

Ward:	Woodcote Ward
Site:	7 Cedar Hill Epsom Surrey KT18 7BP
Application for:	Retention of timber fence located along the western flank boundary, and erection of timber decking located to the rear (north) of the dwelling.
Contact Officer:	John Robinson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QAJ8UHGYHUG00>

2 Summary

- 2.1 This application is referred to Committee as the applicant is a Borough Councillor.
- 2.2 The application seeks permission for the retention of a timber fence located along the western flank boundary, and the erection of timber decking located to the rear (north) of the dwelling.
- 2.3 The proposal would accord with residential policies contained in the Core Strategy 2007 and the Development Management Policies Document 2015.
- 2.4 The application is recommended for APPROVAL.

3 Site description

- 3.1 The application site comprises an inter-war period house located on the northern side of Cedar Hill. The dwelling has rendered elevations under a hipped tiled roof, and benefits from a two-storey flank, and single storey rear extension granted under permission 19/00725/FH.

- 3.2 The ground level of the application site falls to the rear boundary, and from east to west. The site is enclosed along the rear and flank boundaries by timber fencing. The fence along the western boundary is the subject of this application.
- 3.3 The site does not fall within a conservation area and the property is not listed.

4 Proposal

- 4.1 The application seeks permission for the retention of the timber fence located along the western flank boundary, and the erection of timber decking located to the rear (north) of the dwelling.
- 4.2 The fence varies in height from 2.4m to 2.1m, as a result of the site's topography. It is proposed to erect a trellis above a section of this fence facing the proposed deck.
- 4.3 The proposed deck would extend across the full width of the rear elevation (8m), and would project between 2.4m (eastern edge) and 5.43m (along the western edge) beyond the rear extension, and the main dwelling's rear elevation.
- 4.4 Due to the ground level differences, it would be raised around 300mm above the ground level along the eastern edge, rising to around 1m along the western edge. The deck would be accessed from the rear garden by a flight of steps adjacent to the western flank boundary.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 3 neighbouring properties. To date (08.07.2020) 4 letters of objection have been received from an adjacent property and are summarised as follows :
- The applicant's house foundations will become more visible from the roadside when I remove the temporary "cheap and cheerful" screening and the applicant trims his unmaintained hedge thereby having a negative impact upon the streetscape and the surrounding area in general
 - The applicant's fencing can be seen from the front of our houses and from the beautifully landscaped area (Axwood) at the rear of the properties having a negative impact on the streetscapes and the surrounding area in general whilst setting a poor example to other residents.
 - Loss of quiet enjoyment of my rear garden caused by sections of fencing (that are not needed to screen the applicant's kitchen extension as per contract) blocking out daylight (photos to follow).

- Loss of quiet enjoyment of my rear garden caused by some sections of fencing creaking when swaying in the wind at the side of my large patio area.

5.2 The complete list of objections raised by this objector can be viewed on the Council's website

6 Consultations

6.1 **SCC** Highways: No comments

7 Relevant planning history

Application number	Decision date	Application detail	Decision
19/00725/FLH	06.09.2019	Two storey side extension and single storey rear extension.	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 12 Achieving well-designed spaces
Paragraphs 127, 130 and 13

Core Strategy 2007

Policy CS5 The Built Environment

Development Management Policies Document 2015

Policy DM9 Townscape Character and Local Distinctiveness
Policy DM 10 Design Requirements for New Developments (including house extensions)

9 Planning considerations

Visual Impact

9.1 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.

- 9.2 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that The Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape
- 9.3 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.4 The existing fence along the western flank boundary is not visible in the streetscene, and the proposed deck would similarly not be visible from the public domain.
- 9.5 The existing fence style and appearance is similar to numerous properties in the immediate and wider area and would not be visually inappropriate. The deck would not detract from the appearance of the existing dwelling and overall the proposal would not have a harmful impact on the streetscene or detract from the character and appearance of the wider area, in accordance with Policy DM9 and DM10.

Residential Amenity

- 9.6 Policy CS5 of the Core Strategy and Development Management Policy DM 10 seek to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.7 The main dwellings to consider in an assessment of the impact upon neighbouring amenity are the adjacent neighbours at No 6 and 8 Cedar Hill.

- 9.8 It is proposed to erect a trellis above a section of the western flank fence, facing the proposed deck, which would prevent overlooking to the rear garden of No 6. It is not considered that the increased height of this section of the fence would appear as a dominant and overbearing structure in the outlook from the affected neighbour and the impact on daylight would be minimal.
- 9.9 Due to the difference in ground levels, the deck would be around 300mm above the ground level adjacent to No 8. The proposed trellis above the section of the fence (adjacent to the deck) would prevent undue mutual overlooking from the new deck.
- 9.10 Overall, the proposed scheme is not considered to have a significant impact upon the affected neighbours in terms of being overbearing, or leading to a loss of privacy.
- 9.11 The proposal would therefore comply with Policy DM10.

Community Infrastructure Levy

- 9.12 The proposal would not be CIL liable

10 Conclusion

- 10.1 The application meets planning policy and is therefore acceptable. In the light of the above it is recommended that planning permission be GRANTED

11 Recommendation

- 11.1 Approve , subject to the following conditions:

Condition(s):

- (1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

- (2) The existing fence hereby approved shall be retained and maintained.**

Reason: In the interests of amenity and in accordance with Policy DM10 of the Development Management Policies Document 2015

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans:**

1491-01 (uploaded 15.07.2020) Existing and Proposed Plans and Elevations

Reason: For the avoidance of doubt and in the interest of proper planning as required by Policy CS5 of the Core Strategy 2007

- (4) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form**

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

Informative(s):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.**
- (3) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of**

Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:**
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".