

<b>APPLICATION NO.</b>	<a href="#">P09/V1950</a>
<b>APPLICATION TYPE</b>	FULL
<b>REGISTERED</b>	1.2.2010
<b>PARISH</b>	GREAT FARINGDON
<b>WARD MEMBER(S)</b>	Roger Cox Mohinder Kainth Alison Thomson
<b>APPLICANT</b>	Karl Uzzell
<b>SITE</b>	26 Coxwell Street Faringdon Oxfordshire, SN7 7HA
<b>PROPOSAL</b>	Replace existing concrete slab decking with wooden decking to same height and incorporate a safety handrail (Retrospective). Fit one velux light tunnel
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	428599/195324
<b>OFFICER</b>	Holly Bates

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## 1.0 INTRODUCTION

1.1 26 Coxwell Street is a semi-detached dwelling located close to the centre of Faringdon and fronts Coxwell Street to the south east, with other residential properties surrounding the site.

1.2 The site plan is **attached** at appendix 1.

1.3 The application comes to committee as Faringdon Town Council objects.

## 2.0 PROPOSAL

2.1 The application seeks retrospective planning permission for the replacement of concrete slabs with wooden decking, the erection of a handrail on the existing flat roof of the single storey kitchen to the rear of the dwelling, and the erection of fencing along the rear (north-west) boundary. The works have already been carried out.

2.2 The application has been delayed by protracted negotiations with the applicant, and the erection of the fence along the rear boundary with 38 Coxwell Street has been carried out while the application has been pending and now forms part of the application for assessment; with amended plans having been submitted.

2.3 The application plans are **attached** at appendix 2.

## 3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Faringdon Town Council – Object. “Town Council has previously objected to this planning application and continues to do so on the following basis: Invasion of neighbours’ privacy as it overlooks them.”

3.2 One objection from 38 Coxwell Street was received in relation to the original plans, raising concerns about:

- The nature of the building works carried out is to turn a flat roof into a balcony;
- There are overlooking issues
- The handrail is visually intrusive
- There are noise issues

3.3 No objections have been received in relation to the amended plans.

**4.0 RELEVANT PLANNING HISTORY**

4.1 None.

**5.0 POLICY & GUIDANCE**

5.1 Vale of White Horse Local Plan 2011 policies;

DC1 - Design

DC5 - Access

DC9 - The Impact of Development on Neighbouring Uses

**6.0 PLANNING CONSIDERATIONS**

6.1 The main issue in determining this application is the impact on the amenities of neighbouring properties.

6.2 There is no planning history relating to the roof being used as a balcony. Information has been submitted with the application indicating that the roof of the extension has been used as an outside seating area for sixteen or seventeen years, including a letter from a contractor who laid the original concrete slabs. While the current application is not seeking a certificate of lawfulness for existing use, this information does form part of the context to the proposal. On the balance of probabilities, officers consider that this is likely to be true. However the installation of decking and the new handrail facilitate a more intensive use of the roof as a formal seating area, thus requiring a planning application to assess both the visual impact and the use.

6.3 The handrail measures 1.1 metres in height from the flat roof and at its highest is 3.6m from ground level. The handrail encloses the flat roof of the single storey rear extension, on the north west and north east elevations, with access steps down to the raised garden area to the north west. Views of the handrail are obscured from the neighbouring property to the southwest (Number 28) and is minimal from the neighbouring property to the northeast (Number 24) which has a long single storey rear conservatory running adjacent to the site.

6.4 However, the handrail is visible from the neighbouring property to the rear (north west) 38 Coxwell Street. This property lies at a lower ground level than the application site. The handrail can be seen from the kitchen window and the primary garden area. Negotiations took place with the occupants of Number 38 when the application was originally submitted and a compromise of increasing the height of the fence on the north west boundary was seen to be the most constructive way forward. It was originally 1.9m high, as measured from the existing ground level on the application site, and it was suggested that the boundary treatment be increased to a height of 2.5m. Before this proposed boundary treatment could be incorporated as a suggested condition the applicant carried out the works by erecting a wicker style fence along the rear (north west) boundary, 2.5m high measured from the ground level on the application site. As the height exceeds two metres, the new fence requires planning permission and as such amended plans have been sought to include it within this application.

6.5 The new fence screens the balcony and handrail from the ground floor and garden of Number 38. Given the relationship between the proposal site and No.38, some views of the balcony will still be afforded from the first floor windows of No.38. However, the use of the flat roof as a sitting area is probably lawful, and the degree of historic overlooking from this roof, before the erection of the new fence, has to be given weight in the

balance of considerations. The addition of the new boundary fence significantly reduces the visual impact of the handrail and the degree of overlooking between the sites. In light of the historic use of the flat roof, officers consider that the degree of overlooking is now not considered sufficient to justify a refusal of planning permission.

- 6.6 In considering all elements of this application, including the balance of probability that the roof has been used as a balcony previously, it is felt that increasing the boundary treatment to an acceptable height to obscure visibility of the handrail and therefore also minimise overlooking is an acceptable compromise for all parties involved

7.0 **CONCLUSION**

- 7.1 The proposal is not considered to harm the visual amenity of the area, the amenities of neighbours or highway safety. The proposal, therefore, complies with the provisions of the development plan, in particular policies DC1, DC5 and DC9 of the adopted Vale of White Horse Local Plan.

8.0 **RECOMMENDATION**

**Grant planning permission subject to the following conditions:**

- 1 : Approved plans

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