



Directorate For Planning, Growth And Sustainability

The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

devcontrol.av@buckinghamshire.gov.uk
01296 585679
www.buckinghamshire.gov.uk

CASE OFFICER DELEGATED REPORT: HOUSEHOLDER

APPLICATION NUMBER: 20/01359/APP

PROPOSAL: Enlargement of approved external raised decking area, new rear patio and the insertion of a Juliet balcony in north (side) elevation.

LOCATION: 23 Hilltop Avenue Buckingham Buckinghamshire MK18 1YQ

DRAWING NUMBERS: LWEB2/09 Proposed First Floor Plan
LWEB/08B Proposed Side Elevations
LWEB2/05A Root Protection Areas
LWEB2/06A Proposed Ground Floor Plan
LWEB2/01 Location Plan and Block Plan
LWEB2/07 Proposed Front and Rear Elevations

DATE VALID:	PUBLICITY EXPIRY:	DETERMINATION EXPIRY DATE:	EXTENSION OF TIME EXPIRY:
29.04.2020	26.06.2020	24.06.2020	03.07.2020

RELEVANT CONSTRAINTS & INFORMATION:

Is the Property/Site:

- A Listed Building – No
- Within a Conservation Area – No
- Within the Metropolitan Green Belt and/or Area of Outstanding Natural Beauty – No
- A Previously Converted Barn to a Dwelling – No
- Subject to Agricultural or Equestrian Occupancy Conditions – No
- Subject to any Tree Preservation Orders (TPO) – Yes – Holloway Spinney to the north is covered by a TPO.
- Subject to varying ground levels, including neighbouring properties – Yes – land slopes down to the north and east.
- Within an Area of Attractive Landscape and/or Local Landscape Area – No
- Is the property located within Flood Zone 2 or 3 – No

Any other Constraints (*i.e. Flood Risk, Non TPO Trees, Ecology, Contaminated Land, please state*):
None.

RELEVANT PLANNING HISTORY:

88/01876/APP - TWO STOREY SIDE EXTENSION - APPROVED
19/03973/APP - Single storey side extension ,single storey rear extension , external decking area and associated internal alterations - Approved

CONSULTATION RESPONSES:

Parish/Town Council Comments:

Buckingham Town Council object to the external decking as members noted that the enlarged decking area encroached into the RPA of a Protected oak tree, part of a Protected woodland, and would like a professional opinion of the likely damage to and effect on the tree and its root system with the installation of the supports, and advice on minimising this - construction methods to be conditioned.

Consultee Comments:

Tree Officer: No objection subject to conditions.

Buckingham and River Ouzel Drainage Board: Outside the boards district, therefore no comments to make.

Representations:

One letter of support was received in regards to the application which states 'we met with our neighbours at 23 Hilltop Avenue to discuss this case, and agreed on the plans as amended (uploaded 22 May 2020) on the condition that the decking edge that has been moved back 1.5m from the shared boundary is finished with a 1.8m high solid (featheredge or closeboard) fence, to provide privacy.'

Please note: Matters which are not material considerations that cannot be taken into account may include property values, loss of view, personal or private property issues, disturbance during construction works or matters covered by other legislation etc. and therefore any such matters are not repeated here.

RELEVANT PLANNING POLICY:

Development Plan:

Neighbourhood Plan: *Buckingham has a made neighbourhood plan, however, there are no policies relevant to the application.*

Aylesbury Vale Development Local Plan (AVDLP):

- GP8: Protection of the Amenity of Residents
- GP9: Extensions of Dwellings
- GP24: Car Parking Guidelines
- GP35: Design of New Development Proposals
- GP39: Existing Trees and Hedgerows
- GP40: Retention of Existing Trees and Hedgerows

Supplementary Planning Guidance (SPG):

- Parking Guidelines (April 2002)

Design Advice Leaflets & Guidance Notes:

- Residential Extensions

Emerging policy position in Vale of Aylesbury District Local Plan:

A number of policies within the VALP following the main modification consultation which started on the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or

contrary to these policies. Those of particular relevance are:

T6: Vehicle Parking (moderate weight),

BE2: Design of New Development (moderate weight)

BE3: Protection of Amenity (considerable weight)

NE8: Trees, hedgerows and woodlands (moderate weight)

Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so can be regarded as resolved and this policy can be given considerable weight.

Where the remainder of these policies have been the subject of objections and the Inspector requested main modifications, he has confirmed that he is satisfied they remedy the objection so these can be given moderate weight.

National Planning Policy:

National Planning Policy Framework (2019)

EVALUATION:		
Design	Dwelling Type: <i>(single storey, detached etc.)</i>	The application site is a detached, two storey dwelling located on the northern side of Hilltop Avenue in Buckingham. The dwelling benefits from a detached double garage to the east, and has an existing two storey side extension to the north. The property has recently received permission for a single storey side extension to the south, single storey rear extension to the west, and an area of raised decking within the rear garden. This application seeks to extend this raised decking and for the installation of a Juliet balcony at first floor in the north elevation of the dwelling.
	Impact on Host Building:	The proposed extended area of decking would be located to the north and north west of the dwelling, with a patio to the west. It is considered that due to the nature and scale of the proposal, there would be no detrimental impact upon the character of the host dwelling as a result. The proposed Juliet balcony would have a glass balustrade, and the decking a 1.1m high timber balustrade facing onto the woodland to the north, both of which would in keeping with the age and design of the host dwelling.
	Streetscene:	The proposed decking and Juliet balcony would not be visible from Hilltop Avenue, due to the brick wall at the boundary. As a result, there would be no impact to the character and appearance of Hilltop Avenue. The decking and balcony would be partially visible from Holloway Spinney to the rear, however as discussed above, would not appear out of place within the

