

5j E/13/0261/A – Unauthorised decking to the rear of 45 Leat Close, Sawbridgeworth, Herts, CM21 9LZ

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised decking.

Period for compliance: 3 Months

Reasons why it is expedient to issue an enforcement notice:

1. The decking results in an unacceptable degree of overlooking of, and loss of privacy to, the residents of neighbouring dwellings at No.46 Leat Close and The Mill House, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

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1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. It comprises a semi detached dwelling located within the built up part of Sawbridgeworth and within the town's Conservation Area.
- 1.2 It was brought to the attention of the Council in August 2013 that the owners of the property had constructed a raised decking area to the rear of their property and which was considered to be outside the residential curtilage.
- 1.3 Following a visit to the neighbouring properties to view the decking, a letter was sent to the owners advising them that the works could not be considered as 'permitted development' due to the height of the decking and its location being outside the residential curtilage. They were advised therefore that planning permission was required for its retention.
- 1.4 On 4 October 2013 a retrospective planning application was submitted. However, after due consideration the application was refused for the

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following reason:

1. The decking results in an unacceptable degree of overlooking of, and the loss of privacy to, the residents of the neighbouring dwelling at No. 46 Leat Close and The Mill House, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

1.5 Photographs of the site will be available at the meeting.

2.0 Planning History:

2.1 The relevant planning history of the site is as follows:

3/13/1793/FP Raised decking to rear- Retrospective Refused

3.0 Policy:

3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 in this case are:

ENV1 – Design and Environmental Quality

ENV19 – Development in areas liable to flood

BH6 – New Developments in Conservation Areas

3.2 The NPPF is also a material consideration in the determination of this matter.

4.0 Considerations:

4.1 The site is shown on the attached OS extract. Together with adjoining neighbours, it backs onto the Mill Race water course and each of the dwellings within this part of Leat Close benefit from raised rear gardens with a steep retaining wall. Adjoining the wall is a grass bank which appears to have been used for residential purposes as additional garden areas.

4.2 This site and the neighbouring dwellings all have rear gardens and views towards the east across the Mill Race water course. Mill House, to the south, is a Grade II listed dwelling which has a north west facing rear elevation and gardens which abut the unauthorised decking.

4.3 The unauthorised decking extends 2.48 metres from the rear of the main garden of the property and has a width of 4.16 metres. It also has

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an additional staircase and the floor of the decking is 2.2 metres high above the grass bank and its maximum height is 3.2 metres to the top of the balustrade. It has been constructed upon the grass bank area between the main garden area and the Mill Race water course.

4.4 The decking appears as a prominent addition to the dwelling due to its height and siting when viewed from the bank below and from the neighbouring property Mill House.

4.5 Officers also consider that the unauthorised development results in an unacceptable degree of overlooking of the rear patio area and rear conservatory of Mill House and would also result in an unacceptable loss of privacy to the neighbouring occupiers at no. 46 Leat Close.

5.0 Recommendation:

5.1 For the above reasons, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised decking.