

**WEST DUNBARTONSHIRE COUNCIL****Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 17<sup>th</sup> April 2024**

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**DC23/120/FUL:      Erection of decking (retrospective) at 57B Broomhill Crescent, Bonhill, Alexandria by Mr John Graham.****1.      REASON FOR REPORT**

- 1.1**      An elected member has requested the application to be determined by the Planning Committee and this has been agreed in conjunction with the Convenor of the Planning Committee and the appointed officer. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

**2.      RECOMMENDATION**

- 2.1**      **Grant planning permission** subject to the conditions set out in Section 9.

**3.      DEVELOPMENT DETAILS**

- 3.1**      The application site comprises a two storey, semi-detached dwellinghouse situated on the northern side of Broomhill Crescent in Bonhill, Alexandria. Externally the dwellinghouse is finished in a mix of brown facing brick and cream dry casted render for the external walls and a brown, concrete tiled roof. The property benefits from front and rear garden areas together with a driveway and shed located to the side. The rear gardens within this part of Broomhill Crescent are steeply sloped upwards from the rear dwellinghouses. The dwellinghouse is situated within a well-established residential area with a variety of dwellinghouses of a similar design theme. An area of woodland lies to the rear.
- 3.2**      An area of timber decking has been erected to the rear of the dwellinghouse. From the rear of the house, the decking extends from the rear wall by 3.8m and at a height level to the rear door of the dwellinghouse. This element of the decking would not alone require the benefit of planning permission. Two elevated sections of decking (lower and upper) have been constructed over the steeply sloping section of the garden. A set of stairs leads from the ground level to the lower deck. The platform of this deck sits 1.47m above the level of the ground level deck with the addition of the balustrade giving a total height of 2.44m. The lower deck measures 2.79m in depth. From this level there is a further set of stairs to the upper deck. The platform of the upper deck sits 1.13 m above the level of the lower level

deck. The upper deck measures 2.74m in depth. As part of the application process, the upper deck has been amended to include a large planter which covers the majority of the area of the upper deck. It is further proposed to construct a new timber screen fence to the boundary with 59 Broomhill Crescent. The fence is situated upon the upper and lower deck levels and measures 1.8m in height from the platform of each deck level.

- 3.3** The deck itself has already been constructed and was subject of a planning enforcement enquiry. As such the application is considered in retrospect. The boundary fence and planter at the upper deck have, however, not been constructed.

#### **4. CONSULTATIONS**

- 4.1** None required.

#### **5. REPRESENTATIONS**

- 5.1** Representations have been received from four neighbouring residents. Three of these indicate support and one sets out an objection to the proposal across three separate submissions. The full details are contained within the planning file and are available for public viewing. However, the points raised can be summarised as follows:

**5.2** In objection:

- Concerns regarding the height of the deck;
- The height of the decking and privacy fence looks over the objector's garden creating a feeling of enclosure;
- Proximity and height of the deck means that from the decking there are full, uninterrupted elevated and close views of the objector's garden, kitchen, upper rear bedroom and bathroom;
- Overshadowing and loss of daylight created;
- The decking covers 100% of the rear garden and therefore is not in keeping with local development. Whilst there are other decks within the estate, none are of this scale;
- Inaccuracies within the plans meaning the existing raised ground level has not been included within the measurements;
- Changing the top tier to planting will mean that maintenance is required;
- The size of the "planting deck" is excessive;
- The deck is a fire risk; and
- Impression on potential buyers should the objector try to sell their property.

- 5.3** The representations in support highlight that those submitting the supporting comments have no concerns or objections to the application proposal.

5.4 The matters of concern raised above are addressed in Section 7 below.

## 6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

### National Planning Policy 4

6.1 Policy 1 relates to tackling the climate and nature crises and states that when considering all development proposals significant weight will be given to the global climate and nature crises. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale as per Policy 14. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported in accordance with Policy 14. Policy 16 supports householder development proposals where they do not have a detrimental impact upon the character of the property and surrounding area, and do not have a detrimental effect upon neighbouring properties.

