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Tel: 01824 706800 Fax: 01824 706709

Heading:

Ref No 45/2013/0805
Shirley, 23 Marine Drive
Rhyl

3



Application Site

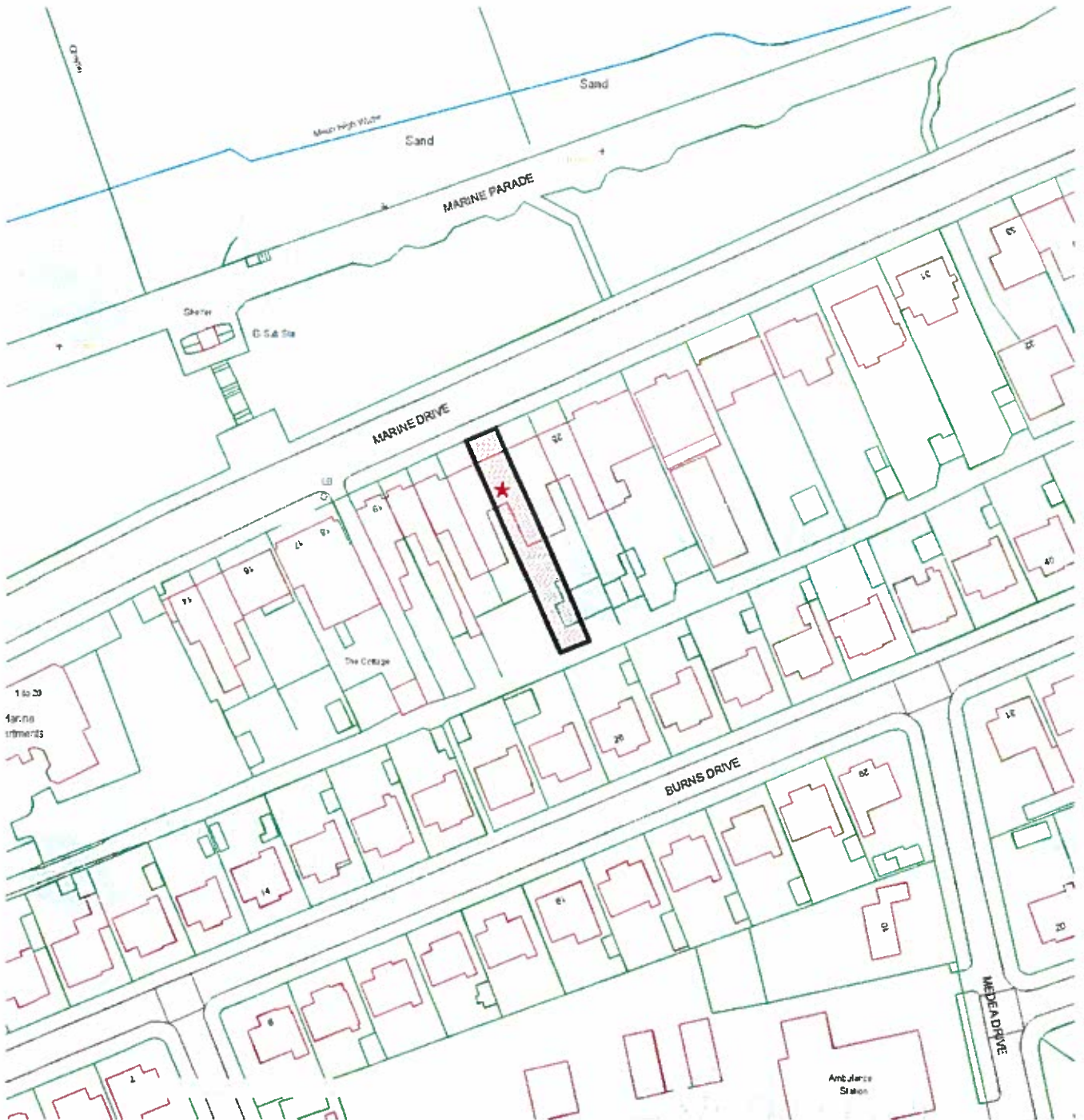


Date 30/10/2013

Scale 1/1250

Centre = 301780 E 382259 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



23 Marine Drive - Site Plan - DG5 1:500.

Existing

45 / 2013 / 0805 / P F

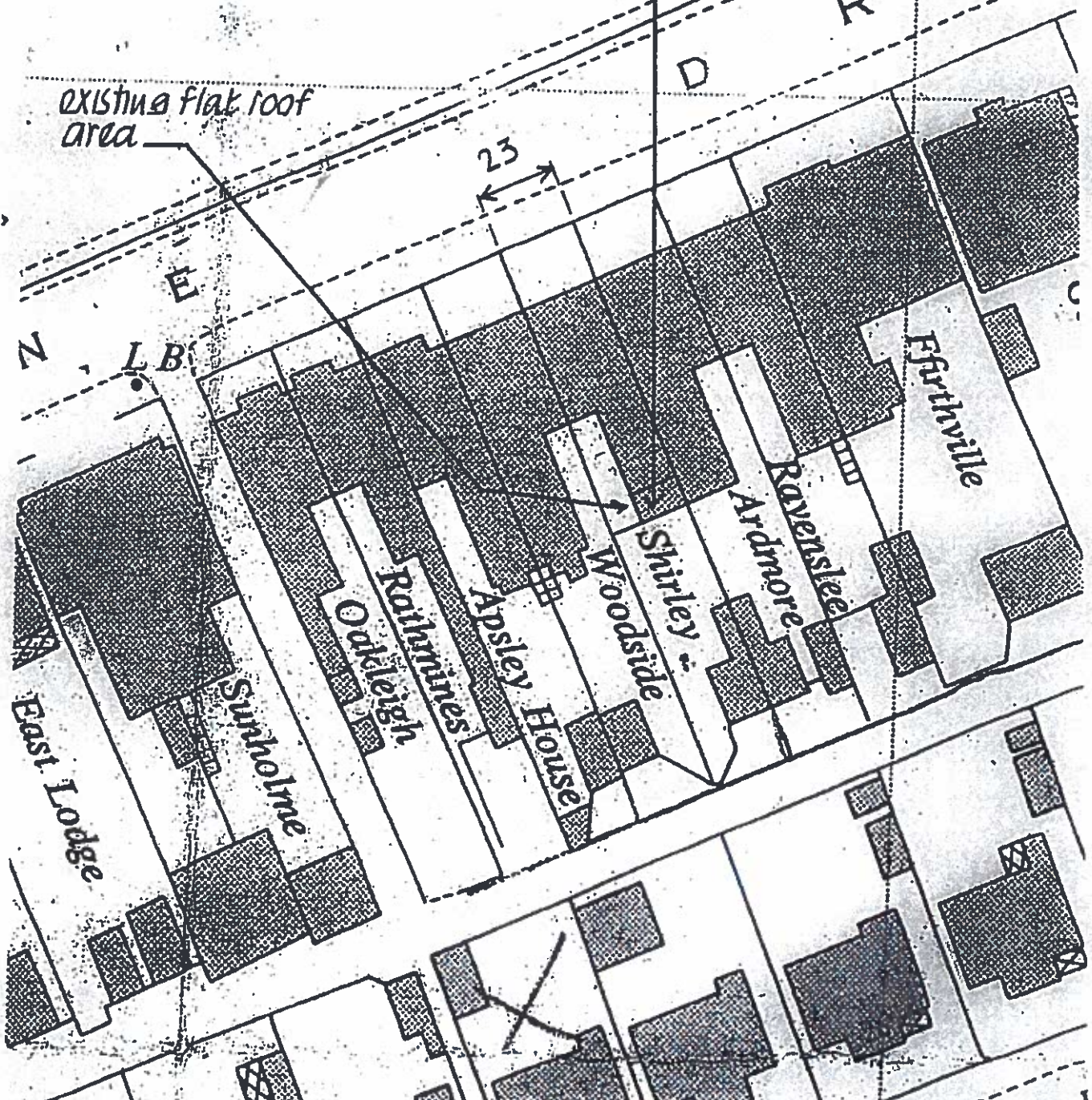
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25 JUN 2013
CALEDFRYN RECEPTION



