V 14/05/08

DELEGATED REPORT

Recommendation Made: 14 May 2008

Reference:- 08/00311/FUL **Parish:-** Groby Parish Council

Applicant:- Mr Greenwood
30 Carmen Grove
Leicester
LE6 0BA
England

Location:- 30 Carmen Grove Groby Leicester Leicestershire LE6 0BA

Proposal:- ERECTION OF RAILING TO BALCONY RE-SUBMISSION OF 07/01370/FUL

Introduction:-

This is a semi detached bungalow with a single storey extension to both the rear and the side adjacent to The Orchard, a drive serving three bungalows to the rear. Planning permission was refused in January 2008 (07/01370/FUL) for the retention of railings which have been erected to the front, side and part of the rear edges of the flat roof to enable the roof to be used as a terrace with access only from an external staircase in the rear garden. The present application seeks planning permission for an amended scheme which would set the railings in some 750mm from the side and rear edges of the roof and by some 1600mm from the front. The scheme proposes also the erection of a 1800mm high screen to the side of the terrace where it faces No.28 attached and omits the external lights and loudspeaker which are a feature of the existing structure..

The applicant has submitted a letter in support of the application. He expresses disappointment at the previous refusal of planning permission and submits photographs of similar balustrades on other premises in Groby. He indicates also that the balcony would be used for growing plants and not for parties.

Consultations:-

Groby Parish Council supports the previous refusal and sees no justification for the current resubmission

The resident of "Ramsey" at the rear objects to the proposal on grounds of both loss of privacy and the visual impact of the structure and refers also to disturbance caused by the use of the roof terrace.

The residents of "Applegarth" at the rear object to the proposal on the basis of loss of privacy and nuisance from the high level lights. They make reference also to manoeuvring problems caused by indiscriminate vehicle parking in Carmen Grove.

Development Plan Policies:-

BE1

Appraisal:-

The previous planning application which sought to retain the unauthorised railings was refused permission on two grounds. The first was that the structure was unacceptably intrusive and incongruous in the context of the appearance of both the dwelling and the wider street scene of which it is part. The second was that the use of the flat roof as a balcony would lead to an unacceptable loss of privacy for adjacent dwellings.

In relation to the issue of design and street scene the current proposal has sought to reduce the visual impact of the railings by stepping them back from the front of the roof by 1600mm from the front of the roof and by 750mm from the side and rear and also by omitting the lights and loudspeaker. Whilst

these measures would go some little way towards mitigating their impact the railings, nevertheless, would be plainly visible because both the front and side elevations of the flat roofed extension are prominent in the street scene. The railings would continue to be an intrusive feature that is incongruous in its relationship with the roof of the bungalow. It is concluded, therefore, that the amended proposal fails to overcome the anxiety relating to design and impact in the wider street scene. The examples of other similar railings elsewhere in the settlement relate to buildings of different design and situation and are not of helpful relevance to this case.

In relation to the issue of privacy the only significant difference between this proposal and that previously refused is that it is proposed to install a screen to the greater part of the length of railing where the present terrace overlooks directly down into the private rear garden and conservatory of No.28 attached. The screen would not mitigate the potential overlooking of the bungalows to the rear, nor the sense which they experience of being overlooked, and the screen itself would be a clumsy and visually incongruous feature. Whilst the applicant indicates that the roof terrace would be used for the growing of plants, a condition seeking to restrict its use in this way would fail the tests of reasonableness and enforceability.

RECOMMENDATION :- REFUSE, for the following reasons :-

1 The balcony railing ~~that has been installed is~~ relocated and proposed screen would be visually intrusive and incongruous and detracts to an unacceptable degree from the appearance of both the dwelling and the wider street scene, contrary to the provisions of Policy BE1 of the adopted Hinckley and Bosworth Local Plan and to the approved Supplementary Planning Guidance relating to domestic extensions.

2 The use of the flat roof as a balcony would result in an unacceptable loss of privacy for the residents of adjacent dwellings, contrary to the provisions of Policy BE1 of the adopted Hinckley and Bosworth Local Plan and to the approved Supplementary Planning Guidance relating to domestic extensions.

Notes to Applicant:-

1 Although the current planning application has been modified in an attempt to reduce the visual impact of the development as built and the potential overlooking of a neighbouring dwelling it is considered, nevertheless, that the proposed development would continue to be unacceptably intrusive and incongruous and that the use of the roof as a balcony would detract unreasonably from the privacy of adjacent residents. ~~On this basis the reasons for refusal of planning permission set out above apply equally to this application.~~

Contact Officer:- **Mr R JacquesExt 5895**