6.2 The matters relevant to the assessment against the above policies are addressed in detail in Section 7 below. Based on that assessment, it is concluded that the proposal is in accordance with NPF4.

### West Dunbartonshire Adopted Local Plan 2010

6.3 Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area. The requirement for proposals to be appropriate to the local area inclusive of design and the effect on privacy is highlighted. Considering residential amenity, Policy H5 seeks to protect, preserve and enhance the residential character and amenity of existing residential areas at all times.

6.4 The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

## 7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

7.1 On 15 March 2023, the Planning Committee took a decision that the Council would not adopt Local Development Plan 2. The Proposed Local Development Plan 2 (LDP2), incorporating the recommended modifications of the Examination Report received on 22 April 2020, which were accepted by the Planning Committee of 19 August 2020, remains the Council's most up to date spatial strategy and is therefore afforded significant weight in the assessment and determination of planning applications, subject to compatibility with NPF4. The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration, although it does not directly affect the development proposal under consideration.

- 7.2** Policy CP1 of LDP2 seeks to ensure that all development takes a design lead approach and seeks to protect and enhance the amenity of existing communities. Policy H4 sets out that that the Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all time. It is consider that the proposal presents no conflict with the relevant policies of LDP2.

Principle of Development

- 7.3** The erection of an area of timber decking within the rear curtilage of a dwellinghouse situated within an established residential area is acceptable in principle subject to all material considerations being addressed. This type of development is commonly found within residential areas and the development in principle complies with the adopted and proposed Plan.

Design and Appearance

- 7.4** The decking, whilst large in nature, is located within a rear curtilage. The rear gardens in this part of Broomhill Crescent rise steeply upwards towards an area of tree planting which is a designated Tree Preservation Order dating from 1952. Whilst glimpses of the decking can be seen from the street, between the houses, due to the incline of the gardens and the tree cover behind, the decking is not out of keeping with the visual appearance of the area from any public vantage points. Whilst large in scale, covering the whole of the rear garden grounds, the deck has provided additional usable space for the applicant within a garden, the usability of which is severely limited by its topography.
- 7.5** The design of the decking has altered slightly through the planning application process. Originally the design saw decking extending from the rear of the dwellinghouse and up a further two levels. Whilst the two levels remain the top level design is proposed to be altered to include a large planter covering the majority of the level. This would prevent the day to day use of the most elevated part of the deck, including as a seating area for example.

Impact on Residential Amenity

- 7.6** In assessing areas of raised decking, a balance must be sought between the creation of an outside area for residents to relax and enjoy good weather, and ensuring that neighbouring residents are not unacceptably disturbed by any activity associated with the decking and the transference of activity directly from the house to the decking. It must be ensured that the decking is not of a size that affords residents the opportunity to undertake a wide range of functions throughout extensive periods of the day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens. The rear garden has an approximate footprint of 75sqm which is an average sized garden. However, approximately 45sqm of this is steeply sloped leaving only 30sqm of garden

space. The addition of the lower level deck adds 22sqm to the usable space of the garden with the top level being used as a planting area. It is not considered that an area of decking of this size would result in a level of activity that could unacceptably disturb neighbouring residents.