existing balcony deck.

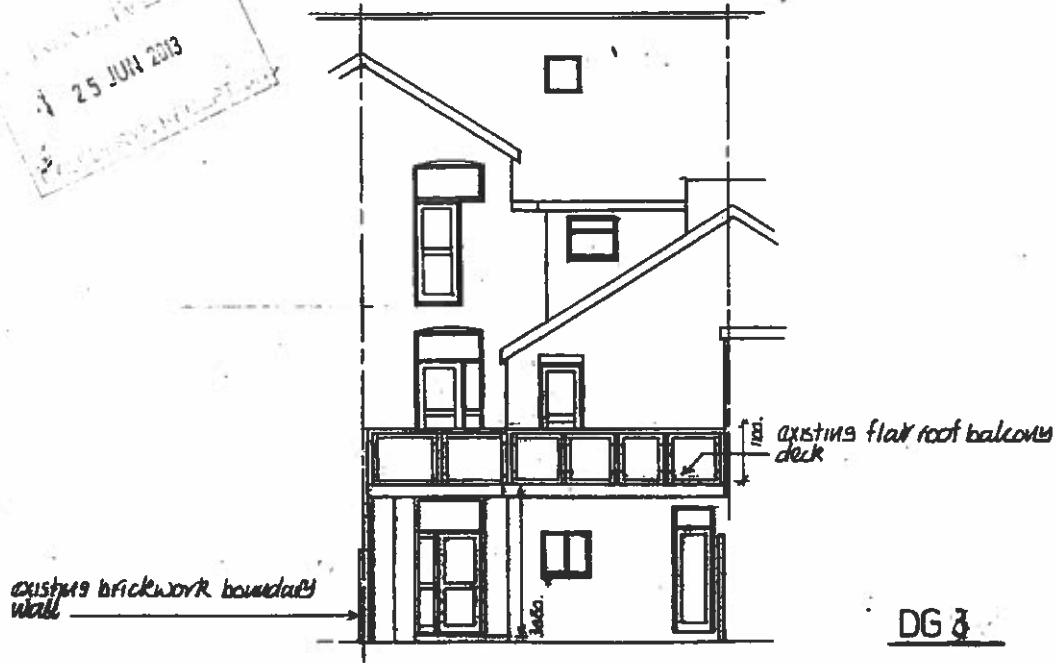
existing flat roof area

23



ELEVATIONS AS EXISTING

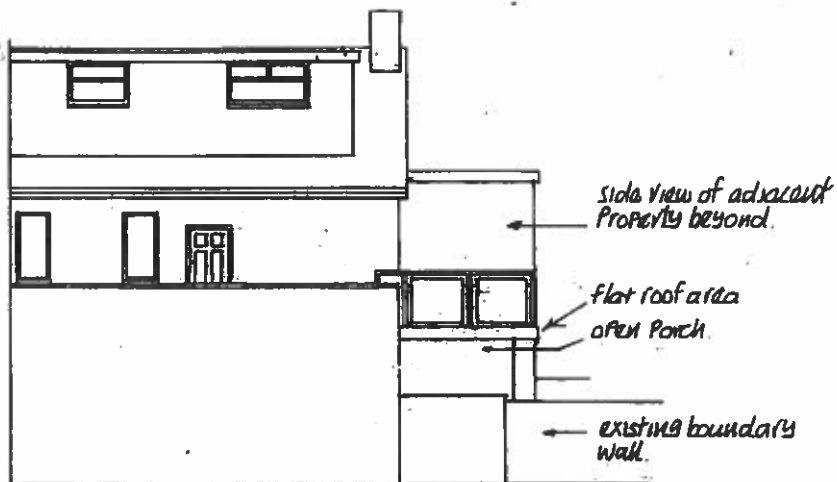
RECEIVED
25 JUN 2013
PLANNING DEPARTMENT



