

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**20<sup>th</sup> April 2023**

Application No:	SMD/2023/0045	
Location	Tregarn, 34 Basnetts Wood Road, Endon, ST9 9DQ	
Proposal	Retrospective application for replacement veranda (resubmission of SMD/2022/0512).	
Applicant	Mr & Mrs Sinaguglia	
Agent	Sammons Architectural Ltd	
Parish/ward	Endon & Stanley	Date registered: 25.01.2023
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 christopher.johnston@staffsmoorlands.gov.uk		

## **REFERRAL**

The application has been called in for a Committee decision by Cllr Porter so that the impact on neighbouring residents can be determined.

### **1. SUMMARY OF RECOMMENDATION**

**REFUSE**

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site is within the development boundary of Endon and comprises a two-storey modern detached dwelling which faces Basnetts Wood Road, a long residential street, to the west. There are similar dwellings either side of the site to the north and south and detached bungalows and dormer bungalows to the other side of the road to the west. The land slopes steeply in this area downwards from the west to the east. The rear garden of the dwelling on site is on considerably lower ground than the house. The end of Woodstone Avenue cul-de-sac lies to the north-east and the dwellings to the north side of the site and the dwellings to the rear of the site (to the east) face this cul-de-sac which is on lower ground than Basnetts Wood Road.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 This is a full householder planning application to retain a large raised rear outdoor terrace area placed over part of the rear garden, jutting out from the rear elevation of the house, level with the ground floor of the house (where it is accessed from) and supported by steel uprights and horizontal steel beams. The surface has timber boarding. The perimeter comprises metal balustrading on all three sides covered by bamboo reed screening with a height of approx. 1.0 metre. The

application proposes replacing this with obscured glass screening within a metal post and handrail frame. This would have a height of 1.8 metres on the south side and 1.2 metres on the rear (east) and north edges. As the raised terrace structure already exists, this is a “part-retrospective” application to seek approval for the unauthorised existing works and approval for the proposed new replacement screening along the edges.

3.2 This is a resubmission of a previous full householder planning application to retain the structure and provide more screening which was refused permission on 13<sup>th</sup> January 2023 under delegated powers for the following reason:

*The existing replacement veranda, by virtue of its siting, scale and height, is leading to a high degree of overlooking into the rear windows and rear windows of the residential property to the south of the site, "Kaseme" to the detriment of the level of privacy at that property and that this is significantly harming the residential amenities of that property. The works proposed to the development in the form of a 1.8m high screen on one side of the structure, would not significantly reduce the level of harm as the perception of being overlooked would remain together with the potential for noise and disturbance that would normally result from such forms of raised outdoor sitting area structures. The development would remain as an intrusive form of development continuing to harm the residential amenities of that neighbouring property. The application is therefore contrary to Policy DC1 'Design Consideration' of the Council's*

*Local Plan which requires that all development, inter alia, protects the residential amenities of the area. The application is also therefore contrary to Section 12 of the government planning guidance contained in the National Planning Policy Framework (NPPF).*

3.3 The only difference with this new application is a change to the proposed screening, which shows a balustrading end panel on the east elevation with a sloping top edge from the lower 1.2m high screen to the 1.8m high screen on the south side elevation.

3.4 The application files including the drawings and details of the proposal together with consultation responses can be viewed on the Council website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=168046>

#### **4. RELEVANT PLANNING HISTORY**

4.1 The most relevant previous planning applications relating to the site are as follows:

SMD/2022/0512: Retrospective application for replacement veranda. Refused on 13.1.23.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- DC1 Design Considerations

National Planning Policy Framework (NPPF).- July 2021

Section 12: Achieving Well Designed Places

## **6. CONSULTATIONS**

6.1 A site notice was posted and displayed outside of the site on 28<sup>th</sup> February 2023. Letters were also sent out to adjacent properties and 21 days was given for comments in response.

### **Public response to consultation**

6.2 Letters of objection have been received from two properties on the east side of Woodstone Avenue, one of which is adjacent to the application site (to the east of it). The points raised are as follows:

-Overlooking of the front windows of an adjacent dwelling which includes bedrooms, leading to a loss of privacy.

-Due to the proximity of the structure to the adjacent dwellings and height above ground, level with the adjacent dwelling, the occupants are affected by noise and disturbance when the structure is in use, when windows are left open in the Summer months.

-The structure is visible from the end of the cul-de-sac and is of a design which is not in-keeping with the scale, character, or appearance of the area.

-Overlooking of the gardens and drives of a number of properties leading to a loss of privacy.

6.3 Another adjacent neighbour, to the north of the site on Woodstone Avenue, has written in neither objecting or supporting the application but stating they have no issue with the structure.