		built up area.
	Materials: <i>(whether the materials match etc.)</i>	The proposed materials include timber decking and balustrade, with a 1.8m high close boarded fence to the east, set in 1.5m from the shared boundary with No. 25. The Juliet balcony would have a glass balustrade, which would not appear out of place within the wider area.
	Subservience:	Due to the nature of the proposed works, they would appear subservient in relation to the host dwelling.
Residential Amenity	Light: <i>(45 degree rule & habitable rooms)</i>	Due to the nature of the works, there would be no loss of light to neighbouring properties.
	Privacy:	The proposed Juliet balcony would be located on the north elevation of the property, and would look out onto Holloway Spinney to the rear. It is acknowledged there may be some oblique views into the rear garden of No. 25 Hilltop Avenue to the east, however, the balcony would be set in 8.3m from the shared boundary with this property, with the sites double garage located between, and therefore any overlooking would be negligible. In regards to the raised decking, due to the change in land levels, a 1.8m high screen is proposed to the east to protect the amenities of No. 25 and prevent any overlooking. This has been secured via condition to ensure it is retained in the future. Following discussions with the occupants of the neighbouring property, the applicant also submitted amendments setting the decking and screen in from the shared boundary by 1.5m, to provide extra privacy, which is considered acceptable. There are no other neighbours that would be affected by the proposal.
	Overbearing:	Due to the nature of the proposed decking and Juliet balcony, these would not appear overbearing to the neighbouring property to the east.
	Separation Distances:	The proposed decking area would be located 1.5m from the eastern boundary shared with No. 25 Hilltop Avenue. There are no other neighbouring dwellings. The decking would be built up to the northern boundary with Holloway Spinney to the north.
	Existing Parking Arrangement:	The existing parking arrangements include a double garage to the east of the dwelling, and an area of hardstanding.
Parking/ Access Arrangements	Existing Parking Arrangement:	The existing parking arrangements include a double garage to the east of the dwelling, and an area of hardstanding.

	Proposed Parking Arrangement: <i>(Parking Standards Met?)</i>	There would be no change to the parking arrangement and no increase in bedroom numbers as a result of the proposal, therefore no requirement for additional parking.
	Alternations/ New Access:	N/A
	Acceptability of Alterations/ New Access:	N/A
Other Matters <i>(flood, ecology, trees etc.)</i>	Trees	TPO to the north across Holloway Spinney and therefore the council's tree officer was consulted on the application. Information was submitted relating to the Root Protection Areas of the nearest protected trees. It is acknowledged that the development may result in some encroachment into the RPA's of these trees, however, the tree officer is satisfied that this has been mitigated by the use of piled foundations. A condition has been placed on this permission requiring details of the proposed foundation to be submitted and approved by the LPA. This also overcomes the Town Council's concerns as to the impact upon nearby trees.

Conclusion

In summary, given the positioning of the proposal, its scale, design, relationship relative to the neighbouring properties and local streetscene, position of windows and orientation it is considered that the proposal would not have an unacceptable adverse impact upon the character and appearance of the existing building, local streetscene or neighbouring amenity. The proposed development provides adequate parking provisions and therefore the proposal accords with policies GP8, GP9, GP24, GP35, GP39-GP40 of AVDLP, policies BE2, BE3, T6 and NE8 of the emerging VALP, Parking Guidelines SPG, Residential Extensions Design Guide and the advice within the NPPF.

The proposal would therefore accord with the development plan policies and there are no material considerations that indicate a decision other wise.

RECOMMENDATION

That permission be **GRANTED** subject to the following conditions:-

Conditions:

1. STC5 – Standard time condition
2. The materials to be used in the development shall be as indicated on the approved plans
3. The development hereby permitted shall only be carried out in accordance with drawing No.

LWEB2/05A Root Protection Areas and LWEB2/06A Proposed Ground Floor Plan received by the Local Planning Authority on 21st May 2020 and drawing No's. LWEB2/09 Proposed First Floor Plan and LWEB/08B Proposed Side Elevations received by the Local Planning Authority on 22nd May 2020.

4. The proposed privacy screening sited on the eastern boundary of the site shall be retained at a minimum height of 1.8m following completion of the development hereby permitted and shall remain in perpetuity.

5. Details of the proposed foundations, which will be designed to avoid negative impact upon the roots of retained trees, shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The foundations shall only be constructed in accordance with the approved details.

Reasons:

RE03 – To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan, policy BE2 of the emerging Vale of Aylesbury Local Plan and the National Planning Policy Framework.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.

Reason: To preserve the amenities of the occupants of the adjacent dwelling and to comply with GP8 of the Aylesbury Vale District Local Plan, policy BE3 of the emerging Vale of Aylesbury Local Plan and the National Planning Policy Framework

Reason: In order to minimise damage to retained trees during building operations and to comply with policies GP38 of the Aylesbury Vale District Local Plan, policy NE8 of the emerging Vale of Aylesbury Local Plan and the National Planning Policy Framework. Details must be approved prior to the commencement of development to ensure the development is undertaken in way which ensures a satisfactory standard of tree care and protection.

WORKING WITH THE APPLICANT/AGENT:

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Buckinghamshire Council takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. Buckinghamshire Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the application was considered to be acceptable as submitted and no further assistance was required.

DATE: 29/06/2020



PROFESSIONAL CHECK:
Agree Recommendation / Officer
exercising delegated powers*

DATE: ...29.6.2020.....



HHREP