REAR ELEV EXISTING - 1:100 - 23 MARINE DRIVE RHYL - FEB 13

45 / 2013 / 0805 / P F

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PLANNING DEPARTMENT



SIDE VIEW EXISTING - 1:100 - 23 MARINE DRIVE RHYL - FEB 13

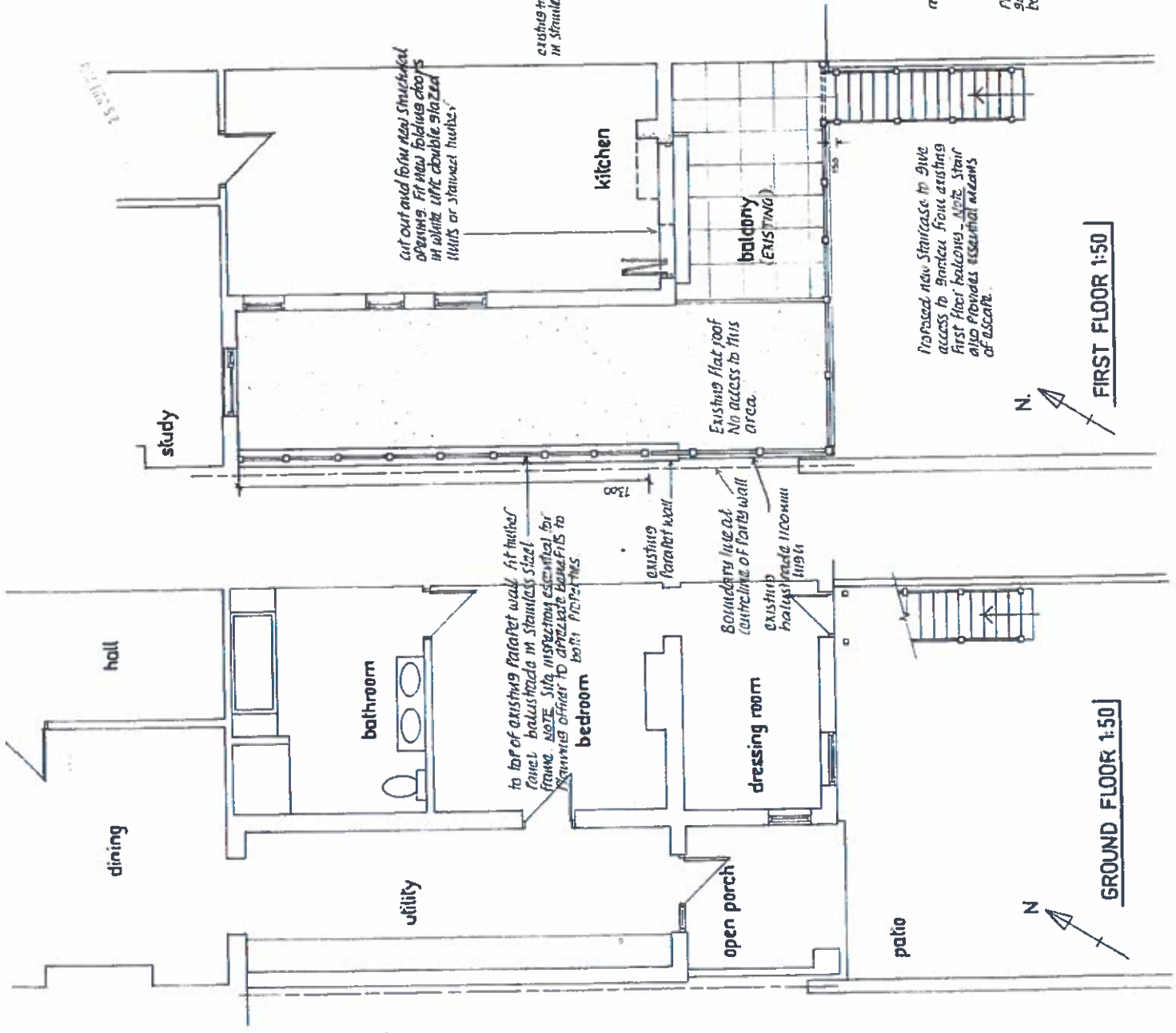
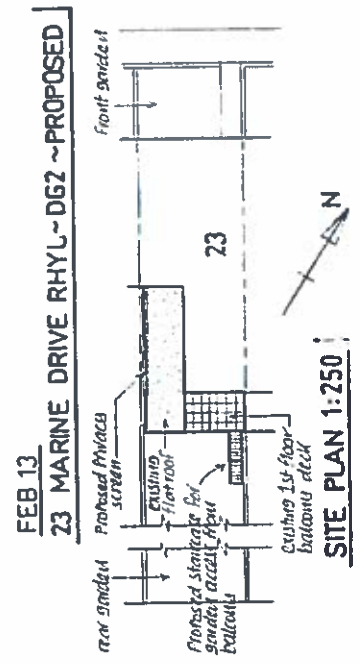
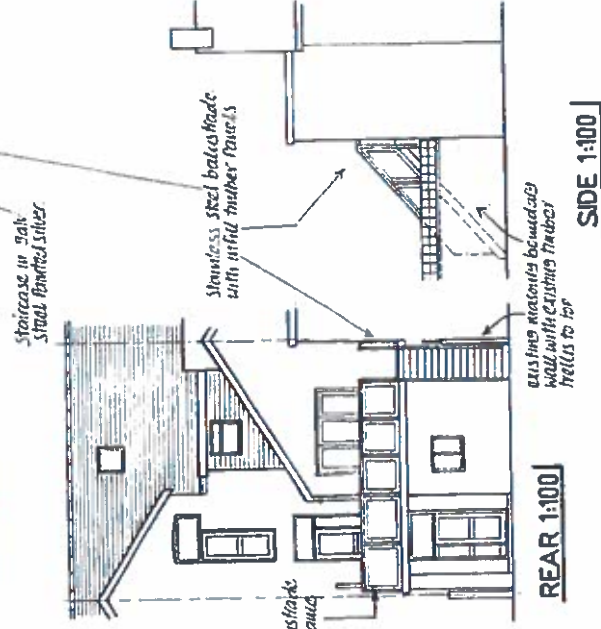
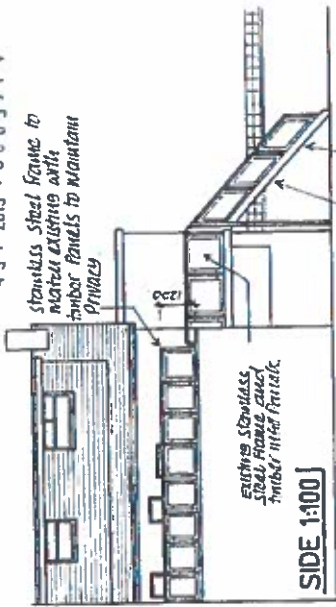
DG 4

45 / 2013 / 0805 / P F

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PLAN 'A'

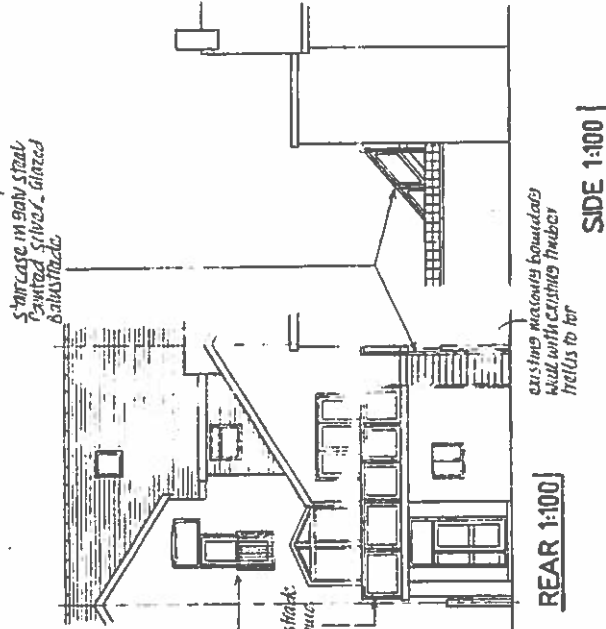
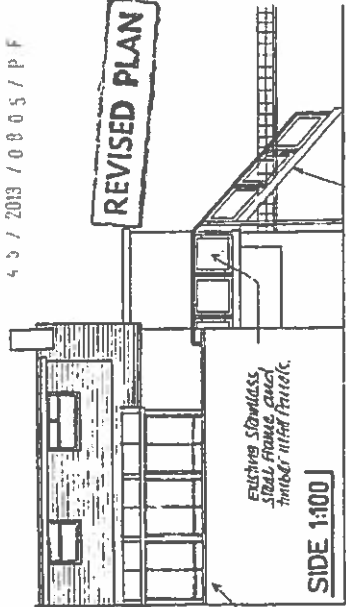
ORIGINAL PROPOSALS 1 JUNE 2013



