

## Dirprwyedig / Delegated

<b>Rhif y Cais / Application Reference</b>	A200580
<b>Derbyniwyd / Received</b>	20-07-2020
<b>Y Bwriad / Proposal</b>	Proposed glass balustrade to form new balcony over existing flat roof.
<b>Lleoliad Safle / Site Location</b>	2, Beach Cottage Clarach Road, Borth
<b>Math o Gais / Application Type</b>	Householder Planning
<b>Ymgeisydd / Applicant</b>	Mr Mike Joyce, 2, Beach Cottage Clarach Road, Borth, Ceredigion, SY24 5LJ
<b>Asiant / Agent</b>	Mr Sean Milsom (Milsom Architectural Services), 13 Cae'r Gerddi, Church Village, Pontypridd, CF38 1UQ

## Y SAFLE A HANES PERTHNASOL / THE SITE AND RELEVANT PLANNING HISTORY

No2 Beach Cottage lies in the centre of Borth, some 100m to the south-west of the junction between Cliff Road and the B4353. The property fronts on to Cliff Road and the rear fronts Lon Glan y Mor.

The properties on this part of Cliff Road are a mixture of terraced, detached and semi-detached houses. The application property is a semi-detached dwelling with No1 Beach Cottage to its north and three properties strung along its Southern boundary. These properties have upper and lower floor windows within 3 metres of the existing rear extension.

The site has the following relevant planning History:

A050860 – Erection of a front Balcony & rear extension with balcony – Refused (13/10/2005)

Application for the erection of a balcony extension to the front of the property and a rear extension was made to the Council. That application attracted a planning objection and was refused permission. The refusal of permission was appealed but it was only the balcony that was considered in the context of the appeal. The appeal against the balcony was dismissed.

A051147 – Retention of an Extension – Withdrawn (12/12/2005)

Work commenced in the erection of a single storey extension to the rear of the property in October 2005. The development was not permitted because it came beyond the forward-most part of the original dwelling fronting Lon Glan y Mor and the owner of the property was advised to cease work and make application. An application for the retention of the works already commenced and their completion was lodged with the Council later in October 2005. There were concerns regarding the design of the development and the possible use of the flat roof that had been constructed as a balcony. After correspondence between the applicant's agent and the authority the application was withdrawn.

A060490 – Retention of an Extension – Approved Subject to Conditions (15/03/2007)

In 2006 a further application for the retention of the works was received. Due to the nature of the application and given the implications of enforcement a Site Inspection Panel was recommended. Issues were raised regarding the impact on residential amenity of neighbouring properties, including concerns regarding the potential use of the flat roof as a balcony. This issue was resolved with submitted designs showing the loss of the half glazed door onto the roof and its replacement with a fixed glazed unit, thus restricting the use of the flat roof as a balcony. The application was approved subject to conditions. Two of these conditions were included in the interests of residential amenity, so as to prevent access to the flat roof area.

A070622 – Extension of two storey extension to rear – Refused (11/10/2007)

Application for the erection of a first floor rear extension was made to the Council. The application was refused on the grounds that the proposed extension would constitute an unacceptable detrimental effect on the residential amenities of 'Drake Cottage'. The erection of an extension would result in a tunnelling effect for the outlook of said dwelling and impinge on the amenity of the dwelling. The refusal of permission was appealed, the appeal was dismissed.

## MANYLION Y DATBLYGIAD / DETAILS OF DEVELOPMENT

The development as existing comprises a flat roofed single storey extension to the rear of the dwelling which is some 3.5m high, 4m in width and extends from the rear face of the dwelling by some 3 metres. There is an existing door to the rear first floor of the property, which currently affords access to the flat roof.

The application seeks full planning permission for the installation of a glass balustrade to form a new balcony over the existing flat roof to the rear of the property.

Along the North and Eastern boundary of the proposed Balcony, the glass balustrade is proposed as 1100mm high. The balustrade along the South is proposed to be 1800mm high, constructed of obscure glass partition. The entire balustrade is to have stainless steel posts.