### **Endon with Stanley Parish Council**

6.4 *Second retrospective application to allow the replacement veranda to remain, which was previously refused due to it harming the residential amenities within the area and the proposed correcting works weren't deemed to be able to overcome this.*

*This second application is submitted to address the concerns raised and to enable the condemned veranda structure to be retained. The main argument previously was that the scale of the veranda, it's sitting and height lead to a high degree of overlooking which the LPA stated even with a 1.8m screen would not significantly*

*reduce the harm caused. The veranda was not the original veranda as claimed but one that was significantly larger, hence the retrospective nature of the application.*

*This new application shows, to the south elevation, a 1.8m high glazed screen which the applicant is now proposing in obscure glass while the east and north sides are still proposed at a lower height of 1200mm. The result is the view to the south will be partly obscured however a view into the neighbouring property, Kaseme, will still exist from across the front of the balcony still giving rise to a harming of the neighbour's residential amenity.*

*Our thoughts are the new plans, other than the obscuring of the glass screen, haven't altered sufficiently and it's difficult to see how objections previously can change as the impact concerns raised by the neighbour's still exist. **We object to this application***

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### **Main Issue**

7.1 The main issue with the application is the impact of the existing unauthorised raised terrace structure together with the proposed screening/balustrading works on the visual and residential amenities of the area.

### **The principle of the development**

7.2 The principle of extending or altering residential properties within the development boundaries of towns and villages in the District is acceptable but such works would need to comply with Policy DC1, 'Design Considerations' which aims to protect, inter alia, the visual and residential amenities of the area.

### **The impact on the character and appearance of the area**

7.3 With regard to the impact on the character and appearance of the area, the structure is not visible from Basnetts Wood Road but can be seen from Woodstone Avenue cul-de-sac to the north-east, the end of which faces the north side of the rear garden of the site. However, this is viewed behind the front parking area of the property at the end of the cul-de-sac and despite being a large and raised structure, it is not close enough, large enough or raised enough to lead to a visually intrusive and overly prominent feature which harms the character and appearance of the area, especially given the presence of other large balconies and raised terraces in the area including one visible at the end property on Woodstone Avenue which is also raised considerably higher than the unauthorised structure on site. Parts of the design of the structure, comprising the exposed silver metal beams and uprights are unsympathetic to the appearance of the dwelling on site and the character of the surrounding area although the presence of bamboo screening helps to soften the visual impact. This is proposed to be replaced by a more solid looking metal and glass screening with a greater visual impact although even with this added, the overall scale, siting, height and design of the structure would not lead to significant

harm to the overall character and appearance of the area particularly as it is set back away from the end of the road, separated from it by the front part of another property.

### **The impact on residential amenity**

7.4 With regard to residential amenity, the decking structure replaces another such structure which may have been part of the original house. The property also has other balconies, also deemed to be part of the original property, on ground floor level, closer to the south boundary of the site. There is also a recently re-instated first-floor rear balcony close to the south boundary which appears to have been part of the original house. Despite the “original” two seating out areas being much closer to the south side boundary than the unauthorised new decking structure, and the neighbouring dwelling to the south (Kaseme) being at a diagonal angle, so that the rear garden lies more to the east of the site, it is difficult to view into much of the rear garden of Kaseme from the original ground floor terrace due to the presence of boundary vegetation. It is possible to view over the vegetation from the first-floor balcony. However, from those seating out areas, views into the rear windows of Kaseme are also at an obscure angle due to the diagonal positioning of the house and not leading to a harmfully intrusive amount of overlooking to the detriment of the neighbours privacy. Although from the first floor balcony, views into the Kaseme garden are possible. the angle into the rear windows of Kaseme is also more obscure as it is not level with the windows, unlike the ground floor terrace.

7.5 The recent unauthorised decking structure is considerably larger than the decking area it replaced, which although projecting from the same part of the house, projects further into the rear garden. Although this is further from the rear windows and rear garden of Kaseme than the original balcony/terrace areas, the siting is such that if standing at the south edge of the decking structure, the views into the rear windows of Kaseme are at a more intrusive angle. The distance between the edge of the structure and the rear windows is between 15 and 20 metres, which, as a guide, is less than the 22 metres recommended between opposing rear windows for "3-bedroom or more" properties in the Council's Space About Dwellings Design Guidance which seeks to protect privacy and other impacts on neighbours, amongst other things. It is considered the scope of overlooking from the structure into the neighbours rear windows is greater than that of the original balconies and to the extent that it introduces a new level of significant harm to the levels of privacy existing at the neighbouring property, Kaseme. Furthermore, the scope of overlooking into the rear garden of Kaseme (which is 6.3m from the nearest part of the structure) is also greater as views down into the rear garden are not interrupted as much by boundary vegetation.

7.6 The applicants agent states that the removal of the unauthorised structure would only lead the occupants of the site to use the original sitting out areas including the one at first floor level. The agent submitted an email stating that the handrail had been returned and that this upper floor balcony can now be used again. Photographs in the email show both the reinstated handrail and balcony and also the views from this balcony over into the rear garden of Kaseme, claimed to lead to a

greater level of intrusion to the neighbours at Kaseme. However, as previously stated, I do not consider scope of overlooking from these areas to be greater than the unauthorised structure. The views from the first-floor balcony into the Kaseme garden are indeed intrusive, as expected due to it being placed at a greater height. However, the views into the rear windows of Kaseme from the unauthorised terrace are more intrusive than from the first-floor balcony because of the angle/positional relationship. Overall, it is considered the unauthorised decking would lead to a greater loss of privacy and an overall more harmful impact on the residential amenities of the neighbours than the original balconies/sitting out areas. It introduces a greater level of harm to the residential amenities of the neighbours and so it is not considered the retention of the unauthorised structure would compensate for any harms caused by the use of the original first-floor balcony and ground floor sitting out areas.