PLAN 'B'

REVISED PROPOSAL - OCTOBER 2013

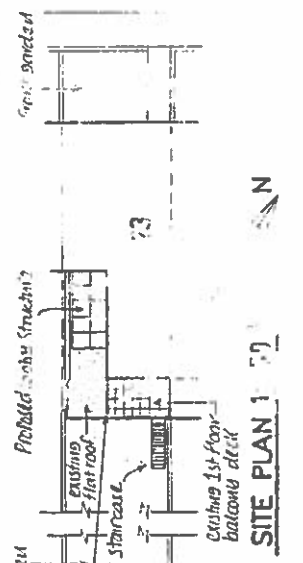
REVISED PLAN



Ref. A 110 12. amendments - frames shown outlined in black
Lobby structure will be existing

FEB 13

23 MARINE DRIVE RHYL - DG2 ~ PROPOSED



External finishes of Lobby
Lobby unit after D. Slatted /
Painted Fenestration, clear glazed
roof and square aluminium
glass elevation to be fixed non
operable and obscure glazed

6 items in west side elevation of
Lobby - all to be fixed non operating
1. obscure glazed to assist fire
2. north windows

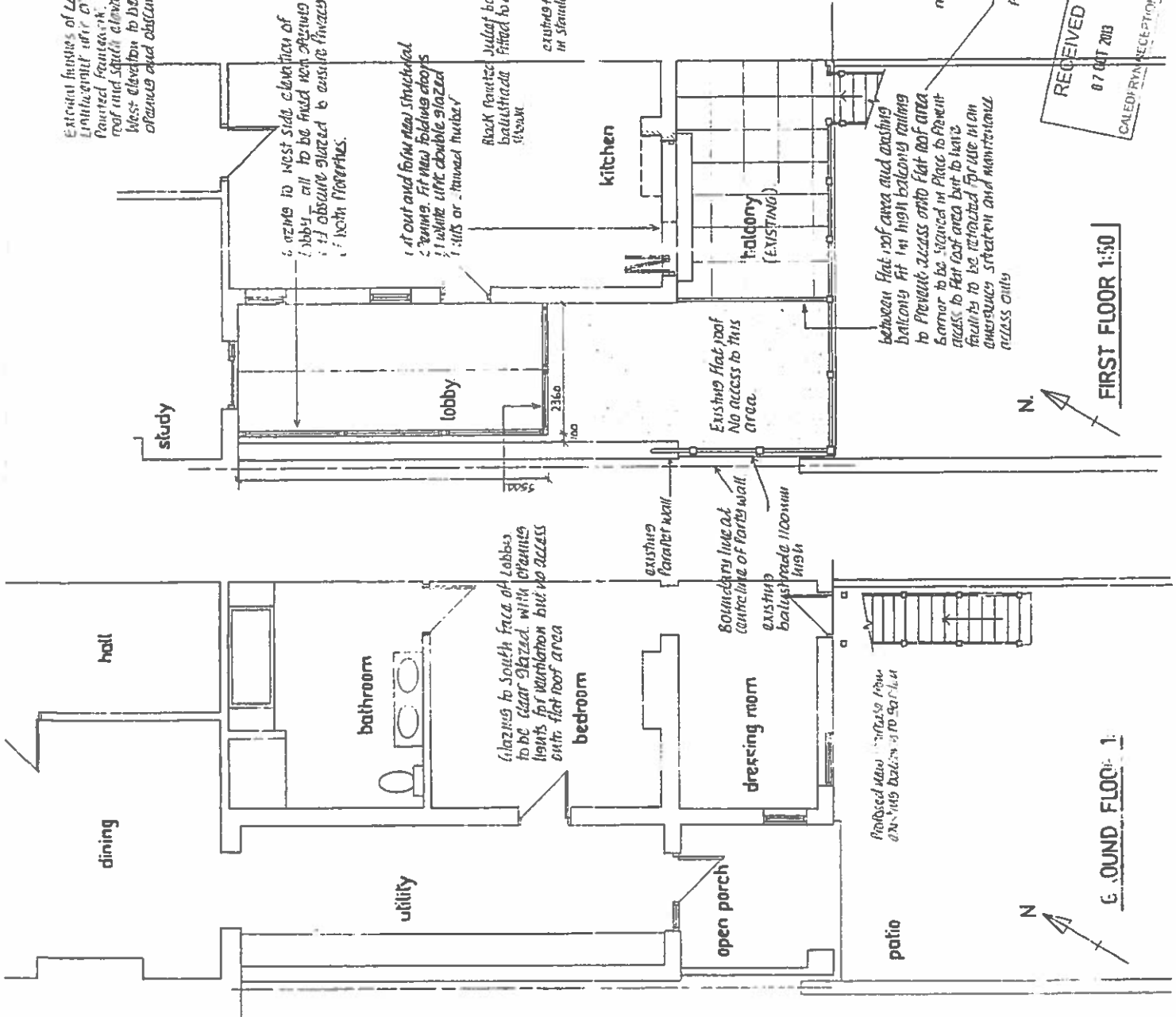
1. cut out and form new structural
2. beams. Fit new balcony doors
3. using zinc double glazed
4. 1100 or 1200mm high

Black painted
balustrade
element

existing timber balustrade
in stainless steel frame

REAR 1:100

SIDE 1:100



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07 OCT 2013
CALDERPINE RECEPTION



