

Committee Report**Date: 03.11.2021****Item Number 03****Application Number 21/00881/FUL****Proposal Application for the retention of first floor balcony, with alterations to existing first floor fenestration and balustrade****Location 43 Hathaway Road Fleetwood Lancashire FY7 7JH****Applicant Mr Michael Worthington****Correspondence c/o Mrs Adele Earnshaw
Address 41 Shaw Road Blackpool FY1 6HS****Recommendation Refuse****Report of the head of planning services****Case officer - Miss Fiona Flower****1.0 Introduction**

1.1 This application is before the Planning Committee for consideration at the request of Cllr Fairbanks. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 Site description and location

2.1 The site which forms the subject of this application is located on the southern side of Hathaway Road, Fleetwood. Located in a prominent corner position with Beach Road, the site is occupied by a two-storey semi-detached dwelling. The application property is positioned so that its front elevation faces north-west, looking over Fleetwood Cemetery towards Rossall Point. Other properties within the street comprise a similar design and size.

3.0 The proposal

3.1 This application follows two previously refused applications, 20/00885/FUL and 21/00014/FUL, albeit with a slight modification.

3.2 This application seeks permission for the retention of a first floor balcony to the front elevation. The balcony has a maximum width of 6.55m

and projects 1.05m from the front elevation of the dwelling. The balcony is supported by two columns at either end, approximately 2.63m in height. The balcony has a balustrade of grey composite cladding, with centrally located transparent panel. Alterations to this balustrade are proposed, with provision of an obscure glazed UPVC frame screen sitting on top of the cladding at 1.8m in height to the southern and northern end of the balcony, and two further transparent panels within the front balustrade. The other panels would remain in grey composite cladding.

4.0 Relevant planning history

4.1 20/00885/FUL - Retrospective application for the retention of balcony at first floor to front elevation - Refused

4.2 21/00014/FUL- Retrospective application for the retention of balcony at first floor to front elevation (Re-submission of application 20/00885/FUL) - Refused

5.0 Planning policy

5.1 Adopted Wyre borough local plan

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies are of most relevance:

- CDMP3 - Design

Other material considerations

5.2 National planning policy framework

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). Good design is a key aspect of sustainable development. The NPPF sets out a number of planning policies concerned with achieving well-designed places including providing a high standard of amenity.

5.3 Wyre supplementary planning guidance

5.3.1 Extending your home supplementary planning document (SPD):

Design Note 1 - General principles

5.3.2 Supplementary Planning Guidance Note 4 - Spacing Guidance for New Housing Layouts

6.0 Consultation responses

6.1 Fleetwood Town Council - No response received

7.0 Representations

7.1 3 representations have been received in support of the application, reasons include:

- attractive design
- does not impact upon light or privacy

8.0 Contact with applicant/agent

8.1 Contact was made with the Agent to make them aware of the committee request and date of committee meeting.

9.0 Assessment

Principle of development

9.1 Extensions to an existing property within its curtilage are acceptable in principle.

Design and visual impact

9.2 The application follows two previously refused applications for the retention of a first floor balcony. The only change to the proposal under this current application is the addition of obscure glazed screen panels at both ends of the balcony, and additional transparent panels to the front of the balustrade. Despite these changes, the design and visual impact issues identified under the previous applications are still a concern. The obscure-glazed screens, proposed to overcome amenity concerns, are considered to exacerbate the design flaws of the proposal. The balcony would still create an imbalance on the pair of semi-detached properties, forming an intrusive feature within the street scene, and is not considered suitable in this location given it is not in-keeping with the character of the host dwelling or surrounding area. As determined with the previous applications, the scale, siting, and use of bulky materials are considered to be visually detrimental and contradict the councils design guidance (Extending Your Home SPD) and provisions set out in Policy CDMP3 of the WLP31.

Residential amenity impact

9.3 All observations and representations raised by neighbours are acknowledged, however only the material planning matters raised can be taken into account.

9.4 The balcony extends the full width of the front elevation up to the adjoining property, number 138 Beach Road. The proposed plans show the addition of an obscure glazed screen panel to the southern end of the balcony where the application property adjoins with its neighbour. The proposed screen would lessen impacts from overlooking, however the nature of a first floor balcony in this position still has potential to appear overbearing upon no.138.

9.5 The neighbouring property to the north of the application site, on the adjacent corner of Hathaway Road, is number 52. The distance between the front elevations of these properties is approximately 14.5m. Whilst this distance is less than the 21m minimum distance stipulated within the councils spacing guidance (SPG4) between front elevations, the elevations do not directly face onto each other. As such the provision of a first floor balcony to the front elevation of the application dwelling including obscure glazed screen to the northern end is not considered to result in significant overlooking impacts upon the residential amenity of no.52

9.6 Whilst there will be some impact upon the residential amenity of the above neighbouring properties, it is not considered that the proposal would result in such significant adverse impact to be contrary to policy CDMP3 of the Local Plan in this regard.

Parking and highway safety

9.7 The application proposal would not result in parking or highway safety concerns.

Flood risk

9.8 The application site is not located within an area identified as at risk from flooding, therefore no issues are identified.

Other material considerations

9.9 Ecology - no issues identified.

9.10 Trees - no issues identified.

9.11 Land contamination - no issues identified.

10.0 Conclusion

10.1 The proposal is considered to be of poor design and visually harmful to the host dwelling and to the street scene, by reason of its siting, scale and use of bulky materials. This would contradict the design requirements of the NPPF, Adopted Wyre Local Plan Policy CDMP3, and the council's Extending Your Home SPD.

11.0 Human rights act implications

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 Recommendation

12.1 Refuse planning permission for the following reason:

1. The proposed balcony on the front elevation would, by virtue of its scale, siting, elevated position and use of bulky and incompatible materials, be disproportionate and present an incongruous feature that would be detrimental to the character and appearance of the existing property and wider street scene. As such, the proposal is considered to contradict Policy CDMP3 of the Adopted Wyre Local Plan (2011-2031), the design guidance set out within the Council's adopted 'Extending Your Home' Supplementary Planning Document, and the provisions of the NPPF.