

**E/14/0103/A – Erection of unauthorised raised decking at Rennesley Lodge (adj. Rennesley Farmhouse), Anchor Lane, Wadesmill, SG12 0TE**

**Parish: THUNDRIDGE CP**

**Ward: THUNDRIDGE AND STANDON**

**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 development.

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

1. The raised decking, by reason of its height and siting results in an unacceptable degree of overlooking of, and loss of privacy to, residents of Rennesley Farm House and Dovecote 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 is located within the Category 2 Village of Wadesmill; within the Green Belt and within the Thundridge/Wadesmill Conservation Area. The site forms an area of land to the west of Rennesley Farm which was divided from the farm when planning permission was granted for the construction of the property not known as Rennesley Lodge, a detached bungalow (ref: 3/11/0545/FP).
- 1.2 In April 2014, it was brought to the attention of the Council that an additional raised decking structure had been built at the rear of the property. The decking extends the 5.5 metre width of the existing dwelling and extends 2.6 metres beyond the rear elevation of the property. It is between 0.5 and 0.7 metres in height. Balustrades measuring 1.1 metre in height border the decking with steps leading down to the rear garden.
- 1.3 Officers investigated the raised decking, and concluded that planning permission was required for this element, which did not form part of the previous planning permission and was not permitted development due

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to its height.

- 1.4 A retrospective application was subsequently submitted under LPA reference 3/14/0957/FP but was refused due to the overlooking/loss of privacy from the raised decking. No appeal against the refusal of planning permission has been lodged to date.
- 1.5 Photographs of the unauthorised decking will be available at the Committee meeting.

### **2.0 Planning History**

- 2.1 The relevant planning history in this case is as follows-

3/14/0957/FP	Regularisation of raised decking.	Refused.
3/11/0545/FP	Erection of single storey dwelling with parking (amended proposal).	Approved.

### **3.0 Policy**

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

GBC1 – Appropriate development in the Green Belt.  
ENV1 – Design and Environmental Quality.

- 3.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in this matter.

### **4.0 Considerations**

- 4.1 The determining issue in this case relates to the impact of the unauthorised decking on the amenities of the adjacent residential properties. Otherwise, it is considered that the decking is of a size, scale, siting and design that is not harmful to the character and appearance of the existing dwelling.
- 4.2 The design of the decking is of a high standard that is not detrimental to the character and appearance of the dwelling or the wider Conservation Area, in accordance with the aims of Policy BH6. The Conservation Officer's comments on the recent retrospective application confirm this and outline that the decking is considered to have a limited impact on the character and appearance of the Conservation Area as it is not

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highly visible in the immediate or wider setting due to the defined boundaries of Rennesley Lodge.

- 4.3 However, in respect of neighbour impact, Officers consider that the decking is harmful to the amenities of adjacent residents and does not accord with policy ENV1 of the adopted Local Plan. Given the height and projection of the decking, and the change in land levels, the structure results in clear views across to Rennesley Farm House to the east where there are ground and first floor flank windows at a distance of approximately 12-14m, along with private rear amenity space. Officers consider this level of overlooking to be harmful to the amenity of these neighbours and in conflict with the aims of policy ENV1, and paragraph 17 of the NPPF.
- 4.4 Dovecote House is located at a distance of only 6m from the decking with a number of flank windows which are clearly visible from the raised decking. There is also a patio and garden area to the rear of Dovecote House which is clearly visible from the western edge of the decking. Officers therefore consider the decking to result in harmful overlooking to this neighbour also. The site is bordered by approximately 1.8m high fencing, but this is not sufficient to mitigate against harmful overlooking, and any increase in the height of this fencing to restrict views may result in an overbearing impact.
- 4.5 Despite the acceptable appearance of the development and the minimal impact on historic assets, Officers consider that the raised decking, by reason of its height and siting results in an unacceptable degree of overlooking of, and loss of privacy to residents of Rennesley Farm House and Dovecote House. Accordingly it is considered expedient to seek authorisation to serve an Enforcement Notice for the unauthorised development. A two month time period for compliance is considered reasonable for the works to be carried out, especially considering the compliance period may fall over the Christmas period.

## **5.0 Recommendation**

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve an Enforcement Notice requiring the removal of the unauthorised development.