screen (increased to 2m through an amended plan) to the western side of the raised decking that would face the garden of the neighbouring property at 14 Mount Lane. It is considered that this screen would not be overbearing or create overshadowing issues such as to warrant a refusal reason because it is offset from the boundary, lies east of the neighbouring garden and there is already some degree of overshadowing due to number 12 Mount Lane being sited further back then number 14 Mount Lane. The 2m high screen would satisfactorily remove the overlooking that currently exists from the decking over the garden of number 14 Mount Lane as even if a tall person/people were to be standing up on the decked area, they would not be able to see over it. In addition, the submitted plans show the angle of sight if stood on the edge of the balcony looking in the direction of Marsh Street. This shows that only the very corner of the neighbouring gardens could be seen if stood right on the edge with the screen in situ. It is further noted that the existing boundary treatment is such that overlooking of the neighbouring garden already exist to a certain extent.

It is clear from visiting the site that the raised decking increases the possibility of overlooking of numbers 3 and 4 Kennet Close which lie to the north but downhill of the application property. However, whilst these properties can be seen from the decking, clear views into their windows, which would may otherwise warrant the refusal of planning permission, would be limited due to a combination of factors, including the distance (approximately 27 metres away), the fact that they at a lower level and not directly opposite and the angle of view which limits the ability to see into the windows. Furthermore, the existing vegetation and topography of the land is such that views into the gardens of 3 and 4Kennet Close is extremely limited.

In light of the above it is considered that the retention of the raised decking and stairs, along with the proposed additional works (erection of privacy screen and infilling with timber boarding), would not give rise to significant neighbour amenity issues which would justify the refusal of planning permission. The development is therefore considered to comply with the relevant criteria of CP57.

Highways Safety and Parking

The development proposal would not have any impact on highway safety or parking provisions as it would not require additional parking spaces and would not alter the existing access and parking provision.

Other

The possibility of further land stability problems has been raised by a neighbour; however, there is no evidence submitted within the submissions to verify this. It is also a matter for discussion/agreement between the respective landowners.

Conclusion

The proposal has overcome the previous reasons for refusal and as such is recommended for approval subject to conditions.

Conditions: (3)

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 provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing Number 1255-P01 Rev E Received on 23rd January 2024

Drawing Number 1255-S01 Received on 15th November 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

3 Within three months of the decision date, the timber cladding on the balcony structure and the 2 metre high privacy screen on the west elevation, as shown on Drawing Number 1255-P01 Rev E received by the local planning authority on 23 January 2024, shall be erected. The privacy screen shall be glazed with obscure glass only to an obscurity level of no less than level 3 and it shall remain in situ and be permanently maintained with obscure glazing for the lifetime of the development.

REASON: In the interests of residential amenity and privacy.