



Havering
LONDON BOROUGH

**Planning Committee
8 April 2021**

Application Reference:	P0198.21
Location:	6 Beverley Gardens, Hornchurch
Ward:	Emerson Park
Description:	Erection of a 1.2m high screen, pump housing and low level decking (12cm high) adjacent to existing above ground pool.
Case Officer:	Aidan Hughes
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1. BACKGROUND

- 1.1 This is re-submission of two previously refused planning applications P0992.19 and P0975.20. P0992.19 was also dismissed on appeal, under reference APP/B5480/D/20/3244592. Both of these applications were in respect to “Retrospective planning permission for the erection of a deck adjacent to above ground pool with a pumping house and storage shed”.
- 1.2 The above applications were submitted following a complaint from residents, which Planning Enforcement investigated. Applications were submitted to regularise the structure, however both of the applications were refused.
- 1.3 The above planning applications were refused for the following reason:

The raised decking adjacent to the swimming pool at the bottom of the garden, by reason of its, height, position and proximity to neighbouring properties is

considered to give rise to overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers.

1.4. The Planning Inspector commented as part of the appeal that:

“The proposal, in its existing proposed form, would allow those using the pool to have clear uninterrupted views into the rear living environments of the adjoining properties. This would result in a significant loss of the privacy to those adjoining occupiers. For this reason, the proposed development would be harmful to the occupiers of these properties as it would substantially diminish the privacy that those occupiers should reasonably expect to enjoy”.

The existing refers to the works already undertaken without planning consent to be retained.

1.5 Following the refusal of the above applications and the dismissed appeal, the applicant has removed the unauthorised development as described above following an enforcement notice being served as part of ENF/372/19.

1.6 This application differs from the previously refused schemes P0992.19 and P0975.20 in the following key areas:

- The wooden steps from the decking to the pool have been removed.
- Lounge seat base and elevated flat section have been deleted.
- Flat section on top of screen fencing and pump housing removed.

2. SUMMARY OF KEY REASONS FOR RECOMMENDATION

2.1 The screen fence, pump housing and low level decking to the existing above ground level pool would be acceptable and not have an unacceptable impact on the locality from a visual point of view. It is considered that the proposal would not result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

3 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to conditions.

3.2 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

Conditions

1. SC04 - Time limit – 3 years
2. SC32 – Accordance with plans.
3. Notwithstanding plans, approval only for the decking, screen to pool and pump housing. Nothing shall be affixed to the decking, pool housing or screen.

Informative

1. INF28 No negotiation required

PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission is sought for the installation of a 1.2m high screen above the decking, pump housing and low level decking (12cm high) adjacent to existing above pool. The proposal is located at the bottom of the garden.

Site and Surroundings

- 4.2 The application site is located within Beverley Gardens and comprises of a semi-detached bungalow and associated garden area. The subject property is not a listed building, nor is it within a Conservation Area.
- 4.3 At the far end of the garden there is an above ground swimming pool. There is also a garden shed adjacent to No.4 Beverley Gardens and a large outbuilding on the other side adjacent to No.8 Beverley Gardens. The application site is bounded by a close boarded fence on either side.

Planning History

- 4.4 The following planning decisions are relevant to the application:

P0092.19 - Retrospective application for a rear garden raised decking platform for access to an existing swimming pool and alterations/extension to the existing shed – Refused and dismissed on appeal under reference APP/B5480/D/20/3244592.

P0975.20 - Retrospective planning permission for the erection of a deck adjacent to above ground pool with a pumping house and storage shed – Refused.

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6 LOCAL REPRESENTATION

- 6.1 Neighbouring properties were notified about the application and invited to comment.
- 6.2 The number of representations received from neighbours and other residents from within the borough in response to notification and publicity of the application were as follows:

No of individual responses: 14 which objected, some were multiple representations.

- 6.3 The following Councillor made representations:

Councillor Roger Ramsey wishes to call the application in on the grounds that:

- On the basis of risk of detriment to the amenities of adjoining properties.

