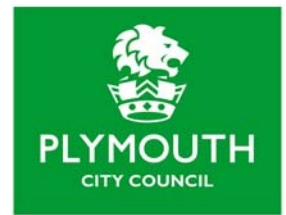


# PLANNING APPLICATION REPORT



**ITEM: 01**

**Application Number:** I1/00377/FUL

**Applicant:** Mr Michael Askew

**Description of Application:** Decking to rear of property (retrospective)

**Type of Application:** Full Application

**Site Address:** 6 LATIMER WALK PLYMOUTH

**Ward:** Southway

**Valid Date of Application:** 21/04/2011

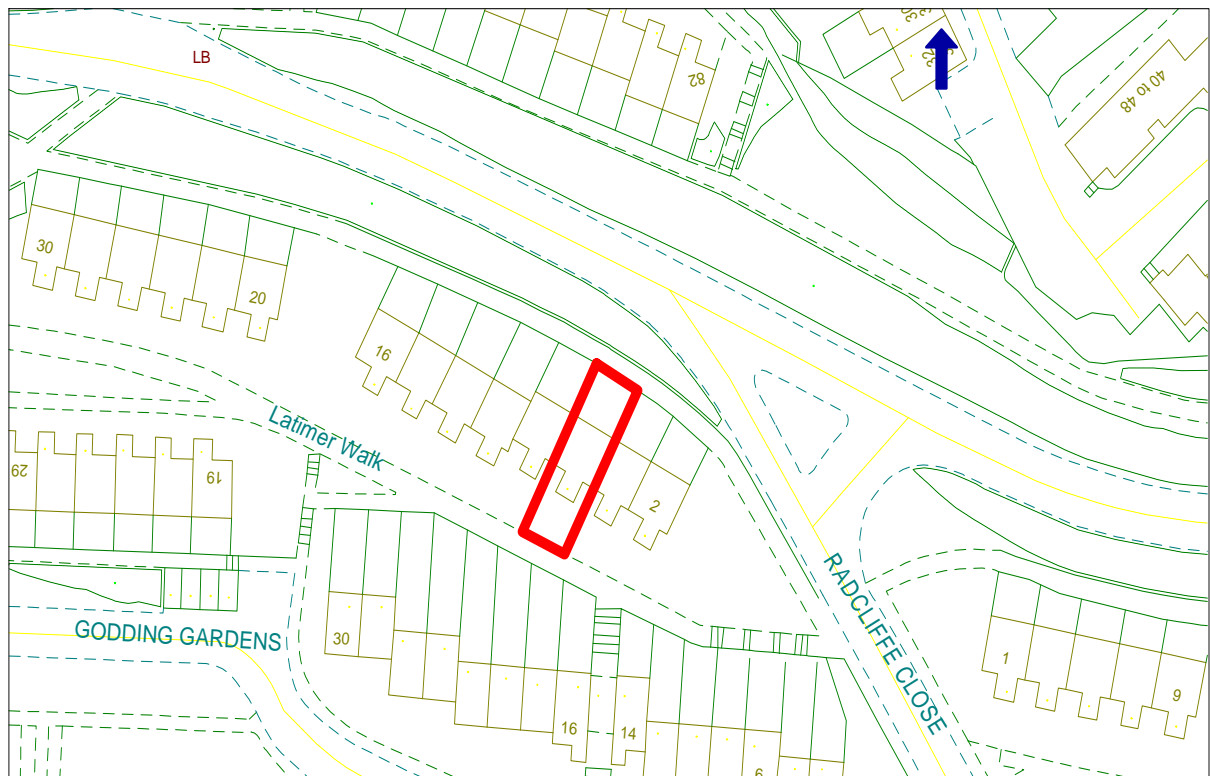
**8/13 Week Date:** **16/06/2011**

**Decision Category:** Member/PCC Employee

**Case Officer :** Mark Utting

**Recommendation:** Grant Conditionally

**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



### **Site Description**

6 Latimer Walk is a terraced property located in the Southway area of the city. The property and subject decking can be viewed from Dunnet Road.

### **Proposal Description**

Retention of rear decking area.

### **Relevant Planning History**

None

### **Consultation Responses**

None

### **Representations**

None

### **Analysis**

This application draws from Policy CS34 of the City of Plymouth Core Strategy 2006-2021 and supplementary planning document 'Development Guidelines'. The primary planning considerations are the impact on neighbour amenities including overlooking and the impact on the character and visual appearance of the area as detailed below.

This application is for the retention of rear decking at no. 6 Latimer Walk. This application was initiated as an enforcement case subsequent to a complaint by a neighbouring property. Since the commencement of this case, the property has changed hands, and the neighbour who originally complained, no longer wishes to submit a letter of representation against the decking. While no letters of representation have been submitted, a subsequent site visit has been undertaken to assess the impact on neighbouring amenity and its impact on the existing street scene. The Development Guideline Supplementary Planning Documents highlights that decking can often lead to problems of overlooking and therefore should be resisted if they would create an unacceptable loss of privacy for neighbouring properties. The erection of a screen may mitigate the effects of any overlooking, however, only if it does not unreasonably affect the outlook or daylight of the neighbouring properties. In light of these considerations the following observations have been made:

#### **Street scene:**

The proposed decking is situated at the rear of the property and cannot be seen from Latimer Walk, therefore, there is no impact on the existing street scene at the front of the property.

The decking is visible from Dunnet Road but the land in which the decking is built upon is significantly higher than the existing road. The properties of Latimer Walk are also set back considerably from the road and in light of the topography and this set back there is considered to be no conflict between the road and the subject decking.

The screen, that is visible from Dunnet Road, is made of close boarded timber. The boundary screens of other neighbouring properties, also viewable from the road, are

made of breeze blocks and timber also. There are a variety of different materials used in this area and therefore the addition of a close boarded timber fence is not deemed to be detrimental to the existing street scene.

#### Impact on neighbour amenity:

Notwithstanding the retention of the subject decking, it is already possible to see directly into the conservatory and ground floor window of no. 4 Latimer Walk, therefore the subject decking will not further invade the privacy enjoyed by no. 4 Latimer Walk. Furthermore there has been no letter of representation received by no. 4 Latimer Walk. No. 8 Latimer Walk is the neighbouring property to the northwest of the decking. No. 8 has erected a close boarded timber screen between the property no. 6 and 8 and there is considered to be no issues of privacy, overlooking or lack of light.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

#### **Section 106 Obligations**

N / A

#### **Equalities & Diversities issues**

No specific issues in this case.

#### **Conclusions**

Conditional approval recommended.

#### **Recommendation**

In respect of the application dated **21/04/2011** and the submitted drawings I/Latimer Wlk, Block\_01 block plan as existing, Ele/Sec\_02 Elevations/Sections.,it is recommended to: **Grant Conditionally**

#### **Conditions**

##### APPROVED PLANS

(1) The permission relates to the following approved plans: I/Latimer Wlk, Block\_01 block plan as existing, Ele/Sec\_02 Elevations/Sections.

#### Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: the impact on neighbour amenities including overlooking and the impact on the character and visual appearance of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration  
SPD1 - Development Guidelines