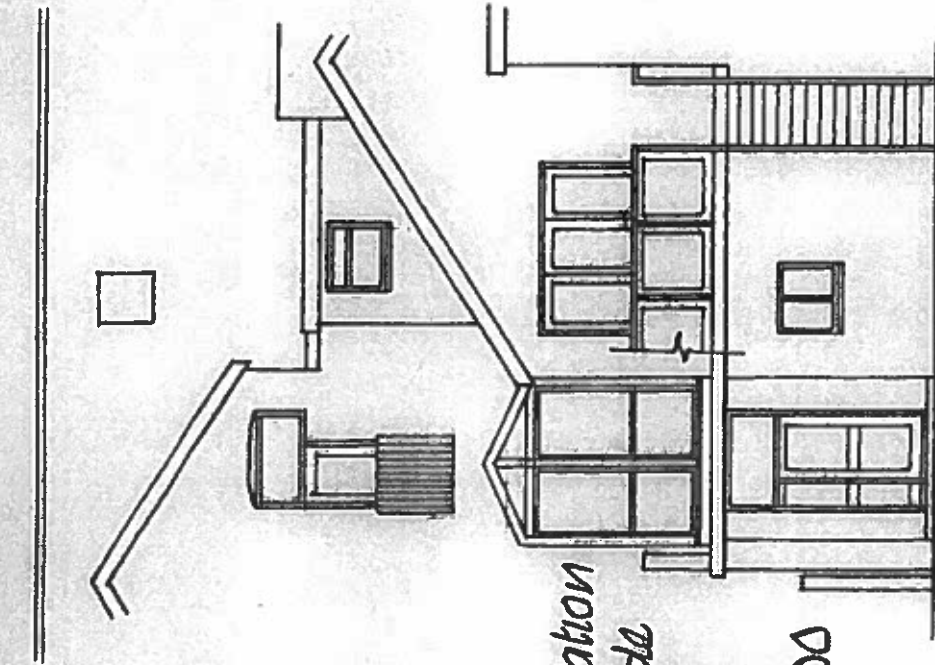
FIRST FLOOR 1:50



G. GROUND FLOOR 1:50

4 5 / 2013 / 0 8 0 5 / P F

23 Marina Drive Rhyl.



Rear Elevation illustration
 with flat roof balustrade
 omitted to show full
 elevation of proposed
 Lobby Structure 1:100

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 07 OCT 2013
 CALEDFRYN RECEPTION

ADDITIONAL PLAN

ADDITIONAL PLAN
 OCTOBER 2013

ITEM NO: 3
WARD NO: Rhyl East
WARD MEMBER(S): Councillors David Simmons and Barry Mellor
APPLICATION NO: 45/2013/0805/ PF
PROPOSAL: Erection of lobby extension at first floor level, staircase from first floor balcony to rear garden, and balustrade to limit access to first floor flat roof area ; and widening of existing doorway from kitchen onto existing balcony
LOCATION: Shirley 23 Marine Drive Rhyl
APPLICANT: Mr Russell Moffatt
CONSTRAINTS:
PUBLICITY UNDERTAKEN: Site Notice - NoPress Notice - NoNeighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager
- Member request

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL (original submission)
"Object – Concern at loss of privacy for adjoining property owners/occupiers."
Comments awaited on revised plans.

RESPONSE TO PUBLICITY:

Neighbouring occupiers were consulted on the originally submitted plans and have been re-consulted upon receipt of revised plans in October 2013, which are the ones before the Committee for consideration.

In objection

Mr. S and Mrs J. Soudagar, Ardmore, 24 Marine Drive, Rhyl.

Summary of planning based representations in objection :

Impact on residential and visual amenity

Loss of privacy and overlooking from stairway into private rear garden / Visual impact of the development / Overbearing and out of scale / Overshadowing and loss of light / Loss of amenity / likely continued use of flat roof area alongside balcony / overdevelopment / no difference from previous refusal

Contrary to Council planning policy and contravention of Human Rights

Other matters

Failure to ensure compliance with previous permission (erection of Juliet balconies, use of flat roof area) / no permission should be considered before original development is lawful / no justification for the extension and stairway / Council's handling of applications does not meet with its Equality Impact Assessment to treat all residents equally

EXPIRY DATE OF APPLICATION: 09/08/2013

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposals relate to developments at the rear of a three storey dwelling on Marine Drive in Rhyl.

1.1.2 There is a complex background to the situation here, outlined in the report following, and the application has been the subject of a Site Panel meeting prior to consideration at Committee. The notes of the Site Panel are included on the late information 'blue sheets' to be circulated in advance of the Committee meeting.

1.1.3 When originally submitted, the application proposed the following at the rear of the property:

- Construction of an external staircase leading down from the rear of a first floor balcony of the property into the ground floor level rear garden area. The staircase would have a height of 3.1 metres measured from ground level, and project out by 3.4 metres, and would be a galvanised steel structure painted silver with a stainless steel frame fitted with obscure glazed side panels up to a height of 1.1 metres to each side. The staircase would be sited abutting the eastern boundary of the site (i.e. the side nearest No 24)
- The addition of a 1.2m high stainless steel framed balustrade on top of an existing parapet wall at first floor level along the side boundary with No.22, to be fitted with timber panels, creating a total screen height of 1.8 metres from first floor level, and a combined height of wall and screen measured from ground level of 5.0 metres.
- The widening of the existing first floor rear kitchen door opening out onto the existing balcony, from 1.0 metre to 2.4 metres to allow for the inclusion of a set of three folding doors.
- The submitted plans annotated the area of flat roof along the western boundary as being "existing flat roof – no access to this area" although no physical barrier was shown to prevent any such use.

Plan A at the front of the report includes the details of the original proposals as described above.

1.1.4 Following receipt of the application and representations on it, discussions have taken place between Officers, the applicant and agent, and with the objectors, having regard to the potential impact on adjacent properties and to also address issues presented by conditions on the previous planning consents regarding the use of the flat roof at first floor level. These discussions have included meetings attended by Council Officers at the application address and also at the objectors' property.

1.1.5 The discussions have resulted in the submission of revised plans, on which the neighbours and Rhyl Town Council have been re-consulted, and which are now the proposals to be considered by the Committee. The scheme now to be determined involves the following:-

- the deletion of the proposed 'privacy screen' on top of the parapet wall along the boundary with No. 22 Marine Drive;

- the erection of a 'lobby room' on part of the existing flat roof area between No 23 and the side of No 22 (of different detailing to a conservatory previously refused permission in June 2013 – see the planning history section of the report). The lobby structure would have a footprint of 2.4 metres in width and 5.5 metres in length with a pitched roof up to a height of 3.0 metres, with obscure glazing to the western side facing No 22, and clear glazing to the rear (south) elevation. The lobby would have no external door openings in its frame, so preventing access out of the lobby onto the adjacent flat roof area;
- the widening of the existing access door from the kitchen onto the balcony area (slightly revised from the original proposal);
- the erection of an external staircase from the existing balcony down to ground floor level (as originally proposed);
- the erection of a 1.0m high 'balcony railing' to limit access from the existing balcony onto the remaining flat roof area. The plan is annotated to state "Between flat roof area and existing balcony fit 1m high balcony railing to prevent access onto flat roof area. Barrier to be secured in place to prevent access to flat roof area but to have facility to be retracted for use in an emergency situation and maintenance access only."

