
REFERRED ITEM R3

TITLE: 09/00577/FUL
RETENTION OF FIRST FLOOR REAR DOOR AND JULIET
BALCONY
17 NORTH STREET ROCHFORD

APPLICANT: MR B KUGANESWARAN

ZONING: PRIMARY SHOPPING

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 1012 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 16 December 2009, with any applications being referred to this meeting of the Committee. The item was referred by Cllr K J Gordon.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

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- 3.1 **Rochford Parish Council:** Objects. The plastic doors and windows are not in keeping with the Conservation Area.

NOTES

- 3.2 Planning permission is sought to retain the first floor rear door and Juliet balcony.
- 3.3 A previous application at the site 09/00341/FUL has already considered the acceptability of the first floor rear door and Juliet balcony that is proposed in this current application. Application 09/00314/FUL was for the provision of external roller shutters and for the retention of the first floor rear door and Juliet balcony. The application was refused but solely on the basis of the unacceptability of the steel roller shutters and the detrimental impact they would have on the Rochford Conservation Area. The report on this application concluded that the door and Juliet balcony were acceptable and would have no adverse effect on the character or appearance of the Conservation Area.

REFERRED ITEM R3

- 3.4 The site is currently subject to enforcement action (09/00048/BLDG_B). An enforcement notice was served as a result of a breach of planning control relating to the installation of external security shutters and the provision of a door and Juliet balcony on the rear elevation at first floor level opposed to a window. The enforcement notice specifies that the external roller shutters must have been removed from both external doors by 7 August 2009 and the door and Juliet balcony must have been removed and a window reinstated by 7 October 2009. The external roller shutters have been removed from the doors. This application seeks to gain planning permission for the retention of the first floor rear door and Juliet balcony. These features are consequently still evident on the building and have not been changed, as required by the enforcement notice.
- 3.5 The reasons stated on the enforcement notice explained that, whilst the insertion of a door and Juliet balcony may be acceptable as the existing railings restrict access to the flat roofed area to the rear, no planning permission has been granted for this development and the Authority therefore has no control over the retention of the railings. The existing railings could be removed without planning permission, which would allow direct access onto the flat roof area. Direct access onto the flat roof would allow persons to occupy this area for sitting out, standing on, walking over and so on. As such, this would give rise to significant overlooking, resulting in a loss of privacy and detrimental impacts upon the amenities of the neighbouring properties, in particular no. 23 North Street.
- 3.6 Planning application 03/00729/FUL granted planning permission to convert the four-bedroomed flat on the first floor to a two-bedroomed flat and a one-bedroomed flat. No changes were sought to the rear first floor windows or to any other exterior part of the building. Since this permission the central window on the rear elevation of the first floor has been removed and replaced with a door and a Juliet balcony feature. Without the Juliet balcony the door would lead onto a large flat roofed area.
- 3.7 This alteration requires planning permission as it is considered to be a material alteration to the building. Since the door allows access to the flat roofed area this will lead to overlooking to the neighbouring properties at no. 23 and no. 25/27. The enforcement notice did not take issue with the materials used for the door and window.

