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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>1 December 2010</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>10/0293/IC Plan12/10 Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Erection of decking (in retrospect) at 48 Leapmoor Drive, Wemyss Bay</b>		

## **SITE DESCRIPTION**

The site is on the east side of Leapmoor Drive, Wemyss Bay. It contains a detached, 2 storey house with a rear conservatory, dating from the 1990s. Similar houses adjoin to north and south. The rear garden is level for approximately 6m from the back of the house. It then rises up by approximately 1m, extending level for approximately 5.5m before, finally, rising steeply by approximately 3.9m over the remaining 9.5m to the rear garden boundary. The overall length of the back garden is approximately 21m and the steeply sloping section contains an exposed cliff face. Intervening between the rear garden fence and the rear gardens of houses on Castle Wemyss Drive is an approximately 5m deep strip of structure landscaping. The back gardens of the Castle Wemyss Drive are equipped with 1.8m high close boarded fencing, similar to that at the rear garden boundary of the application site.

## **PROPOSAL**

The proposal is partially retrospective. It comprises the construction of four levels of timber decking at the rear of the garden, interlinked by timber steps. Steps running across the plot at the base of the cliff provide access to an approximately 9.2 square metre deck, 2.5m above garden level and adjacent to the boundary with No 46. Steps up lead to a second deck with an area of approximately 29 square metres and located 5.5m above garden level. 1.5m above the second deck is a third level, extending to approximately 4.3 square metres. The third tier of decking is at the level of and adjacent to the bottom of the rear boundary fence.

Under construction is a fourth level of decking extending to approximately 34 square metres, with stair access from and 0.5m above the second level. The fourth tier of decking is approximately 0.2m below the bottom of the rear boundary fence. Overall, the decking extends almost the full width of the garden.

Privacy screening is proposed to the first and third levels to prevent overlooking of 50 and 46 Leapmoor Drive.

## **LOCAL PLAN POLICIES**

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes.

## **CONSULTATIONS**

None required.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 24th September 2010 as there are no premises on neighbouring land.

## **SITE NOTICES**

The nature of the proposal did not require a site notice.

## **PUBLIC PARTICIPATION**

Ten written representations have been received.

The objectors are concerned that:-

1. An electricity junction box sited on the deck may be used to provide power for a hot tub or garden hut. Any such structure may interrupt views from properties on Castle Wemyss Drive. The possible construction of a canopy on the top deck also has the potential to interrupt views.
2. The decking fails to accord with Council guidance on overlooking.
3. Clearance of shrub cover has led to the commencement of a collapse in the rear garden fence and an increase in visibility over neighbouring gardens and reduction in privacy.
4. Development has been carried out without the benefit of planning permission.
5. The scale and height of the decking are out of proportion to similar developments in the vicinity.
6. The steepness of the steps is a health and safety concern and the development should be the subject of a risk assessment.
7. There is a risk of land slip.
8. In the event that planning permission is granted the height of the deck should be reduced.
9. Clearance of shrubbery has reduced habitat.
10. Property values shall be adversely affected.
11. The structure does not satisfy Building Regulations.

12. Scale bars on the submitted plans are meaningless. Drawings are scaled 1:100 and also bear a note stating "Do Not Scale". There is a question mark over the datum point for the levels given on the submitted plans. The notes on the architect's drawings have not been adhered to in the works so far progressed. Overall, the decking is incapable of being constructed in accordance with the submitted plans.

## **ASSESSMENT**

The material considerations in the determination of this planning application are the Local Plan, the Council's PPAN 15 "Garden Decking" and the written representations.

The Council's PPAN 15 advises there is no objection in principle to the erection of garden decking. The purpose of PPAN15 is to ensure that where decking is created, it has due regard to the amenity of neighbours, with particular reference to overlooking. In this respect it is necessary to assess the impact on the houses to either side (Nos 46 and 50 Leapmoor Drive), and at the rear (41-45 Castle Wemyss Drive). The houses in Castle Wemyss Drive are positioned above the application site, and the decking at its highest point is lower than the ground level and their gardens. Screening along the boundary prevents intervisibility at ground level between the decking and neighbouring gardens. I am therefore satisfied that the decking has no adverse impact on the privacy of residents in Castle Wemyss Drive. Moving on to the neighbours on Leapmoor Drive, the lowest of the four decks has seating and affords clear views into the neighbouring garden, conservatory and rear windows at No 46. Side boundary fencing and vegetation interrupt views from the top deck levels towards No 46. There are views of the rear windows of No 50 from the upper deck levels, however deck level is above eaves level, more than 18m separates the decking from the windows and views out are over the roof towards the River Clyde. As such, I am satisfied that the privacy of rear windows in No 50 is not unacceptably compromised. Vegetation partially interrupts views into the garden of No 50. Issues of overlooking gardens can, I consider be satisfactorily addressed by a condition requiring the provision of privacy screening on the lower and upper deck levels.

I further note that the adjoining house at No 50 has an elevated deck and the house at no 46 an elevated patio, each partially overlooking the applicant's property.

There is no impact upon the architectural design of the house as the decking is not attached to it. The decking has been integrated into the varying garden levels and mature landscaping and is not visible from the public domain. As such, I consider its visual impact to be acceptable.