7.7 Although a more robust and higher screen is proposed for the south edge of the unauthorised raised decking structure, with a height of 1.8 metres, it is not considered this would not significantly reduce the intrusive nature of the development. It would largely block views over Kaseme, although it would still be possible to view into part of the rear garden from the back edge, despite the addition of a sloping end panel raising its height from 1.2m to 1.8m, the height of the side screen. However, the perception of there being such a large raised outdoor decking area would still be there and also would be further reinforced due to the replacement higher solid obscured glass and metal screens making the unauthorised structure more visually prominent when viewed from Kaseme. Furthermore, it is not considered this would significantly reduce noise emanating from the use of the structure. The decking area is larger than the original terracing and balconies and due to its location, readily accessible from the main ground floor rear rooms of the house including a lounge area. The unauthorised outdoor terrace area is more likely to be used by the occupants than the original sitting out areas and especially the reinstated first floor balcony area which is accessed from the upper floor of the dwelling via a single door (unlike the larger openings onto the unauthorised decking from the ground floor living areas), is far narrower and therefore unable to accommodate a large number of people unlike the unauthorised structure.

7.8 The letters received from the occupants of two properties on the east side of Woodstone Avenue to the north-east of the site (on the opposite side of the site to where Kaseme is located) are noted. However, it is considered the unauthorised structure is creating a significant additional harmful impact on the adjacent residents in relation to the situation before the unauthorised structure was built. With regard to the impact on one of the adjacent properties, "Seven Arches" immediately to the north, only the front driveway is overlooked and this does not amount to a significant harmful level of privacy loss, especially as front driveways in residential areas are always commonly overlooking by houses opposite. The primary windows of Seven Arches are not overlooked by the structure. Furthermore, there is a far more intrusive raised outdoor terrace area at Seven Arches at a much greater height than the unauthorised structure which causes a far greater level of overlooking of neighbouring properties than the unauthorised structure, including the application site itself. With regard to Woodcroft, adjacent to the site to the east(rear), like Kaseme, this is placed at a diagonal angle to the dwelling at the application site. The replacement structure has pushed users of the terrace area approx. 4.0 metres

closer to Woodcroft. A distance of approx. 17 metres separates the back edge of the decking from the nearest front window of Woodcroft. It is not considered there is a harmful level of overlooking resulting from views from 17 metres away into a window at such an obscure angle due to the diagonal positional relationship between the two properties.

7.9 It is also not considered there would be a significant increase in noise and disturbance emanating from the new structure in relation to the decking it replaced due to the distance of 17 metres from the structure to the nearest windows at Woodcroft, 9 metres of which is the rear garden of the application site. Overall, for the above reasons, it is not considered there would be a harmful impact on the Woodstone Avenue properties.

## **8. CONCLUSION AND PLANNING BALANCE**

8.1 Overall, whilst the unauthorised large outdoor rear decking structure is considered to lead to harm to the residential amenities of the occupants of Kaseme to the south side of the site, it is not considered there is significant harm caused to the overall residential amenities of the properties at the end of Woodstone Avenue to the north and east. However, due to the harm to Kaseme, the application does not comply with Policy DC1 of the Council's Local Plan, which inter alia, requires that all developments do not harm the residential amenities of the area, including harms to privacy.

8.2 The existing unauthorised development, of which retrospective planning permission is sought, is not harming the visual amenities of the area but due to the impact on the levels of privacy at the residential property immediately to the south of the site, the development is harming the residential amenities of the area and this harm is not significantly reduced by works proposed to reduce the impact on the residential amenities at the neighbouring property. The alteration to the screening added to this new resubmitted application is very minor in nature and does not alter the level of harm caused by the structure. The unauthorised structure and proposed works therefore continue to not comply with the Council's Local Plan (Policy DC1) or the government planning guidance contained within the National Planning Policy Framework (NPPF) and the application for retrospective planning permission should therefore be refused for the same reason as the previous application.

## **9. RECOMMENDATION**

**A. That the application be REFUSED for the following reason:**

**1. The existing replacement veranda, by virtue of its siting, scale and height, is leading to a high degree of overlooking into the rear windows and rear windows of the residential property to the south of the site, "Kaseme" to the detriment of the level of privacy at that property and that this is significantly harming the residential amenities of that property. The works proposed to the development in the form of a 1.8m high screen on one side of the structure, would not significantly reduce the level of harm as the perception of being overlooked would remain together with the potential for noise and disturbance**

that would normally result from such forms of raised outdoor sitting area structures. The development would remain as an intrusive form of development continuing to harm the residential amenities of that neighbouring property. The application is therefore contrary to Policy DC1 'Design Consideration' of the Council's

Local Plan which requires that all development, inter alia, protects the residential amenities of the area. The application is also therefore contrary to Section 12 of the government planning guidance contained in the National Planning Policy Framework (NPPF).

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.**

**Location Plan**









