

## **HAR/1123/10 – Mr M Evans**

### **Retrospective application for the construction of timber decking across stream and erection of close board fencing.**

#### **Bumble Barn, Church Lane, Harwell**

#### **1.0 The Proposal**

1.1 This application seeks retrospective planning permission for the construction of timber decking across a small stream which runs along the south-eastern boundary of the site, together with close board fencing on the south-east end of the decking. The decking itself measures 5.2 metres wide by 21.2 metres long, and is positioned 1.2 metres above the soil bank on the opposite side of the stream. The close board fencing measures 1.8 metres high. A copy of the site plan and application drawings are at **Appendix 1**.

1.2 The site is located within Harwell Conservation Area.

1.3 The application comes to Committee due to an objection received from Harwell Parish Council.

#### **2.0 Planning History**

2.1 Permission was granted in 1987 for the 'Conversion of existing barn into two residential units' (application HAR/1123/5). Subsequently, permission was granted in 1988 under application HAR/1123/7 for the 'Rebuilding of sub-standard existing walls of barn and conversion of barn into two dwellings. (Amendment to approval HAR/1123/5)'.

2.2 Application HAR/1123/8-CA for the 'Demolition of existing sub-standard walling' was approved in 1988.

2.3 Application HAR/1123/9 for the 'Erection of a double garage' was approved in 1989.

#### **3.0 Planning Policies**

3.1 Policy H24 of the adopted Vale of White Horse Local Plan allows for the erection of ancillary buildings and structures within the curtilage of a dwelling provided various criteria are satisfactory including; i) the impact on the character and appearance of the area as a whole, and ii) the impact on the amenities of neighbouring properties in terms of privacy, overlooking and overshadowing.

3.2 Policy DC9 of the Local Plan refers to the impact of new development on the amenities of neighbouring properties and the wider environment in terms of, among other things, loss of privacy, daylight or sunlight, and dominance or visual intrusion.

3.3 Policy HE1 of the Local Plan relates to development within or affecting the setting of a Conservation Area, and seeks to ensure that any such development preserves or enhances the established character or appearance of the area.

#### **4.0 Consultations**

4.1 Harwell Parish Council objects to the proposal stating "The Council believes the decking has already been enlarged since being first erected, but basically objects to the decking as it may restrict the free flowing of the stream underneath during times of high water, thereby creating a risk of flooding. As the Environment Agency has strict rules about building over water courses, the Council requests that planners consult with an EA representative if clarification is needed".

4.2 The Council's Principal Engineer has stated "Provision should be provided to allow access to maintain the watercourse beneath the decking".

- 4.3 The Conservation Officer has stated “Although the fence and decking has a very urban appearance in a rural part of Harwell Conservation Area, it is not visible from any public vantage point. Accordingly it is not felt that the application can be refused on the grounds it does not preserve or enhance the Conservation Area”.
- 4.4 The Arboricultural Officer has stated “No particular arboricultural issues with this decking”.
- 4.5 The Environment Agency has stated “...we have no grounds to object to the development”. A full copy of the comments received are at **Appendix 2**.
- 4.6 Three letters of objection have been received, which raise the following points:
- To maintain the flow of the stream it is necessary to clean out the debris and mud that flows down quite frequently.
  - The stream is a feature not only of the gardens, but also of all the houses which border it.
  - Building a deck has altered the use of the land, and although it has been done, it will set a precedent and ruin the peace and beauty of the area.
  - The boundary between the properties lies in the middle of the stream. The decking is very extensive, and the close board fencing tall and dominating.
  - The decking stretches across the stream and onto adjoining land.
  - If the application is allowed it will set a precedent.
  - Decking has created a lack of privacy, with adjacent back gardens being overlooked.
  - The design of the decking, with rope fencing, appears very dangerous.
  - How will future maintenance of the brook be carried out, with the decking restricting access to the stream via Bumble Barn?
  - Covering the stream with decking has done little to maintain the rural feeling of this part of Harwell.

## 5.0 **Officer Comments**

- 5.1 The main issues in determining this application are the impact on neighbouring properties, the impact on the character and appearance of Harwell Conservation Area, and the impact on the stream itself.
- 5.2 Comments have been made referring to the fact that the applicant has trespassed onto land owned by Oxford Diocesan Board of Finance in order to construct the decking. However, this is not a material planning consideration.
- 5.3 Regarding the impact of the structure on neighbouring properties, your Officers consider that the amenities of the dwellings which adjoin the site have not been compromised. The projection of the decking across the stream onto land to the south-east does not impact on ‘The Vicarage’ directly it projects onto scrub land, which is not directly visible from the private garden of ‘The Vicarage’ given the existence of thick vegetation between the dwelling and the scrub land. In terms of potential overlooking of the neighbouring garden to the north from the decking, it is possible to stand on the decking and look over the south-eastern end of this garden. However, any views over the private amenity space next to the dwelling itself (which is located approximately 40 metres away) are extremely limited. It is consequently considered that the development is not refusable on the grounds of harmful impact on the amenities of adjoining properties.
- 5.4 The decking and fence are not visible from any public vantage points, primarily from the church grounds to the south and south-east. As a result, it is not considered that the development harms the character or appearance of the area. If the decking and fence were located in a prominent position there would be issues regarding the visual impact of the structure. However views within the Conservation Area have not been lost or damaged by the development, therefore its impact on the character and appearance of the area is not considered to be harmful.

5.5 Regarding the impact on the stream itself, the Environment Agency has stated that there are no grounds to object to the proposal. Whilst there are concerns over the future maintenance of the watercourse and the potential effect on the conservation value of the stream, these are not matters which would justify refusing planning permission.

6.0 **Recommendation**

6.1 *That planning permission be granted, subject to the following conditions:-*

1. *MC20 Amended Plans.*