

## Item No. 15

<b>APPLICATION NUMBER</b>	<b>CB/18/04058/FULL</b>
<b>LOCATION</b>	<b>Tree Tops, 13 West Hill, Aspley Guise, Milton Keynes, MK17 8DP</b>
<b>PROPOSAL</b>	<b>External steps and platform to access roof void storage over garage from existing garden level</b>
<b>PARISH</b>	<b>Aspley Guise</b>
<b>WARD</b>	<b>Aspley &amp; Woburn</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Wells</b>
<b>CASE OFFICER</b>	<b>Matt Cranitch</b>
<b>DATE REGISTERED</b>	<b>01 November 2018</b>
<b>EXPIRY DATE</b>	<b>27 December 2018</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs Hercheui</b>
<b>AGENT</b>	<b>Alistair McIntyre RIBA</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Budge Wells for the following reason: Loss of privacy – application provides platform where people standing on it can see into adjacent house shower room and through the front door when open</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

### **Reason for Recommendation:**

Retrospective planning permission is being sought for the erection of external steps and a platform at the rear of a garage, and for an access door to the roof void over the garage, to allow this void to be used for storage. It is considered that the development does not have a detrimental impact on the character of the Conservation Area or the openness of the Green Belt. The development does not result in any undue detrimental harm to the character or appearance of the dwelling house or area, or to neighbouring amenity in terms of daylight or being overbearing. The balcony does provide a view over part of the side elevation of one neighbouring property. However, the fact that the view is of the access to this neighbouring property, and that the boundary treatment between the two properties somewhat shields the view of the neighbouring property from the development site, means that any loss of privacy is minimal and is not detrimental enough to warrant a refusal of the application.

As such the development is considered acceptable in accordance with policies CS3 and DM3 of the North Core Strategy and Development Management Policies, Sections 8, 12, 13 and 15 of the National Planning Policy Framework and the Central Bedfordshire Design Guide.

### **Site Location:**

The application site comprises the curtilage of a large two storey detached dwelling located to the south east of West Hill in Aspley Guise. The property is set back considerably from the road frontage on a much higher elevation and is surrounded by large detached properties of varying styles. Planning permission was granted for a

detached single width garage in May 2016 following the demolition of an already existing wooden outbuilding. The garage sits below the dwelling house towards the highway and is on a much lower elevation than the dwelling house.

The site is within the green belt, the Aspley Guise Conservation area and is also within an Archaeological Notifiable area.

**The Application:**

Retrospective planning permission is being sought for the erection of external steps and a platform at the rear of a garage, and for an access door to the roof void over the garage, to allow this void to be used for storage. The steps and platform sit behind the rear elevation of the garage and cannot be seen from the highway. The platform sits well below the eaves of the garage. Due to the difference in levels on the site, the dwelling house sits on a much higher plane than the garage.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (July 2018)**

12: Achieving well-designed places

13: Protecting Green Belt land

**Core Strategy and Development Management Policies - North 2009**

CS14 High Quality Development

DM3 High Quality Development

DM6 Development within Green Belt Infill Areas

**Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

LP HQ1: High Quality Development

LP SP4: Development in the Green Belt

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Design Supplement 7 Householder Alterations and Extensions

***It is considered that the proposal is in conformity with the relevant policies listed above unless otherwise stated in the Assessment.***

### Relevant Planning History:

<b>Case Reference</b>	<b>CB/17/04931/FULL</b>
Location	Tree Tops, 13 West Hill, Aspley Guise, Milton Keynes, MK17 8DP
Proposal	Construction of a dormer over staircase
Decision	Full Application - Granted
Decision Date	08/12/2017

<b>Case Reference</b>	<b>CB/16/03940/FULL</b>
Location	Tree Tops, 13 West Hill, Aspley Guise, Milton Keynes, MK17 8DP
Proposal	Two storey rear extension, single storey side extensions and loft conversion with one dormer and roof terrace.
Decision	Full Application - Granted
Decision Date	01/11/2016

<b>Case Reference</b>	<b>CB/16/01324/FULL</b>
Location	Tree Tops, 13 West Hill, Aspley Guise, Milton Keynes, MK17 8DP
Proposal	Retrospective Planning Permission for retention of a garden shed to the rear of property
Decision	Full Application - Granted
Decision Date	25/05/2016

<b>Case Reference</b>	<b>CB/16/01470/FULL</b>
Location	Tree Tops, 13 West Hill, Aspley Guise, Milton Keynes, MK17 8DP
Proposal	Erection of Detached garage
Decision	Full Application - Granted
Decision Date	20/05/2016

### Consultees:

Aspley Guise Parish Council

The Aspley Guise parish council has received a complaint from a local resident with regards to the issue of overview of adjoining properties/loss of privacy and would therefore like to refer this retrospective application to the enforcement officer

### Other Representations:

2 Neighbour Objections    Objection (Summary)

- Object to height of the steps as this enables the applicant to see into their neighbour's garden compromising the privacy of the neighbour.
- Specifically, those using the platform could potentially view three living areas of a neighbouring property (entrance/utility, kitchen, shower) and a private side pathway
- Use of the platform could result in unacceptable noise to neighbours.
- The nature of the landscape with the development site being higher than the neighbouring property means that any development will be over dominant on the on the neighbouring property.
- The applicant could just as easily access the roof from the front entrance of the garage
- The applicant has ignored planning procedure by building the steps and platform and then applying for planning permission.