# **POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL / RELEVANT PLANNING POLICIES AND GUIDANCE**

Mae'r polisiau canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn: / These Local Development Plan policies are applicable in the determination of this application:

- DM06 High Quality Design and Placemaking
- DM17 General Landscape

Supplementary Planning Guidance

- Built Environment and Design SPG

## **YSTYRIAETHAU PERTHNASOL ERAILL / OTHER MATERIAL CONSIDERATIONS**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **EQUALITY ACT 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## **YMATEBION YMGYNGHORI / CONSULTATION RESPONSES**

Cyngor Cymuned Borth Community Council - No Response

Highways - No Observations

Land Drainage - No Objection

Ecology - No Response

Natural Resources Wales - No Objection

Two 3<sup>rd</sup> party representations have been received. The planning objections received relate to the potential impact to the amenity of the adjacent dwellinghouse, known as Drake Cottage through:

- Loss of privacy;
- Loss of Outlook;

- Loss of Light;
- Noise pollution

## **CASGLIAD / CONCLUSION**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise".

### **Principle of Development**

The principle tests in determining this application is whether the proposed balcony to the rear would result in a significant loss of privacy to the occupiers of No1 Beach Cottage and Drake Cottage, and whether the proposed design of the balustrade would harm the amenity of neighbouring properties. Concerns are raised in particular regarding the following requirement of Policy DM06 of the LDP:

7. Protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook;

The development would potentially detrimentally affect the privacy of No1 Beach Cottage. The dimensions of the proposed balcony would be 4m in width and extending some 3m from the face of the dwelling. As the proposal stands, the 45-degree guideline of visibility from the first-floor habitable room window of No1 Beach Cottage is contravened, where the room could be overlooked and right to privacy be infringed.

Similarly, the impact on the privacy and amenity of Drake Cottage would be of concern. Drake Cottage is a linear one-storey cottage, with limited first-floor accommodation provided via a row of tall dormer windows under a shallow catslide roof, which extend along the site of the proposed balcony. There are two concerns relating to the proposed balcony and installation of a balustrade and their potential impact on residential amenity of this property. The first would be the occupants' of Drake Cottage's right to privacy. The formation and formalisation of a balcony over this flat roof in its current design would mean that users of the balcony would have a clear view into the furthest bay-style dormer window, thus infringing the occupants' right to privacy. It should be noted that previous retrospective planning permission was approved for the retention of a single storey rear extension on the condition that a first floor door which allowed access to the existing flat roof would be removed and replaced with a fully glazed window. This condition was placed in the interest of residential amenity, so as to prevent access to the flat roof area and restrict its use as a terrace/ balcony area. However, there still exists a door which would in fact allow access to the flat roof.

Secondly, the proposed erection of a 1.8m obscure glass partition along the south side of the balcony would create an undesirable overbearing effect so close to the cottage and first floor dormer windows of Drake Cottage. A previous planning application for a first storey extension was refused at this location as it would result in a tunnelling effect for the outlook of Drake Cottage and impinge on the amenity of the dwelling. This proposed development poses similar concerns.

### **Conclusion**

This application seeks full planning permission for the installation of a glass balustrade to form a new balcony over the existing flat roof. The proposed development is in conflict with Policy DM06 of the LDP as it does not protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook. The proposed formation and formalisation of a balcony/ terraced area would undoubtedly result in an unacceptable loss of privacy for both Drake Cottage and No1 Beach Cottage. The proposed balustrade would also impact adversely on the amenity of Drake Cottage through cause of overbearing.

As stated, application A060490 was approved subject to conditions restricting access and use of the flat roof as a balcony. Application A070622 was refused as the extension would result in a tunnelling effect for the outlook of said dwelling and impinge on the amenity of the dwelling. Therefore to be in line with and respect previous planning decisions where the same concerns and issues remain, the decision should be for refusal.

### **Power of Delegation:**

The local member, Cllr Ray Quant, has given the LPA delegated powers to refuse the application.

## **ARGYMHELLIAD / RECOMMENDATION:**

The application is refused on the grounds that the proposed development would cause a material loss of privacy to adjacent dwellinghouses and adversely impact the amenity of a dwellinghouse to the south of the site. As a result, the proposal is contrary to Policy DM06 of the LDP.