
Committee Date: 23/07/2015 Application Number: 2015/04114/PA
Accepted: 08/06/2015 Application Type: Full Planning
Target Date: 03/08/2015
Ward: Sutton Four Oaks

17A Four Oaks Road, Sutton Coldfield, Birmingham, B74 2XP

Retention of raised decking area and installation of privacy screen.

Applicant: Massey Ltd
High Meadow, Hill Top, Longdon Green, Lichfield, Staffs, WS15 4QA
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Application is for the retention of the unauthorised raised decking area at the rear of the property and the installation of a privacy screen which would be attached to the decking and steps.

1.2. The raised decking area which has been installed without the benefit of planning permission at the rear of the newly constructed property sits approximately 1 metre above ground level. It has been designed to fit in with the lower patio area and is constructed of wooden decking and white rendered blockwork with a metal safety railing. It has 5 steps down to garden level where a planter has been included in the structure and a further 5 steps down to the lower patio to the basement which does have planning permission. Direct access is gained from the lounge and kitchen.

1.3. The proposed privacy screen would comprise extending the white rendered blockwork wall (0.65 metres above deck level) along the edge of the deck to the bottom step and the installation of a balustrade system with opal obscured toughened glazing panels on top of the blockwork to act as a privacy screen. The privacy screen would comprise 6, 1 metre x 1.210 metre glazing panels and extend 6 metres from the back of the dwelling house. It would provide a screen of 1.86 metres high at deck level and would be set between 2 metres and 1.5 metres at its nearest point off the boundary with 17 Four Oaks Road.

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises a newly constructed detached dwelling house between 15 and 17 Four Oaks Road. The site was formerly part of the side and rear garden of 17 Four Oaks Road. The dwelling houses either side are large detached properties and the site is within the Four Oaks Conservation Area.

Site Location and Street View

3. Planning History

- 3.1. 10/10/2012. 2011/07886/PA. Application for outline planning permission for the erection of a 5 bedroom dwelling house with an integral double garage with all matters reserved. Allowed on appeal.
- 3.2. 05/06/2013. 2013/01896/PA. Application for the approval of reserved matters (access, appearance, landscaping, layout and scale) attached to the allowed appeal of outline application 2011/07886/PA for the erection of one dwellinghouse. Approved.
- 3.3. 30/04/2015. 2015/0430/ENF. Installation of unauthorised raised platform area. Awaiting outcome of this planning application.

4. Consultation/PP Responses

- 4.1. Councillors, Residents Associations and nearby occupiers notified. Site and press notice posted. 11 letters have been received objecting to the application on the following grounds;
 - Raised deck built without planning permission should be removed following serving of an enforcement notice.
 - Developers deliberately exploiting planning laws.
 - Should not be allowed to submit a retrospective application.
 - Description of proposal implies that the raised deck area is legally in place.
 - Loss of privacy through overlooking as deck is 1 metre above ground level.
 - Impact on visual amenities of an additional 3 foot of privacy screen above an existing 6 foot fence.
 - Builders damaged patio at adjacent property.
 - Raised deck and privacy screen is detrimental to the Four Oaks Conservation Area.
 - Breaches planning guidelines which require 5 metres per storey horizontal separation to adjoining properties and the platform is within 2 metres of the boundary and a metre higher than ground level. This would open the door to balconies being constructed without planning permission and granted retrospectively solely by erecting a privacy screen.
 - Breaches Four Oaks Development Guidelines.
 - Breaches Human Rights Act and the ability of adjacent occupiers to enjoy the privacy of their garden.
- 4.2. Councillor Cornish has requested that the application be determined by the Planning Committee.

5. Policy Context

- 5.1. UDP (Adopted 2005), Draft Birmingham Development Plan, Four Oaks Conservation Area, Four Oaks Estate Sutton Coldfield Development Guidelines SPG (1993), NPPF (2012).