The revised plans are reproduced as Plan B at the front of the report.

1.1.6 The applicant has submitted a supporting statement with the most recent amendments, outlining the reasons for the proposals. In brief, this refers to:-

- the lobby extension, which is intended to address privacy and overlooking problems between the kitchen of No 23 and windows of one of the first floor flats in No 22, and overlooking from the same direction to the existing balcony area of No 23. It is argued that the lightweight structure would not have any detrimental effect on the natural light to other properties;
- concerns over means of egress from No 23 in the event of a fire. The applicant refers to the stairway providing a means of escape from first floor level to ground floor level, and that the property previously had a 3 storey fire escape at the rear before its removal as a result of its condition. The applicant does not consider it reasonable to provide a high screen on the No 24 side of the stairway, as there is already a degree of overlooking of adjoining gardens from the rear of all properties in this area, and there are no such screens on other stairways attached to properties in the vicinity.
- The applicant invites Members to the property to see the situation for themselves.

1.2 Description of site and surroundings

- 1.2.1 The subject property is a three-storey mid-terraced house which fronts the beach and promenade in Rhyl on Marine Drive. It is abutted by a three-storey house to the east (24 Marine Drive) and by three flats in the abutting property at 22 Marine Drive, one on each floor. Properties within the area are used for a variety of residential accommodation including houses and flats, with the rear curtilage of the properties in the block (19 to 26) used for amenity space and also parking, which is accessed via a rear alleyway.
- 1.2.2 The adjacent property at 24 Marine Drive has a swimming pool in the rear garden and has a two-storey flat-roofed rear projection along the side boundary to 23 Marine Drive, with a main window on the rear elevation facing south.

The adjacent property at 22 Marine Drive has a rear yard area which is divided into

three areas for use by the ground floor, first floor and second floor flats, with the ground floor unit facing the side blank wall of the single-storey extension added to the rear of 23 Marine Drive. This projects out from the rear of the building by 7.8 metres and has a height of 4.0 metres (comprised of the extension, 3.1 metres high and the wall on top which is a further 0.9 metres in height). The property at 22 Marine Drive has rear facing bedroom doors and windows and the upper floors also have rear and side facing windows; and there is a rear stairway down from first floor level at the back of Nos. 21 / 22.

- 1.2.3 At the time of the Case Officer's site visit, it was understood that the ground floor of the application property was in use by the mother of the applicant's wife as her private living accommodation, but there was no physical sub-division, indicating the property was in use as a single dwelling.

1.3 Relevant planning constraints/considerations

- 1.3.1 There are no designations or allocations in the Local Development Plan of relevance to the application. The primary considerations for the proposed development are the impact on the privacy and amenity of the adjacent occupiers, together with the visual appearance of the works.

1.4 Relevant planning history

- 1.4.1 The site has an extensive planning history as set out in Section 2 of this report. It includes a number of applications to alter and extend at the rear of the property.
- 1.4.2 The two most recent applications of relevance are the one granted in January 2011 for the retention of a single storey flat roofed extension with a flat roof infill, and the one refused in June 2013 for a conservatory at first floor level on top of the flat roof area.
- 1.4.3 There have been ongoing enforcement investigations following complaints over use of the flat roof area adjacent to the balcony area, and failure to install the proposed Juliet balconies in front of the external doorways leading onto the flat roof area following the 2011 permission. This process has been complicated by the submission of details for the screen to prevent access onto that area - an application which was refused and hence permitted the applicant a 6 month period for an appeal (which was not lodged) - and there have been negotiations with the applicant in which ideas for an 'alternative' scheme helping to address outstanding issues have been mooted. Up to this point, Officers have not considered it expedient to serve a formal Enforcement Notice in relation to breaches of the 2011 permission, given this ongoing dialogue, and it is considered the current scheme offers a realistic opportunity to address matters of concern to the neighbours.

1.5 Developments/changes since the original submission

- 1.5.1 As noted in previous sections, discussions have been ongoing with the applicant and agent since the original submission, relating to the potential impact on adjacent properties and to also address issues presented by the conditions on the January 2011 planning consent regarding the use of the flat roof area. These discussions have included meetings attended by Council officers at the application address and also at the adjacent objectors' property, so all parties have had opportunity to explain their respective positions.
- 1.5.2 These discussions have resulted in the submission of revised plans which have been subject to reconsultation, and involve the proposals as outlined in Section 1.1.5.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 2/RYL/518/78 - Erection of a fire escape for flatlets: Granted 07/11/1978.

2/RYL/0190/90/P - Continuation of use of building as 4 flats and extension to rear: Withdrawn 03/12/1990.

2/RYL/0176/93/P - Construction of dormer at rear to form new bathroom/bedroom (Flat 2): Granted 22 June 1993.

45/2007/1511 - Erection of two-storey flat-roofed extension with balconies at rear of premises and provision of new steel staircase: Refused 14/03/2008 on the grounds of the impact on the adjacent occupiers due to the scale, massing, height and siting of the extensions with balconies above which would have a detrimental impact on the amenity and privacy of the adjacent occupiers.

45/2008/0694 - Erection of two-storey extension with balcony at rear of dwelling: Refused 04/09/2008 on the same grounds as the refusal of 45/2007/1511.

45/2008/1356 - Erection of single-storey flat roof extension to rear: Withdrawn 30/04/2009.

45/2009/1003 - Application for a Certificate of Lawfulness for the proposed erection of single storey flat roof extension to side of dwelling: Certificate issued 13/07/2010.

45/2010/1360 - Retention of single-storey flat-roofed extension but with flat roof infill over open porch and handrail over to match existing balcony deck (Retrospective application): Granted 19/01/2011. The permission contained conditions precluding use of the flat roof area nearest No 22 as a balcony, roof garden, or amenity area ; and required approval of the detailing of a screen to prevent access from the balcony area onto the aforementioned flat roof area, and the details of Juliet balconies to prevent access from external doors onto that area.

45/2011/0532 - Details of screen and Juliet balconies to prevent access on to the side extension flat roof submitted in accordance with retrospective planning permission 45/2010/1360: Refused 08/08/2011 on the grounds that the proposed screening would not prevent access to the flat roof and therefore did not remove the possibility of the overlooking of the adjoining property at 22 Marine Drive.

