

24 DCNE2003/3087/F - CONSTRUCTION OF BALCONY AT FIRST FLOOR AND INFILL GLAZED SCREENS AND DOORS TO EXISTING EXTERNAL WALLS AT WOODFIELDS, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

For: Mr & Mrs A Blundell per M Davis Greenfield House Church Lane Priors Norton Gloucester GL2 9LS

Date Received:
13th October 2003

Ward:
Hope End

Grid Ref:
71144, 40152

Expiry Date:
8th December 2003

Local Members: Councillor R Mills and Councillor R Stockton

1. Site Description and Proposal

- 1.1 The site is located to the east of unclassified road 66401 known as Floyds Lane within Wellington Heath. The site comprises of a detached two storey pitched roof dwelling known as Woodfields, the remainder of the site being domestic garden which is enclosed to the north, south and east by mature hedging. Ground levels fall away relatively steeply from west to east within and surrounding the site. The site lies within the Malvern Hills Area of Outstanding Natural Beauty and an Area of Great Landscape Value and also falls within the Settlement Boundary for Wellington Heath as identified in the Malvern Hills District Local Plan.
- 1.2 The applicants propose the construction of a metal-framed balcony at first floor on the east (rear) elevation for the full length of the property (14.7m). Also indicated on the plan are alterations to the fenestration on the rear elevation involving the creation of patio doors at ground floor and first floor along with full height glazed screens in place of existing windows. The alterations to the fenestration have already been undertaken and therefore this element of the proposal is retrospective.
- 1.3 The application has been submitted following the refusal of a similar application considered by the Northern Area Planning Sub-Committee on 20th August 2003 under reference DCNE2003/1396/F. The applicants have amended the proposal since the previous refusal of planning permission. The amendments being:
- a) removal of the spiral staircase and wrap around balcony from a northern elevation
 - b) alterations to the design of the wider parts of the balcony from being curved to rectangular in shape
 - c) provision of 1.8m high willow screen for the full width of the northern end of the balcony.

2. Policies

Malvern Hills District Local Plan

Housing Policy 16 – Extensions

Landscape Policy 2 – Areas of Outstanding Natural Beauty

Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (deposit draft)

Policy H18 – Alterations and Extensions

3. Planning History

DCNE2003/1396/F – Construction of balcony at first floor and infill glazed screens and doors to existing external walls. Refused 20th August 2003.

The reason for refusal of this application was as follows:

The development would result in a significant loss of privacy through overlooking of the neighbouring property and garden immediately north of the site, known as Pear Tree Cottage. As such the development is contrary to Housing Policy 16 of the Malvern Hills District Local Plan.

4. Consultation Summary

Statutory Consultations

None required.

Internal Council Advice

4.1 Head of Engineering and Transportation – no objection

5. Representations

5.1 Wellington Heath Parish Council. The Parish Council has no objections to the application. However, the Parish Council suggest that conditions are placed on any planning permission to minimise the visual impact of the development when viewed from across the valley.

5.2 Two letters of objection have been received from:

Francis E Bradley, Pear Tree Cottage, Floyds Lane, Wellington Heath
Michael McCleary and Elizabeth Voyce, Mortar Cottage, Horse Road, Wellington Heath

The main points raised are:

- a) I am generally alarmed at the potentially detrimental effect to both the privacy and value of my cottage the balcony would have.
- b) My cottage is one of the original properties in Floyds Lane and is built tightly against the lane with the whole of the garden to the rear, which would be entirely overlooked by the balcony.
- c) I feel that something more robust and durable than the proposed wicker panel screen would be appropriate such as a continuation of the existing brick wall which would be aesthetically more pleasing and constitute a permanent and more private barrier.
- d) The plans indicate two large seating areas at each end of the house joined in the middle by a narrower walk way. I suggest a compromise would be to eliminate the seating area at the northern end of the property with the balcony starting a few yards along the house. This would remove the balcony from the immediate vicinity of my property while still offering the applicant ample sitting out space.
- e) The Parish Council have raised no objection but have not visited the site and it is impossible to fully assess the situation from the lane side of the properties.
- f) The applicants have approximately 1/3 acre of garden, which enjoys a wonderful view across the valley, and so the balcony is not the only opportunity for taking advantage of this great privilege.
- g) The balcony would provide an elevated vantage point and unobstructed views in through windows in three of the bedrooms along with the living room. We don't wish to have to keep the curtains drawn in our bedrooms and living rooms during daylight hours to maintain privacy.
- h) The balcony would also significantly reduce the privacy in the majority of the garden of Mortar Cottage.

5.3 A letter has been received from Mrs Blundell, responding to the objections. The main points raised are:

- a) The provision of a wicker panel is more in keeping with the local environment and can be robust and durable. The suggestion of a neighbour to construct a brick wall is excessive to say the least.
- b) The provision of a wicker screen will improve the privacy of Pear Tree Cottage gardens but will also have a detrimental effect on our view of the landscape beyond.
- c) We already have extensive views over Pear Tree Cottage garden patio with both the previous and current glazing situation.
- d) The balcony will have no impact on the current view across to mortar cottage and due to the distance Mortar Cottage is away from Woodfield the balcony will have no impact on their privacy.
- e) We have no objection to the screen being at a height of 2m and also would suggest a solid wooden screen would be an acceptable compromise if the wicker screen is not considered acceptable.

5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The applicants wish to construct a balcony for the full length of the property on the rear elevation at first floor with the alterations to the fenestration indicated on the plans having now been completed. The application is a re-submission following

refusal of planning permission in August of this year. The refusal reason can be seen in section 3 of this report.

- 6.2 The general design, scale and appearance of the balcony is acceptable. It will appear visually lightweight, is to be constructed from suitable materials and subject to the balcony being painted an appropriate colour it will not appear prominent or obtrusive when viewed from across the valley. Similarly, whilst the alterations to the fenestration have now been undertaken their appearance is acceptable.
- 6.3 Officer concern with the previous application and to a lesser extent the current proposal is the potential loss of privacy through overlooking of the property and garden of Pear Tree Cottage. The majority of the eastern part of the garden associated with Pear Tree Cottage can currently be overlooked by the existing windows from the applicants property and your officers are satisfied that the construction of the balcony will not result in any increased loss of privacy in this regard. However, it is currently not possible to have direct aspect towards Pear Tree Cottage itself or the garden immediately east of the property and this situation must remain for the benefit of the occupants of Pear Tree Cottage. The removal of the spiral staircase along with the provision of a screen for the northern end of the balcony prevents unobstructed views across to the cottage and private part of the garden. However the proposed willow screen for the northern end of the balcony will be unacceptably transparent and will not be sufficiently durable to secure privacy in perpetuity for the neighbour. The applicants agent has been requested to consider the use of a 2m high sheet of acid etched glass or similar alternative which would appear visually light weight but not allow any direct views across to the property or part of the garden which is currently secluded. A response is awaited.
- 6.4 The neighbour north east of the applicant's property has also expressed concerns regarding a possible loss of privacy. However, your officers are satisfied that there is already direct aspect towards this property and garden and the construction of a balcony will not unacceptably exacerbate this situation particularly given that the property and garden is around 35 metres away from the applicants property.
- 6.5 The application is considered acceptable subject to an alternative material being proposed for the screen, considered essential to preserve the existing privacy for the immediate neighbour north of the site.

RECOMMENDATION

Subject to the receipt of suitably amended plans relating to the screen along the northern end of the balcony, officers named in the Delegation Agreement be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - C05 (Details of finish for the balcony)

Reason: In the interestst of visual amenity.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.