Representations

- 6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Loss of privacy from the elevated position.
- Concerns regarding the height and potential use as a ledge to stand on.
- Concerns regarding the noise from the pump and pool parties.
- Concerns regarding the smells of the chemicals used for the pool.
- Visual impact from the screen fence from neighbouring residents
- Pool should be sunk into the ground and fence erected around it.
- Do not want see bathers due to the pool's height.
- The proposal does not constitute as good design or enhances the property.

Non-material representations

- 6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- 6.6 The swimming pool itself does not form part of the application, as this can be done under permitted development and therefore does not require planning consent. The applicant has confirmed that the pool steps which were supplied with this pool, will not be fixed in the latest planning application and will be removed when the pool is not in use, this is to allow the pool to be covered – on that basis, the steps are a moveable piece of equipment and does not represent development requiring planning permission.

- 6.7 The swimming pool did not form part of the previous refused schemes or the dismissed appeal.

- 6.8 Noise from the pool pump and pool parties and also the smell from the pool chemicals would be a Public Protection issue and this would need to be investigated should the matter arise. The application can only be considered on its merits and as described on the application form which is for the installation of a 1.2m high screen above the decking, pump housing and low level decking (12cm high) adjacent to existing above pool.

7 MATERIAL PLANNING CONSIDERATIONS

- 7.1 The main planning issues raised by the application that the committee must consider are:

- The visual impact arising from the design and appearance.
- The impact of the development on neighbouring amenity (privacy).

Physical Impacts of the proposal

- 7.2 The proposal is to the rear of the dwelling and would be located at the bottom of the garden and it would therefore not have an impact on the street scene.

- 7.3 The proposal is not considered visually intrusive in the rear garden environment as it would be screened by the neighbouring boundary fence and outbuilding. The decking is deemed not to be unduly high or prominent and the proposal is located at the bottom of the rear garden, therefore no objections are raised from a visual point of view.

Impact on Amenity

- 7.4 It is considered the potential impact of the development on the amenity of neighbouring properties to be the most sensitive issue in this case and care will need to be exercised.
- 7.5 As mentioned previously, the proposal is for the installation of a 1.2 metre high screen fence adjacent to the above ground level swimming pool, pump housing and low level decking (12cm high).
- 7.6 The swimming pool itself does not form part of the application, as this can be done under permitted development and therefore does not require planning consent. It should be noted that the screen fencing fronting the pool can be done under permitted development and would not normally require planning consent as this is allowed up to 2 metres in height.
- 7.7 The height of decking at 12cm can be done under permitted development. The only reason the proposal required planning consent is due to the fact that the cumulative height of the decking and the pump housing cover is deemed to be an elevated platform more than 30cm in height. In view of this, the cover to the proposed pump housing cannot be done under permitted development and therefore requires planning consent.
- 7.8 The wooden steps and platform from the previous applications have been removed and the metal frame ladder for the pool which has been used prior to the submission of the two previously refused planning applications will be used.
- 7.9 Staff acknowledge the concerns in the representations. When reviewing the merits of this application, consideration was given to the fact that the swimming pool is permitted development. In addition, the applicant has advised in writing that the metal ladder will be removed when the pool is not in use, so the swimming pool can be covered. It is considered that it would be difficult to demonstrate the harm arising from the height of the decking at 12cm. The screen fencing in front of the swimming pool could be erected under permitted development. The limited height of the decking (12cm) would not provide any significant elevated view. The pool housing has a steeply sloping top and is unlikely to be used as a platform to access the pool nor to gain any vantage point. The top of the screen is very narrow at circa 10cm wide and is unlikely to be used as a platform for the pool. In all these circumstances, it is considered that the proposal is not deemed to be materially harmful to neighbouring amenity to substantiate a refusal on appeal.
- 7.10 It is not considered the proposal would give rise to significant levels of noise and disturbance which would be materially harmful to neighbouring residential

amenity, over and above normal parameters. Any subsequent issues arising regarding noise or disturbance could to be investigated by the Council's Public Protection Department.

- 7.11 Staff are of the view that the installation of a 1.2m high screen, pump housing and low level decking (12cm high) adjacent to existing above pool would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

Parking and Highway Implications

- 8 No highway or parking issues would arise as a result of the proposal.

Conclusions

- 9 All other relevant policies and considerations have been taken into account. Planning permission should be approved subject to conditions and for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.