REFERRED ITEM R3

- 3.8 An application in 2002 sought to construct a single storey and two storey side extension and the relocation of the main door to the front elevation and internal alterations. The 2003 building regulations application (BR/03/545) which is associated with the 2002 planning permission shows the rear elevation of the building, with three windows at first floor level. These windows are depicted to be of a different design to those windows on the front elevation, which are timber and of a more traditional appearance with small glazing panels. The design of the windows to the rear is similar to those that are in place on the building today. The 2003 Building Regulations plan seems to suggest that it is more likely that the windows were not of timber construction, due to their design. There is no evidence to determine what materials the windows to the rear were made of prior to being changed in 2009. They could therefore already have been Upvc. Without any evidence to determine that the windows were timber or otherwise prior to the recent change, it would not be possible to take enforcement action against the use of Upvc and it should be noted that this was not an issue raised in the enforcement notice that has been served or in the determination of the application earlier this year (09/00341/FUL).
- 3.9 The proposed Juliet balcony consists of black painted railings, which are fixed tight to the rear wall of the building. These are to an approximate height of 1.2m from the flat roofed area and span a width of 1.4m across the doorway.
- 3.10 To the north of the site is an access road that leads through to Roche Close and provides access to the parking area for the flats at Ormond House. To the other side of this access is no. 23 North Street, which is a listed building. From the flat roofed area of no. 17 looking north it would be possible to directly overlook the rear windows and entire rear garden of no. 23 and no. 25/27. Notwithstanding this the Juliet balcony is fixed tight to the rear face of the building and as such prevents access onto the flat roofed area. Overlooking to no. 23 is not possible with the Juliet balcony restricting access to the flat roofed area. It is considered that any grant of planning permission could reasonably be conditioned to maintain the retention of the balustrade in the position approved and that no outside amenity area, balcony or other sitting out area is formed or accessible from the doorway.
- 3.11 In conclusion it is considered that the incorporation of the door and Juliet balcony to the first floor rear elevation is considered an appropriate addition. No loss of amenity is considered likely to occur that would detrimentally harm the amenities of neighbouring residents. No adverse effect is considered to be caused to the character or appearance of the Conservation Area.

REFERRED ITEM R3

- 3.12 Concerns have been raised with regard to the use of Upvc for the proposed door within a Conservation Area. The use of Upvc is not generally encouraged within Conservation Areas, however in this particular case the proposed door is positioned between two existing Upvc windows. It is considered that no enforcement action could be taken against these two windows. Consequently the use of Upvc in the construction of the proposed door is considered acceptable in this particular case as it would match the windows either side. In addition, the door in question is located to the rear of the building at first floor level partially concealed by the rather tall single storey rear projection and cannot be readily seen from the street. Users of the access way at the side, that offers a route to the supermarket and adjacent units, can view part of the first floor of this building. But like some of the other buildings backing onto this route the rear of the building presents a rather unattractive utilitarian appearance and this partially concealed new Upvc door and balustrade does not cause further harm. It is therefore considered that retention of the door in Upvc, as proposed, would not have a detrimental effect upon the character and appearance of this part of the Conservation Area.
- 3.13 **Essex County Highways: De Minimis.**
- 3.14 **Historic Buildings and Conservation Officer:** The features are relatively inconspicuous and have no significant impact on the character and appearance of the Conservation Area. The door is of Upvc, however, which is normally considered unacceptable in the Conservation Area. I would therefore not make a positive recommendation lest it be interpreted as setting a precedent. Instead I raise no objection to its use in this particular case.
- 3.15 One letter has been received in response to the public notification, which makes the following comments and objections:-
- The door onto the roof will invade our privacy as they will be able to see into garden
 - By having a Juliet balcony this still gives the occupant the chance to climb over the balcony onto the roof as there is no long term deterrent to say that in the future the roof will not be used as a roof garden.

APPROVE

- 1 SC4B Time Limits Full – Standard

REFERRED ITEM R3

- 2 Notwithstanding the provisions of Article 3, Schedule 2 Part 1, Class B and/or Class C of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re enacting that Order, with or without modification) no changes or alterations to the first floor rear door and Juliet balcony/balustrade shall be inserted, or otherwise erected, without prior approval in writing of the Local Planning Authority. Furthermore, the Juliet balcony/balustrade arrangement to the rear dormer shall be implemented in strict accordance with the details on the submitted drawing Reference A1351, as date stamped on 4 November 2009, namely fixed tight to the rear face of the wall and retained in this position and no outside amenity area, balcony or other sitting out area shall be formed or accessible from this lounge or first floor door.
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no balustrading, or similar means of enclosing any part of the flat roof area (including any roof void) of the existing single storey element to the rear of the building, shall be erected (or otherwise installed), nor shall any part of the said roof area be used as a balcony, roof garden, amenity or other sitting out area or similar purpose.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the Rochford Conservation Area or residential amenity such as to justify refusing the application.