45/2013/0520/PF - Construction of first-floor conservatory extension and privacy screen and construction of external staircase from balcony to garden area: Refused 3 June 2013 for the following reason:

"It is the opinion of the Local Planning Authority that the scale, massing, height and siting of the proposed first-floor conservatory on top of the existing single-storey rear extension, and use of the flat roof area adjacent to the proposed conservatory as a balcony would result in a detrimental impact on the amenity of the adjacent occupiers, by virtue of overlooking, loss of privacy and overbearing impact. As such, the proposal is contrary to Criterion v) of Policy GEN 6 and Criterion iii) of Policy HSG 12 of the adopted Denbighshire Unitary Development Plan, along with the guidance set out in the Council's adopted Supplementary Planning Guidance 'Extensions to Dwellings'."

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN (adopted 4th June 2013)

Policy RD 1 Sustainable development and good standard design

Policy RD 3 Extensions and alterations to existing dwellings

3.2 Supplementary Planning Guidance

SPG 1 Extensions to dwellings

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012
Technical Advice Notes

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned, and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues are considered to be:-

- 4.1.1 Principle
- 4.1.2 Planning History
- 4.1.3 Visual Appearance
- 4.1.4 Residential Amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of extensions to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts. Policy RD 3 relates specifically to extensions to dwellings and permits extensions subject to the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. SPG 1 and SPG 24 offer basic advice on the principles to be adopted when designing domestic extensions and related developments.

The proposed alterations and additions to an existing residential property set within a defined development boundary would therefore be acceptable in principle, subject to meeting the relevant site specific impact tests outlined in Policies RD 1 and RD 3.

4.2.2 Planning History

The subject site has a complex planning history as outlined earlier in this report, which is an important context for assessment of the current proposals.

Permission was sought in 2007 for the addition of a two-storey flat-roofed rear extension with a balcony on top and a rear staircase. This was refused in March 2008 under application reference 45/2007/1511/PF on the basis of the detrimental impact it would have on the adjacent occupiers by way of scale, massing, height and siting which would be contrary to Criterion v) of Policy GEN 6 and Criterion iii) of Policy HSG 12 of the UDP. The two-storey element of the proposed extension had a total height of 7.8 metres and projected out along the side boundary with 22 Marine Drive by 8.0 metres.

Following the March 2008 refusal, a revised scheme was submitted for a similar proposal (ref 45/2008/0694/PF) with the two-storey element still 7.8 metres in height

but projecting out by 7.0 metres along with other minor alterations to the appearance of the extension. This application was refused in September 2008 for a similar reason to the March 2008 refusal, citing the same criteria of Policies GEN 6 and HSG 12.

An application for a single-storey flat-roofed extension to the rear (ref 45/2008/1356/PF), proposing an extension which projected out by 10.5 metres with a height of 4.0 metres was withdrawn in April 2009 following concerns raised by Officers regarding impact on the adjacent occupiers at 22 Marine Drive.

An application for a Certificate of Lawful Development (LDC), ref 45/2009/1003/LP was granted by the Council in July 2010 on the basis that the single-storey flat-roofed extension proposed, which projected out by 10.0 metres with a height of 3.995 metres was 'permitted development' i.e. it fell within the parameters set out in planning legislation meaning planning permission was not required. Annotation on the approved plan stated that the doors from the property out onto the flat roof of the extension would be fitted with Juliet balconies to ensure that there was no access out onto the flat roof to prevent its use as a balcony.

Following the issue of the LDC, a further application ref 45/2010/1360/PC was granted in January 2011 to retain the single-storey flat-roofed extension constructed, but with an infill area over the previous open porch along with handrails to match those along the edge of the rear balcony. This permission effectively allowed the formation of an 'L-shape' flat roof around the side and across the rear of the dwelling, but still showed an annotation that the flat roof area to the side would not be accessed as a balcony and the doors out onto it would be fitted with Juliet balconies to prevent such access. Condition 1 on this consent stated that the "roof area shall not be used at any time as a balcony, roof garden or amenity area", to protect the amenity and privacy of adjacent occupiers. Condition 2 required details of the screen to be erected to prevent access from the rear balcony out onto the flat roof along with the Juliet balconies to be fitted to the doors to prevent access.

Details to satisfy Condition 2 of the January 2011 consent were submitted but were refused by the Council in August 2011 (ref 45/2011/0532/AC) on the basis that the proposed screen would fail to prevent access to the flat roof area or remove the possibility of overlooking of the adjacent property. The screen shown at the time measured 1.2 metres in height.

In summary, therefore, the two earlier applications in 2008 both proposed two-storey projections adjacent to the side boundary, but both were refused on the basis of impact on the adjacent occupiers. The applicant has consent for a single-storey flat-roofed extension along the side boundary to 22 Marine Drive but conditions are in place which prevent its use as a balcony area. No details have been approved to discharge Condition 2 of 45/2010/1360/PC, and any use of that area is in breach of Condition 1 of the same consent. Officers have not considered it expedient up to this point to pursue formal enforcement action given the right of appeal against the refusal to approve the details of the screen and the ongoing proposals for alternative developments.

In respect of the most recent application ref 45/2013/0520/PF which was refused in June 2013, given that that two previous schemes for two-storey projections had already been refused under the former UDP Policies, it was considered that the combined 5.5 metres height of the boundary wall and conservatory along the side boundary of the amenity space for the adjacent flat at 22 Marine Drive, with a depth of projection of 3.5 metres would have been overbearing to the adjacent occupiers and would result in an unacceptable loss of privacy and amenity. This permission was not refused on the basis of potential impact of the stairway from balcony level to ground floor level.

4.2.3 Visual Appearance

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting,

layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context. SPG 1 and SPG 24 provide further advice on the suitability of householder development.

There are objections from the occupiers of the adjacent property over the visual impact of the proposals, which are considered overbearing and out of scale, involving overshadowing and loss of light.

As mentioned previously, this is a complex situation, given the background history, the detailing of the proposals and the relationships between properties. Members are referred to the plans at the front of the report and will see photographs of the situation at the rear of the application site at Committee, which may help to simplify understanding of what is involved. A Site panel has visited the site and has seen the detailing of existing features and the relationship with adjoining properties. There are clearly conflicting views between the applicant and neighbours over the acceptability of the proposals.

It is to be noted initially in respect of the visual amenity considerations, that the context of the local area includes a number of other properties which have rear staircases / fire escapes, with the nearest other examples being at 21/22, 25 and 26 Marine Drive. This element of the scheme is therefore not an unusual feature in the area, and the visual appearance is therefore considered to be acceptable.

With regard to the proposed glazed lobby, it is accepted that such a feature would appear unusual at first floor level, but as it is set within a recessed area flanked by the three-storey outrigger of the application property and that of its neighbour at No 22, it is not considered that a refusal of permission based on visual harm could be justified.

The main other change proposed, involving the widening of the existing kitchen door opening to the rear elevation at first floor level is considered to be appropriate in respect of visual appearance.