Policy DC1 of the Local Plan advises that applications for planning permission which accord with the design principles established in the Council's PPANs will be supported. As such the proposal complies with the Local Plan.

Regarding the objectors' concerns not covered by my assessment against the Local Plan, the siting of garden furniture does not require the benefit of planning permission. Structural stability, construction and step design, adherence to standards and codes of practice and the architect's technical drawing notes are matters controlled under Building Regulations. The decking has been inspected and determined not to be structurally unstable. Removal of garden shrubbery, property values and loss of view are not material planning considerations. While I note the comments on the accuracy of the plans, I am satisfied the detail submitted accurately portrays the decking.

Finally, while I share the objector's concerns that work has proceeded without the benefit of planning permission this does not provide a justification for refusal.

## **RECOMMENDATION**

That the application be granted subject to conditions

## Conditions

1. Within 28 days of the date hereof the approved privacy screening shall be installed within and thereafter retained in perpetuity.

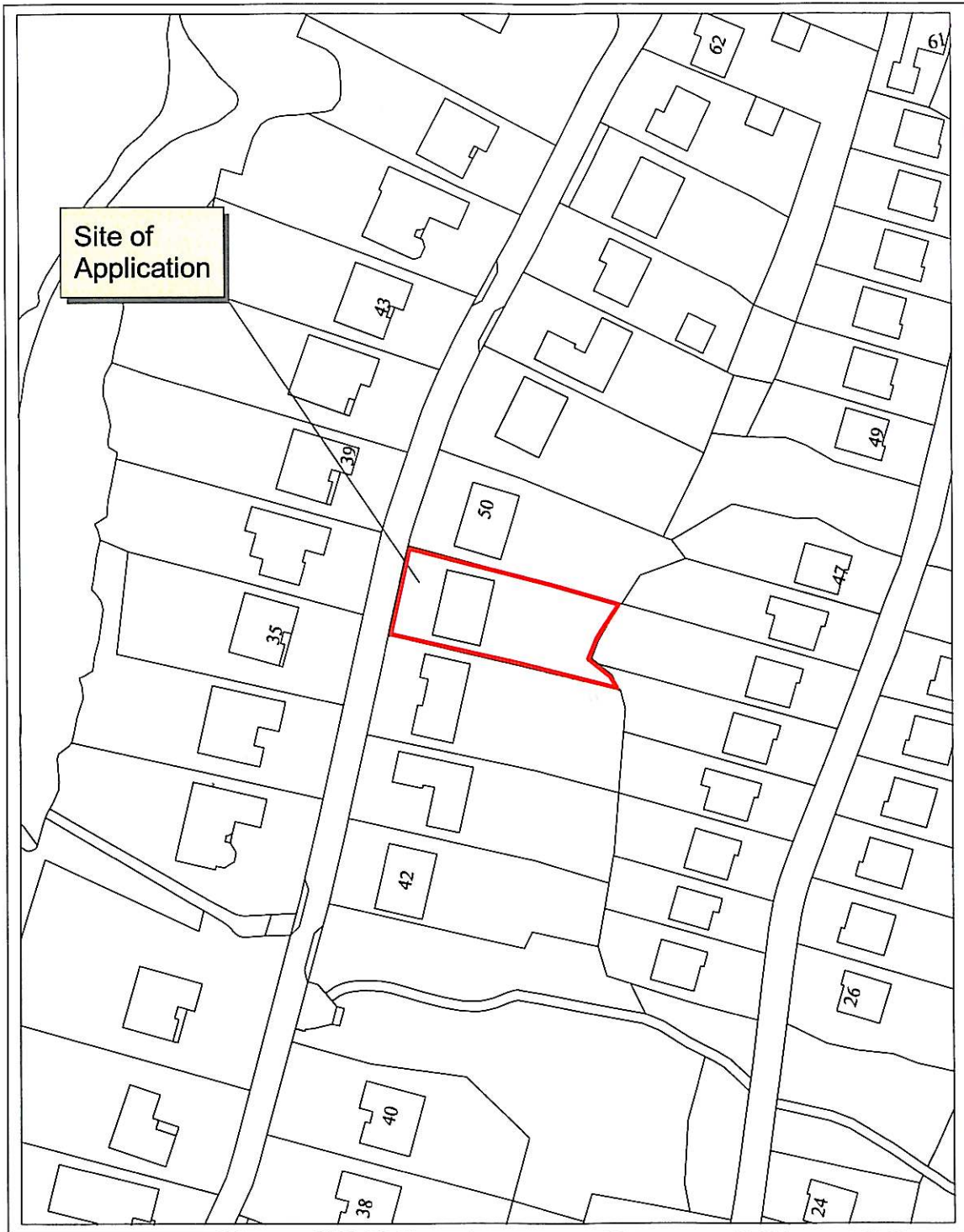
## Reasons

1. To comply with the design guidance in the Council's PPAN 15 and to safeguard the privacy of neighbouring properties.

Stuart Jamieson  
Head of Regeneration and Planning

## BACKGROUND PAPERS

1. Application form
2. Application plans
3. Inverclyde Local plan
4. Inverclyde council PPAN15
5. Written representations



Drawing No. 10/0293/IC 48 Leapmoor Drive, Wemyss Bay

Drawn by: JML

Date: 09:11:10



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