REFERRED ITEM R3

Relevant Development Plan Policies and Proposals

HP6, BC1, of the Rochford District Council Adopted Replacement Local Plan
As saved by Direction of the Secretary of State for Communities and Local
Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to
the Planning and Compulsory Purchase Act 2004. (5 June 2009)

Supplementary Planning Document 2 (Housing Design)
Supplementary Planning Document 5 (Vehicle Parking Standards)

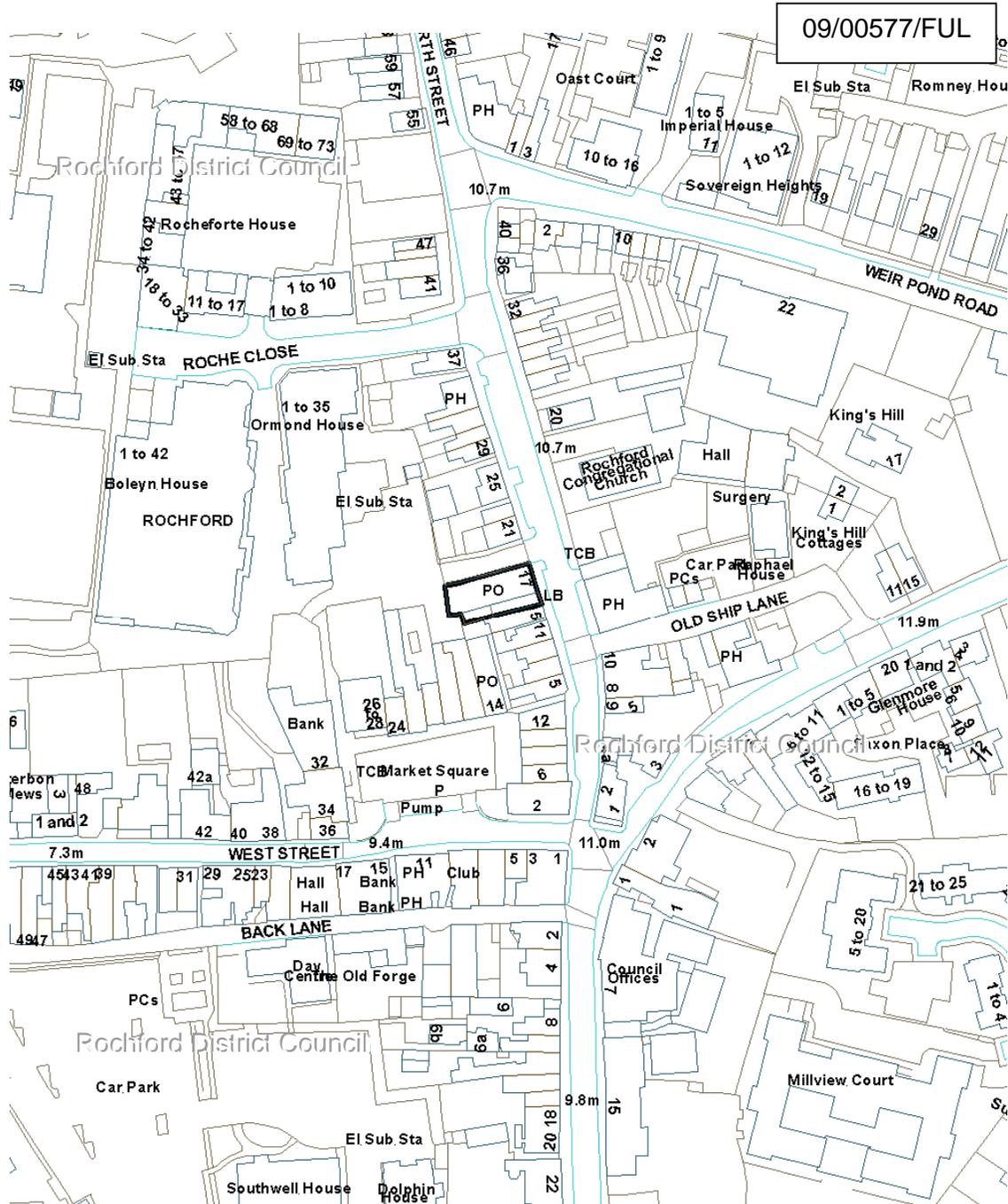


Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Simpson (01702) 546366.

The local Ward Members for the above application are Cllrs J P Cottis, K J Gordon
and Mrs G A Lucas-Gill.

REFERRED ITEM R3



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