#### 1 Neighbour Support

##### Support (Summary)

- The oak framed garage is attractive, and the platform and steps compliment the garage

## Assessment

### 1. Principle

- 1.1 The application site is located within the Green Belt and therefore Section 13 of the National Planning Policy Framework (NPPF) is a key consideration in the determination of this application
- 1.2 The NPPF states that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It continues by stating that a Local planning Authority should regard the construction of new buildings as inappropriate in Green Belts. Exceptions to this presumption against new development include extensions or alterations to a building provided that they do not result in disproportionate additions over and above the size of the original building
- 1.3 The application is for retrospective planning permission for steps and a platform. Whilst the Council usually restricts such development the orientation of the proposed development at the rear of the garage means it is not visible from the highway so the proposal is considered to be acceptable.
- 1.4 The development itself is modest and is clearly subservient to the garage. In design terms it complements the existing garage and is in compliance with the Councils design guidance for alterations in the Green Belt. The proposed development is not considered to result in additions which would be disproportionate to the host dwelling. Given the screened position of the

proposal site it is not considered that the proposed scheme would have a detrimental impact on the character of the Conservation Area or the openness of the Green Belt.

## **2. Impact on the Character and Appearance of the Conservation Area**

- 2.1 The proposed development is located at the rear of the garage and is not visible from the highway or public realm.
- 2.2 The proposal is considered to preserve the character and appearance of the Conservation Area as it cannot be easily seen from the public realm and is of an acceptable design. The development would therefore cause less than substantial harm and would be compatible with the Conservation Area in accordance with Section 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.3 The proposal is considered to have no detrimental impact on the character and appearance of the area more generally. It is therefore considered that it is in accordance with policies in the Core Strategy and Development Management Policies Document dated 2009, Chapter 12 of the NPPF and the Central Bedfordshire Design Guide.

## **3. Neighbouring Amenity**

- 3.1 The platform and steps are closest to the boundary with No.9 West Hill to the north east of the application site. They are set at roughly a 45-degree angle to No.9. The platform and steps do not affect the daylight enjoyed by No.9 and they are not overbearing. The key issue is whether the proposed development unduly compromises the privacy of No.9 enough to warrant a refusal of the application.
- 3.2 The platform is approximately 7.5 metres away from the dwelling house at No.9. It is positioned above No.9 due to the difference in levels between No.9 and the application site. From the platform it is possible to look down on to a side elevation of No.9. It is therefore possible to see the front door of No.9. If the front door is open it would also be possible to see into the dwelling house of No.9. It is also possible to view a window of a shower room at No.9.
- 3.3 The platform does, therefore, allow a view of the front door of No.9. However, many dwelling houses front doors are visible to those in the public realm and to residents of neighbouring properties. Equally many people could see into a house from the public realm and from neighbouring properties if the front door was left open. Therefore, a development which allows this to happen cannot be considered to result in an unacceptable loss of privacy.
- 3.4 Whilst it is also possible to see the window of a shower room this window has obscured glass making it impossible to see into that room when the window is closed. Even if the window was open, the distance from the platform to the

window, combined with the angle at which the window would be viewed, would make a direct view into the shower room impossible.

- 3.5 Furthermore, the treatment of the boundary between No.9 and the application site disrupts the view of No.9's curtilage from the platform. There is a wooden close boarded fence on the boundary between the neighbouring properties which has a trellis on top. In front of this, on the development site side, is a tree and high shrubbery which somewhat shield No.9 from the application site. This boundary treatment therefore enhances the privacy that residents of No.9's enjoy in relation to the application site.
- 3.6 Given the use to which the platform would be used, for access to the roof void above the garage to provide additional storage, and given the constrained size of the platform, the platform does not provide a viable amenity space. Therefore, any noise implications regarding the use of the platform would be minor and temporary and are not considered a sufficient reason to refuse the application.
- 3.7 The property to the south west of the application site at No.15 West Hill is on the opposing side of a shared access off West Hill and is considered to be far enough removed from the application site for there to be no impact in terms of loss of light or privacy and the structure would not appear as overbearing
- 3.8 Overall therefore, given these facts, it is not considered that the steps and platform result in an unacceptable loss of privacy to No.9.
- 3.9 Therefore, it is considered that the development does not cause harm to the character and appearance of dwelling house or the area. Nor would it be detrimental enough to the amenity and living conditions of occupiers of any neighbouring dwellings to warrant a refusal of this application
- 3.10 It would therefore be in accordance with Section 7 of the NPPF, policy HQ1 of the pre-submission of the Local Plan 2015-2035 and the Central Bedfordshire Design Guide

#### **4. Other considerations**

##### **4.1 Neighbour Objection / Comment:**

The formal objection and comment of the neighbours regarding this application have been addressed in the relevant sections above.

##### **4.2 Human Rights and Equality Act issues:**

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

## **Recommendation:**

That Planning Permission be **GRANTED** subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.  
(Section 12, NPPF)

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

**A0528-01**

**A0528-02**

Reason: To identify the approved plan/s and to avoid doubt.

### **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. **Will a new extension affect your Council Tax Charge?**  
The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.  
Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.  
If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of

the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**. The website link is:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>

- 4. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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