

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0781/RET 18.09.2019	Mrs B Price 40 James Street Markham Blackwood NP12 0QN	Retain and complete works to replace Juliet balcony with a standard balcony 40 James Street Markham Blackwood NP12 0QN

**APPLICATION TYPE:** Retain Development Already Carried Out

### SITE AND DEVELOPMENT

Location: The application property is located on the southern side of James Street, Markham.

House type: Two-storey semi-detached dwelling with a garden to the front and rear.

Development: Planning permission is sought to retain and complete works to replace a juliet balcony with a standard balcony.

Dimensions: The balcony measures 3.0 metres in width by 1.0 metres in depth and measures 2.7 metres above ground level.

Materials: Render, concrete roof tiles with upvc windows, doors and rainwater goods.

Ancillary development, e.g. parking: The provision of obscure glazing panels either side of the balcony measuring 1.8 metres in height.

### PLANNING HISTORY 2005 TO PRESENT

18/0704/FULL - Demolish existing outbuilding and erect two storey rear extension - Granted 03.10.18.

### POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits.

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Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints) and advice contained within the Local Planning Authority's Adopted Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is not located within an area where a coal mining report is required, however standing advice will be provided.

### CONSULTATION

None.

### ADVERTISEMENT

Extent of advertisement: A site notice was not required in this instance, however two neighbours were notified by way of letter.

Response: One letter of representation has been received objecting to the development as built.

### Summary of observations:

1. Planning permission was previously refused for this structure and was subsequently replaced with a Juliet balcony.
2. The structure overlooks the neighbouring property.
3. The Council should enforce their original decision to refuse the structure.

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### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No. The development is not CIL liable as the proposal does not intend.

### ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The main considerations in the determination of this application is whether the balcony as built has an unacceptable impact in terms of amenity on the occupiers of the neighbouring properties.

This application seeks to retain an unauthorised structure erected in association with planning consent 18/0704/FULL. In that regard a proposed Juliet balcony has been replaced with a raised balcony measuring 3.0 metres in width and projects 1.0 metre in depth from the rear wall of the two storey extension. The submitted details indicate the provision of two 1.8 metre privacy screens to be installed on either side of the balcony, together with a glass balustrade.

In that regard policy CW2 of the Local Development Plan sets out criteria relating to amenity. Development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land.

In that respect the balcony is located centrally to the rear of two-storey rear extension and whilst elevated it is located approximately 4.1 metres off the neighbouring boundary of No. 38 James Street and 4.2 metres off the adjoining neighbouring boundary of No. 42 James Street.

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Turning to the impact of the development upon the neighbour to the west (No. 38 James Street), there is a single storey flat roof rear extension adjacent to this common boundary and beyond this extension is a private patio area serving the occupiers of No. 38. Whilst the balcony is slightly higher than that of the neighbouring flat roof rear extension, the submitted details indicate the provision of 1.8 metre privacy screens to be erected either side of the balcony. This would restrict any overlooking of the neighbouring patio area together with removing any direct views into the habitable room windows on the rear elevation of this property.

In terms of the impact to the occupiers of No. 42 James Street, whilst there is no single storey extension adjacent to the common boundary, the private amenity area nearest this dwelling is also in the same location as that of No. 38, together with being screened by a 1.8 metre fence. In that the application property adjoins No. 42 and having regard to the mitigation proposed, it is not considered that the proposed balcony would result in any overlooking to the private amenity area nearest the rear elevation of No. 42 James Street nor would the balcony provide any direct views into the habitable room windows located on the rear elevation of this property.

It is accepted that the balcony will result in overlooking to the rear garden areas but subject to erecting the privacy screens, however, this overlooking does not extend to the areas where the neighbouring occupiers would spend the majority of their recreational/dwelling time. Furthermore, this impact would be no different to that of the previously approved juliet balcony, or indeed looking out into the rear gardens from the first floor habitable room window of the two storey extension.

In that the balcony is limited in size to 3.0 metres in width by 1.0 metre in depth together with erecting an acceptable form of mitigation to remove concerns relating to overlooking and loss of privacy, it is not considered that there will be any demonstrable harm to the amenity of the nearest occupiers

Subject to conditions to ensure that the privacy screens are installed within an agreed period of time and to remain in place at all times, the proposal is considered to accord with policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021-adopted November 2010.

Comments from consultees: None.

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Comments from public:

1. Planning permission was previously refused for this structure and was subsequently replaced with a juliet balcony - There is one application linked to the planning history of the application property (planning reference 18/0704/FULL). The drawings to accompany the application included the provision of a juliet balcony.
2. The structure overlooks the neighbouring property - This has been addressed in the report above.
3. The Council should enforce their original decision to refuse the structure - Planning consent 18/0704/FULL was granted for a different proposal. The applicant has deviated from this consent but subject to appropriate mitigation the development can be made acceptable in planning terms.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan received on 18.09.2019;  
PL 04 Proposed Ground Floor Plan received on 18.09.2019;  
PL 05 Proposed First Floor Plan received on 18.09.2019; and  
PL 06 Proposed Elevations and Roof Plan received on 18.09.2019.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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02) The proposed obscure privacy screens to be erected either side of the balcony hereby approved shall be erected within two calendar months from the date of this consent unless another timescale is agreed in writing with the Local Planning Authority. Thereafter, the privacy screens shall remain in perpetuity and any replacement or repair shall only be with obscure glass.

REASON: To prevent a loss of privacy amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

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