6. Planning Considerations

- 6.1. **Policy** – Paragraph 3.8 of the UDP requires that proposals should protect and enhance what is good in the City’s environment and improve what is less good. Paragraph 3.10 states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed. Paragraph 3.27 requires that development should preserve or enhance the character of a conservation area.
- 6.2. Paragraph 131 of the NPPF requires that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and new development making a positive contribution to local character and distinctiveness.
- 6.3. Places for Living SPG includes numerical guidelines for bedroom sizes, garden sizes and separation distances in new developments and sets out key design issues for new housing development in the City.
- 6.4. The Four Oaks Estate Sutton Coldfield Development Guidelines SPG gives general guidance for new development in the conservation area including that new development is in harmony with the original design philosophy of the Estate and preserves or enhances the character or appearance of the conservation area. It notes that houses are generally set in extensive grounds with relatively formal landscaping around buildings comprising lawns, paths and terraces.
- 6.5. **Background** – Outline planning permission for a detached house at the site was granted on appeal in 2012 and the reserved matters approved in 2013. The issue of the unauthorised raised deck area was brought to the attention of my department in April of this year and an enforcement case was opened. The construction of the new dwelling house has now been completed. This application was submitted following discussions between officers and the applicant to try and find a solution that would enable the retention of the raised decking area and overcome the loss of amenity issue to the adjoining occupiers at 17A Four Oaks Road through overlooking and loss of privacy.
- 6.6. **Design/Appearance/Residential Amenity** – The raised decked area and steps that have been constructed adjacent to the boundary with 17 Four Oaks Road with access from the lounge and kitchen was not included in the reserved matters application or subsequent discharge of conditions application. It has been constructed 1 metre higher than ground level and is located between 1.5 and 2 metres from the boundary with 17 Four Oaks Road. The current boundary treatment is a 1.8 metre fence. The raised deck area and steps, although of a good design and appearance, would have a detrimental impact on the residential amenities of 17 Four Oaks Road as people using the deck would have direct views into the garden of no. 17 resulting in an unacceptable level of overlooking and loss of privacy.
- 6.7. The applicants have sought advice as to how they can resolve the overlooking/loss of privacy issue. Advice was given by officers that any structure to secure the privacy of the adjoining occupiers would need to be designed as an integral part of the deck structure and not have any impact on the visual amenities of the adjoining occupier while preventing views over the garden of no.17 and securing the privacy and residential amenities of the occupiers.
- 6.8. I consider the design of the privacy screen now proposed would have an acceptable appearance (subject to approval of the materials for the glazing) and would look like

it has been designed as an integral part of the structure. In terms of its effectiveness as a privacy screen, it would be erected to a height of 1.860 metres above the level of the raised deck and extend along the length of the upper steps. I consider this is a reasonable height to prevent overlooking of the garden of no. 17 and secure the privacy of the occupiers when using their garden.

- 6.9. I note the objection on the grounds that the raised deck area does not comply with guidance in Places for Living SPG that requires 5 metres per storey separation distance from existing private space. I would point out that this guideline relates to main windows in new development. I would also reiterate that I acknowledge that without the privacy screen the raised deck area is not acceptable.
- 6.10. The other main issue would be the appearance of the proposed privacy screen when viewed from the garden of no. 17. The privacy screen would project 0.9 metres above the height of the existing close boarded fence for a length of 6 metres. If the privacy screen was located directly on the boundary it would adversely impact on the visual amenities of no. 17, however, it would be between 1.5 and 2 metres off the boundary, the visual impact would be significantly reduced. I do not consider the impact on the visual amenities is of a sufficient level to warrant refusal of planning permission in this instance.
- 6.11. **Impact on the Four Oaks Conservation Area** – The application site is located within the Four Oaks Conservation Area. The raised deck area and proposed privacy screen are to the rear of the property and effectively only visible from the adjoining properties 15, 17 and 19 Four Oaks Road. As the design of the raised deck and proposed privacy screen is considered acceptable and it cannot be viewed from the public domain I consider it would preserve the character and appearance of the Four Oaks Conservation Area and not harm the significance of the area as a heritage asset. I note that the Four Oaks Estate Development Guidelines make reference to terraces as a common feature in the conservation area.

7. Conclusion

- 7.1. I consider that the proposed privacy screen would overcome the issue of overlooking/loss of privacy from the raised deck to the garden of no. 17 Four Oaks Road. The privacy screen has been designed as an integral part of the deck and would have an acceptable appearance. It would be visible from the garden of no.17 but the impact would be reduced as it would be set between 1.5 and 2 metres from the boundary and I do not consider the visual impact is such as to warrant the refusal of planning permission.

8. Recommendation

- 8.1. Approve Subject To Conditions.