In Officers' opinion, the scheme is considered to be acceptable in respect of its visual appearance, which is a basic test of Policies RD 1 and RD 3 and advice set out in SPG 1 and SPG 24. the lobby extension and the stairway are not considered overbearing, out of scale, or to represent overdevelopment in the context of the locality.

4.2.4 Residential Amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc. SPG 1 and SPG 24 both stress the need for good design in order to ensure that the character and amenity of the neighbourhood is maintained.

The basis of objections from the neighbours is the potential impact of the proposals on privacy, from overlooking of their private rear garden from the staircase. These concerns are reflected in the Town Council's observations.

In relation first to the first floor lobby, this is proposed to be fitted with obscure glazing

to the side (west) elevation which would prevent any overlooking to and from No 22. The submitted scheme (as revised) is significantly different from the June 2013 refusal as it no longer proposes an addition to the side wall along the western boundary with No 22, does not propose clear glazing, and does not include opening doors allowing access onto the flat roof area. Instead, the lobby as proposed will envelop the two existing external door openings and includes an obscure glazed side wall which is set away from the side boundary with No 22. The lobby also does not have any opening panels, which would preclude access from it onto the flat roof. On this basis, this element of the scheme is considered to address the previous concerns regarding the erection of a glazed structure at first floor level and will not give rise to harm to adjacent occupiers to the extent that it would justify a refusal recommendation.

The proposed widening of the rear facing kitchen door is not considered to present any issues in respect of impact on the amenity of neighbouring occupiers.

As stated earlier, the proposed staircase from balcony level to ground floor level is not an uncommon form of development in the area, with a number of properties in the terrace having a similar rear access arrangement. It is however recognised that there is currently no such feature on the subject property, although there was previously a three-storey rear fire escape which has been removed as a result of its condition and / or to make way for the side extension which was erected on No 23. In Officers' opinion, the introduction of a new staircase adjacent to the eastern side boundary may give rise to the potential for a degree of overlooking of the adjacent rear garden at 24 Marine Drive when in use; however this must be balanced against the fact that there is already a potential for such overlooking from the adjacent balcony area, and it is questionable whether there is a sound basis for refusal of this element of the scheme given the limited additional level of overlooking which would arise.

The possibility of addressing these overlooking concerns from the staircase through adding a 1.8 metre high privacy screen along the side of the proposed staircase has been discussed with the applicant and the neighbouring occupiers, but neither party considers this to be an acceptable compromise. In Officers' view, the presence of a screen of this height could actually result in greater harm to the neighbouring occupiers due to its overbearing appearance along the side of the structure.

Taking all the above issues into account, Officers do not consider that the erection of a rear staircase will result in a degree of overlooking into the neighbouring property significantly over and above that which currently exists, and as such the feature is not adjudged to be contrary to Policy RD 1 or the advice of SPG 1 in relation to the need to safeguard residential amenity.

In regard to the final element of the scheme, the 1 metre high screen proposed to prevent access from the existing balcony onto the flat roof of the side extension, it is debatable whether such a height of screen is sufficient to prevent such access and the use of the flat roof which would in turn lead to greater overlooking of the adjacent occupiers to the west. At the time of the site visit being made for the previous application, it was evident that the flat-roof area was being used in connection with the dwelling and accordingly it is suggested that if a permission is to be considered, that a condition be imposed to require the height of this screen to be increased to a minimum of 1.5 metres as a deterrent to prevent use of the remaining flat roof area.

Other matters

Justification for the extension and stairway.

There is no requirement for an applicant to justify proposals relating to developments involving existing dwellings. The acceptability or otherwise of the individual elements of the scheme have to be assessed on their respective merits in relation to policy and local impacts, and not whether there is a 'need' for an extension or a stairway.

Handling of proposals at the property

Members will appreciate that there has been a significant history leading up to the consideration of the current application, and neighbour issues have arisen which have made for a difficult situation for all parties. In acknowledging concerns expressed by the objectors, Officers would comment with respect that the Council has no say over the number of applications an individual may choose to submit, and has a duty to deal with each application in the same manner, with regard to policy and impacts, and any representations lodged. Given the passage of time, it has been inevitable that applications involving the application site have been handled by different Officers, but these will have been dealt without favour and in relation to land use planning considerations relevant to their determination.

Compliance with conditions on previous permission

The objectors question whether the current application should be properly considered whilst there still remain questions over compliance with the 2011 permission. In respecting these concerns, the Council has a duty to determine the proposals in front of it on their own merits, and any decision here should not be influenced by matters pertaining to breaches of a previous permission. The Officer report argues that the current application actually offers a practical solution to matters of concern to the objectors, avoiding the need for the Juliet balconies outside the existing external doors, and - subject to condition - providing a more substantial screen/barrier to prevent access onto the remaining area of flat roof.

5. SUMMARY AND CONCLUSIONS:

5.1 Officers acknowledge this is a difficult application given the background. However, it is considered there is a basis for support for the current proposals, as the revised scheme addresses the reason for refusal for the conservatory application in June 2013, deals with compliance issues arising from the use of the flat roof area granted permission in January 2011, and the detailing of the proposals are considered acceptable in terms of visual appearance and impact on residential amenity, subject to suitable condition(s). With respect to the representations on the application, the development is not considered likely to result in unacceptable harm to neighbouring residential amenity sufficient to justify a refusal of permission.

5.2 The recommendation is therefore to grant permission subject to conditions, including control over the height of the screen between the balcony and the flat roof area to prevent access onto that area. The grant of permission will help to address the long-standing issues presented by the planning history of the site as highlighted in Section 2 of this report.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The side elevation of the lobby structure facing No 22 Marine Drive shall be fitted with obscure glazing at all times.
3. There shall be no external door openings in the lobby structure.
4. The roof area annotated in red on the plan attached to this permission shall not be used at any time as a balcony, roof garden or amenity area in connection with the dwelling.
5. Notwithstanding the submitted plans, the detailing of the screen to be erected to prevent access from the existing balcony onto the adjacent area of flat roof shall not be as shown, but shall be a 1.5 metre high screen in accordance with such alternative detailing as may be submitted to, and approved by the Local Planning Authority within two months of the date of this permission, and the approved scheme shall be implemented in its entirety no later than 6 months from the date of this permission. The approved screen shall be retained at all times thereafter.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the privacy/amenity of the occupiers of nearby properties.

3. In the interests of the privacy/amenity of the occupiers of nearby properties.
4. In the interests of the privacy/amenity of the occupiers of nearby properties.
5. In order to ensure the screen is of sufficient height to restrict access to the flat roof area, and in the interests of the privacy/amenity of the occupiers of nearby properties.

NOTES TO APPLICANT:

None

