HIGH PEAK **ARCHITECTS** LTD

Second floor, Wharf House, Wharf Rd, Whaley Bridge, High Peak, Derbys SK23 7AD
Telephone: 01663 719717 Web: highpeakarch.com Email: hpa@highpeakarch.com



PLANNING STATEMENT

1 Alder Rise
Whaley Bridge, High Peak SK 23

Householder Planning Submission

February 2012

Ref 1116.Db.01

Introduction

This statement is to accompany the resubmission of the Householder planning application for the retrospective permission for decking in the garden of 1 Alder Rise, Whaley Bridge.

Application no HPK/2011/0593 for retrospective permission for timber decking in the private garden of 1 Alder Rise was refused on 05.01.2012 . The reason for refusal is as follows:

‘ The area of decking, as erected, results in a serious loss of privacy to properties on Hockerley Avenue and an intrusive impact upon adjoining neighbours, particularly to No 5 Hockerley Avenue and contrary to High Peak (saved) policies GD5 and H11, H14 and supplementary Planning Guidance: Residential Design.’

In consultation with the client, it has been agreed to lower some of the decking to try to reduce any privacy issues. In addition, we are resubmitting the site location plan which previously had the incorrect boundary shown, as well as further information which will provide sufficient argument to allow the application to be granted.

Background

Our client has lived at 1 Alder Rise for over 20 years, as have many of his neighbours, including those at No.5 Hockerley Avenue. Due to the development being built on a hill, there is a natural difference in height, with No.1 Alder Rise built at a higher level. The garden at 1 Alder Rise has always been significantly higher than those on Hockerley Avenue. When originally built, the gardens would have been fenced, but the trees were added later by our client to provide more privacy for both his family and his neighbours.

The ‘existing’ garden as it was before any decking was laid can be seen on the photographs on 1116.03. The garden sloped up to its highest point in the corner with No.3 and the houses behind on Hill Drive. The garden slopes particularly down the side of the house down to a level where the fence is situated approx 1m above the garden at No.5 Hockerley Avenue.
A rear conservatory extension was built in 2008 which has views over the top of the garage at the rear of No.5 Hockerley Avenue to the hills beyond.
The first section (area 1)of decking was built in 2010 directly behind the house and conservatory. To keep the level as low as possible, earth had to be moved from the highest point to level it out. This area of decking is at the highest level, 210mm above the internal ground floor and not much different from the existing lawn level under. The side of the garden could still not be used effectively due to the slope and further decking was constructed in 2011to make better use of the garden (areas 2, 3 and 4). This section of decking is the contentious area which caused a neighbour to complain.

The drawing 1116.02 shows the side decking at three levels. The first section (area 2) cannot be reduced in height very easily. By looking at before and after photographs and the sketch on 1116.05, the finish level at the corner of the conservatory is approximately 300mm above the sloping ground level so there is no room for manoeuvre when the timber structure is factored in. This level is 300mm below the internal conservatory floor. The remaining two sections of decking are raised above the existing ground level, with the worst case (area 4) at the steps with a difference of 1200mm. The client proposes to reduce the decking by 600mm (below area 3) which should give sufficient depth for the timbers above the slope. This is a reasonable and workable compromise.

Policy

The essence of the reason for refusal was a loss of privacy for the neighbours. Due to the already sloping nature of the site, our client’s garden was already much higher and only enjoyed privacy due to the trees our client planted. In addition, the view from the conservatory is from a higher level than that of the side decking.

We were informed that the trees cannot be ‘counted’ as a level of privacy and as such have to consider the decking without the trees in place. If this is the case, they should not be ‘counted’ as part of the existing condition. This is not found in any policy. Without the trees there is no level of privacy at all. It cannot therefore be said that there is any loss in privacy.

Similarly, due to the level of the existing garden and conservatory, the decking does not cause a serious loss of privacy to neighbours as there was limited privacy anyway – it is the nature of living in this location.
The Policies referred to as reasons for refusal give no guidance for situations such as this.

H11 Layout and Design of Residential Development covers all residential development including extensions, alteration and change of use. It refers to protecting amenity as described in Appendix 2, Guidelines for the Layout of Residential Development.

H14 Domestic Extensions and Ancilliary Buildings also refers to Appendix 2.

Appendix 2 provides a diagram for guidance showing distances between properties that are acceptable. This is between habitable rooms only. There is no guidance covering overlooking or privacy between gardens, and no mention of decking or boundary treatments.

GD5 Amenity – this policy refers to permission being granted for development provided that it will not create an unacceptable loss of nor suffer from unacceptable levels of privacy or general amenity.
This is not a new residential development – this is decking in a garden on an already sloping site: the privacy situation is existing. There is no unacceptable loss of privacy.

The client is very willing to put up a fence along the edge of the decking, or even have the retention of the trees conditioned as it will get over any privacy or overlooking issues there may be. The planning officer had expressed concerns about the size of the 'structure' with a fence as well and its impact on the neighbour. With the height of the decking now reduced, any impact on the neighbour is minimised. It is worth noting that our client could build a side extension on his house within permitted development rights that would have a far greater impact as a structure than a deck with a fence.

We have included in our submission two site sections which show clearly the situation. These had not been included previously as much of it is 'guesswork' as the decking is already in place and existing levels cannot be found. We also know the difference in height at the boundary between the properties is about 1m from talking to the planning officer. This is not measured. The location of No.5 Hockerley Avenue has been taken from the Ordnance Survey Plan. We have included this information this time in order to try and explain the situation more thoroughly.

We believe that what has been built should have been given permission as there is no unacceptable loss of privacy due to the existing nature of the site. The Local Framework does not give any useful guidance on gardens. However, in order to try to reach a compromise, our client has agreed to lower two sections of the decking. By referring to the site sections it is clear that any impact is minimal and does not have any adverse effect on privacy or impact of the development at the bottom of the neighbour's garden.

We hope that there is now sufficient information for you to be able to determine the application with a positive result.

High Peak Architects