

E/14/0300/B – Unauthorised balcony structure at 31 Cowbridge, Hertford, Hertfordshire, SG14 1PN

Parish: HERTFORD CP

Ward: HERTFORD BENGEO

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: 1 month

Reason why it is expedient to issue an enforcement notice:

1. The balcony structure results in an unacceptable degree of overlooking of, and loss of privacy to, residents of the adjoining dwellings, 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 Hertford Conservation Area, close to the Town Centre, and the predominant use in the area is residential.
- 1.2 Officers registered concerns in September 2014 regarding the erection of a balcony which was said to look into other properties.
- 1.3 Officers wrote to the owner/occupier of the premises to arrange a site visit. No response has been received to date. A site visit was, however, carried out using a private road, which provides limited views of the back of the premises, and it was clear that a large balcony structure had been erected. Photographs of the structure will be available at the committee meeting.
- 1.4 Follow up letters have subsequently been sent to both the occupier and the owner shown on the land registry title, but no response has been received to date.

2.0 Planning History

2.1 Whilst the site was previously part of a redevelopment in the 1990s, there is no planning history relevant to the current development.

3.0 Policy

3.1 The relevant 'saved' Policy of the East Herts Local Plan Second Review April 2007 in this case is:

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 whether the unauthorised development complies with the Council's saved Policy ENV1 in relation to design and amenity.
- 4.2 Whilst Officers have been unable to inspect the balcony structure at close distance, it is evident from views from the adjacent land that planning permission is required, as the structure constitutes operational development and any balcony or raised platform in excess of 300mm high cannot be considered as permitted development.
- 4.3 Policy ENV1 of the Local Plan requires development proposals to respect the amenity of occupiers of neighbouring buildings and those of future occupants, and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. The structure is within very close proximity of a neighbouring dwelling, and it appears to Officers that in addition to views of private space, the balcony provides direct views into a number of windows serving the adjacent property. The balcony appears to be within 1m of 2 of the windows in the flank elevation, which results in a significant degree of harm to the privacy and amenity of the neighbouring occupants. Additionally, the balcony overlooks the parking area and frontages of a number of other properties, and whilst this impact is considered to be of a lesser degree than the impact on the immediately adjacent dwelling, the resulting actual and perceived overlooking and loss of privacy is still considered to be materially harmful. This is clearly contrary to the above requirements of Policy ENV1.

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- 4.4 The balcony structure is also considered to be of a fairly rudimentary design, and appears out of keeping with the character of the property. However, public views of the structure are very limited, and minor alterations to the materials could enhance its appearance. Accordingly, the harm arising from the design is not considered to be so significant as to warrant refusal of the structure on design grounds if permission had been applied for, and there is no significant detrimental impact on the character of the Conservation Area.
- 4.5 Overall, Officers consider that the balcony structure results in an unacceptable degree of overlooking of, and loss of privacy to, residents of the adjoining dwellings. It is therefore considered to be expedient to take enforcement action to remove the unauthorised development. Officers consider that a period of 1 month would be sufficient to remove the structure, which appears to be of relatively simple and rudimentary construction.

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.