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- 1 Requires the prior submission of sample materials
 - 2 Requires the privacy screen to be installed prior to use of the raised decking area
 - 3 Requires the scheme to be in accordance with the listed approved plans
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4 Requires the privacy screen to be erected within 6 weeks

Case Officer: John Davies

Photo(s)

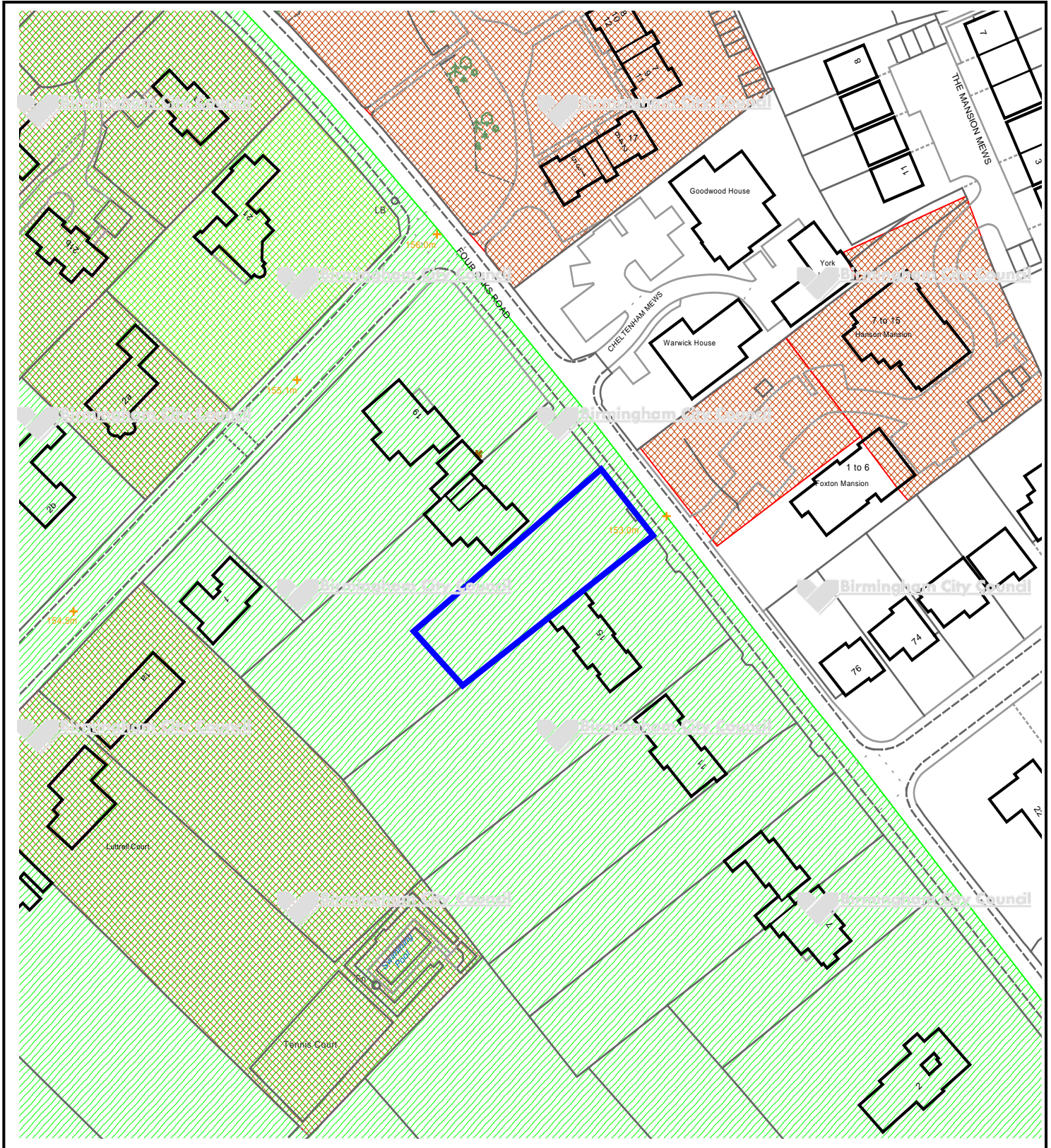


Figure 1 – View of raised decking area in relation to boundary with 17 Four Oaks Road



Figure 2 – View from raised decking area towards garden of 17 Four Oaks Road

Location Plan



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