- 7.7** The second amenity consideration in this case is that of overlooking and loss of privacy. It must be considered whether the decking constructed leads to additional and unacceptable overlooking and loss of privacy beyond the established position. Neighbouring residential properties lie to both sides the application site and a degree of overlooking and intervisibility between properties already occurs from upper windows. The steeply sloping nature of the rear gardens at this location also results in any resident being able to access an elevated position within their garden and this results in additional overlooking and intervisibility between properties. The decking erected must be considered in this context. The decking covers 100% of the garden space and is on the boundary of both neighbouring properties. It is proposed that a fence is added to both raised levels of decking at a height of 1.8m in height between numbers 57B and 59. In addition, as mentioned, the top level has been amended to ensure that it does not function as a widely usable space including as a seating area which could have the potential to unacceptably disturb neighbouring residents due to the elevated position. Whilst a degree of overlooking occurs between the properties, due to the pre-development slope of the garden, it would always have been possible for those residing at 57B to be at an elevated position within the garden and view the rear of neighbouring properties. The removal of the top deck as a useable space and the addition of boundary fencing strikes a balance between creating usable space for the application site as well as limiting overlooking between properties. As such it is considered that no unacceptable levels of overlooking are created.
- 7.8** Overall, it is considered that the decking constructed would not result in any unacceptable overlooking and loss of privacy beyond the established position and accordingly no unacceptable impact on the privacy and amenity of neighbouring residents occurs.
- 7.9** When viewed from the neighbouring garden of 59 Broomhill Crescent, the deck sits at a higher level than anything within that garden. However, as the garden of 57B is steeply sloped the deck does sit upon existing ground levels at points. It is the addition of the privacy screening which increases the height significantly. Given the concerns raised by the neighbouring property regarding privacy, it is considered that whilst the fence does increase the height of the development, particularly as seen from neighbouring gardens, it is an essential part of the development in order to reduce impacts on privacy. On balance, there are no concerns of the height of the deck and fence as proposed. Due to the proposals location to the

west of the objector's garden it is not considered that any overshadowing will be created.

#### Representations Received

- 7.10** A range of matters were raised in the objections received, many of which are already addressed as part of the main assessment set out above. In considering the points not already addressed above, concerns have been raised that changing the top deck to include a planter will require maintenance. Whilst this is accurate, the garden slope was previously grassed which would also have required maintenance. The size of the planter has been noted by the objector as being excessive. This has been done in order that the top deck is not a usable space for the applicant to sit. This elevated position provides the best views of neighbouring properties and as such the large size is proposed as a compromise to limit the time spent upon this level.
- 7.11** Inaccuracies within the plans meaning the existing raised ground level has been noted as the ground level has been highlighted. Whilst the drawings do not specifically note the level at which the deck sits above what was existing ground level before the deck was erected, the application is in retrospect and as such the impact of the deck can be fully seen.
- 7.12** As is assessed above, it is concluded that that no additional and unacceptable overlooking, loss of privacy, overshadowing or loss of daylight arises as a result of the decking constructed. Any perceived impact upon property values or impressions to prospective buyers is not a material planning consideration. Concerns regarding fire risk are noted but these alone would not warrant the refusal of a planning application.
- 7.13** The representations in support are noted inclusive of the view that the adjoining property has no concerns regarding the proposal.

## **8. CONCLUSION**

- 8.1** With the proposed modifications to the upper level and addition of screen fencing to the boundary with no.59, it is considered that the decking erected is acceptable both visually and in respect of the amenity of neighbouring residents. The development also presents no conflict with both the adopted West Dunbartonshire Local Plan together with the proposed West Dunbartonshire Local Development Plan 2 as well as National Planning Framework 4.

## **9. CONDITIONS**

1. Notwithstanding the approved plans, the planter located on the upper deck as detailed in drawing PL-806-01 Rev B Original, Existing & Proposed Site

Plans & Sections, shall be created within 8 weeks of the granting of this permission. Thereafter the planter shall remain in place upon the deck for the lifetime of the development.

2. Notwithstanding the approved plans, the boundary screen fence as detailed in drawing PL-806-01 Rev B 'Original, Existing & Proposed Site Plans & Sections', shall be erected within 8 weeks of the granting of this permission, with the final design and location details agreed in writing with the Planning Authority prior to erection. Thereafter the boundary fence shall remain in place upon the deck for the lifetime of the development.

**Pamela Clifford**  
**Planning, Building Standards and Environmental Health Manager**  
**Date: 17<sup>th</sup> April 2024**

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**Appendix:** Location Plan

**Background Papers:**

1. Application forms and plans
2. Representations
3. National Planning Framework 4
4. West Dunbartonshire Local Plan 2010
5. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended

**Wards affected:** Ward 2 (Leven)