

Agenda Item A10	Committee Date 7 th March 2016	Application Number 15/01623/FUL
Application Site 38 Hest Bank Lane Hest Bank Lancaster Lancashire	Proposal Construction of a first floor balcony to the rear elevation with block wall to the side and replace obscure glazed side window with clear glass	
Name of Applicant Mr Paul Newton	Name of Agent N/A	
Decision Target Date 18 February 2016	Reason For Delay Committee Cycle	
Case Officer	Mr Robert Clarke	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, Councillor Rogerson requested it be referred to the Planning Committee for a decision on grounds of the development's overlooking nature.

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application relates to a detached property which from the front elevation appears as a single storey bungalow. To the rear first floor accommodation is provided in the roof space and through the introduction of a two storey extension.
- 1.2 The property is located on Hest Bank Lane within Hest Bank and opposite Slyne-with-Hest St Luke's Church of England Primary School. The surrounding area is residential in character and is characterised by large detached properties within generous curtilages. There is a mixture of bungalows and two storey dwellings.
- 1.3 The site is allocated as an urban greenspace with the Lancaster District Local Plan Proposals Map.

2.0 The Proposal

- 2.1 The applicant has previously constructed a first floor extension (on top of a single storey extension subject of planning ref: 80/0584) to the rear of the property that extends from the rear elevation up to 3m and features a hipped roof with a maximum height of 6m. This could be considered as permitted development, however, the applicant has installed a side elevation window with clear glazing, which is to be regularized under this application. Under permitted development regulations a side elevation window must be installed with obscure glazing. The application also proposes the installation of a balcony that will also be constructed on top of the ground floor extension. It will have a width of 3.8m and a length of 1.2m, it will feature a 1.1m high clear glazed balustrade and 1.8m high obscure glazed privacy panels to each side.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
80/0584	Alterations and erection of extensions to form two sun lounges, porch, lounge extension and extension to roof level to form first floor living accommodation	Permitted
83/0817	Amendment to previously approved extension and alterations	Permitted
15/01181/FUL	Construction of a first floor balcony to the rear elevation and replace obscure glazed side window with clear glass	Refused

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Slyne with Hest Parish Council	They are aware of the neighbour's concerns on the refused application 15/01181/FUL and hope that the modifications go towards solving the problems.

5.0 Neighbour Representations

5.1 Two letters of objection have been received by the occupants of the neighbouring property No. 40 Hest Bank Lane on grounds of the developments intrusive, overlooking nature and the resulting impacts on private amenity space and character.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph **7, 12, 14, 17** – Sustainable Development and Core Principles
Paragraphs **56-64** – Requiring Good Design

6.2 Development Management DPD

DM35 – Key Design Principles
DM28 – Development and landscape impact

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Lancaster District Local Plan Saved Policies

E29 – Green Spaces

7.0 Comment and Analysis

7.1 The key considerations in the assessment of this application are:

- General design
- Impacts on residential amenity

7.2 **General design**

The proposed balcony is to be constructed using a 1.1m high clear glazed balustrade and 1.8m high privacy panels at each end. The proposed steel balustrade and use of glazing panels are seen to

provide an appropriately contemporary finish to the rear elevation of the property that also respects the appearance of the dwelling, whilst its small scale, 4.56m², is not seen to result in detrimental impacts to the character of the property. Furthermore, the installation of a balcony in this location is seen as an improvement to the current flat roof promontory that remains as a result of the previously constructed first floor extension. Additionally, a balcony of a similar style although of a much larger scale has been constructed at No. 44 Hest Bank Lane, as such this balcony will not be the only development of this form along this row of detached properties. Overall, the scheme is deemed to represent an acceptable and congruent form of development that respects the character of the dwelling and the area.

7.3 The window to the side elevation is a brown uPVC unit which is seen to match the appearance of the windows installed throughout the development. As such the appearance of the property is maintained.

7.4 **Impacts upon residential amenity**

Objections have been received from the occupant of the neighbouring dwelling who has concerns regarding the developments intrusive and overlooking nature and the resulting impacts upon private amenity space.

7.5 A previous application, 15/01181/FUL, which also proposed a balcony (without privacy panels) and the regularisation of the side elevation window was rejected on grounds of the developments overlooking nature and resulting impacts on private amenity space. After a detailed site visit to the applicant property and its neighbour No. 40 Hest Bank Lane, it is deemed that the addition of 1.8m high obscure glazed privacy panels to each side of the proposed balcony alleviates the concerns raised for the previous application. To the south the privacy panels will obscure any views of the neighbouring properties rear conservatory and patio area, whilst a substantial mature 3-4m high hedge which forms the party boundary will ensure that sufficient privacy levels for No. 40 will remain. To the north, again the privacy panels will prevent overlooking of the majority of the garden of 36 Hest Bank Lane, the balcony will have views of an outbuilding which is located to the rear of the garden. However, on balance it is seen that acceptable levels of privacy remain.

7.6 Careful consideration was given to the side elevation window. During the site visit it was seen that the hipped roof of the adjacent single storey rear extension prevents views of the patio area of the No. 36, only views of the outbuilding and the area immediately to the front are gained. The applicant property features a rear elevation bedroom window which has views over the entire garden of the neighbouring property, as such the installation of clear glazing to the side elevation is not seen to exacerbate the current situation.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 This is a finely-balanced proposal. However overall, the balcony is considered acceptable in terms of scale and design and is deemed to represent an acceptable form of development that respects the character of the dwelling and the wider area.

9.2 This application differs from the previously refused application due to the inclusion of the 1.8m high obscure glazed privacy panels. After careful consideration it is considered that these panels mitigate any form of direct overlooking whilst the existing boundary treatments also contribute to ensuring acceptable levels of privacy for nearby occupiers. With regards to the side elevation window, its view is largely obscured by the hipped roof of the adjacent extension, as such it is not seen to result in further issues of overlooking. It is for these reasons that the application can be supported.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard three year timescale

2. Development in accordance with plans
3. Amended plan ref: HB/1/16 received on the 28/02/2016
4. Retention of existing boundary treatments
5. No balcony on flat roof of the attached garage

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None