

**REPORT OF THE MEETING OF THE SITE INSPECTION GROUP HELD ON
MONDAY, 2 JUNE 2008**

(53/0446/08/F) 1 Shindle Park, Chillington, Kingsbridge, TQ7 2JE

Present: Cllr Cane
Cllr Coulson
Cllr May (Chairman)
Cllr Steer
Cllr Vint

In attendance and participating:

**Cllr J H Baverstock – local Ward Member
Mr D Kenyon – Area Planning Officer (East)
Cllr A Vale – Stokenham Parish Council**

In introducing the application, the Area Planning Officer (APO) made particular reference to:-

- (A) the previous planning application (53/0462/07/F refers) which granted approval for a decked area. The APO demonstrated, with the use of plans, the size of the original planning permission granted in comparison with what had been erected. It was noted that the decked area had been built some 0.4m further away from the boundary of Westgrove with an additional 1.9m to the southern elevation towards the boundary of 2 Shindle Park;
- (B) the proposed increase in height of the boundary fence. The APO confirmed that the residents of 2 Shindle Park had withdrawn their objection to the application subject to the extension of the existing boundary fence of 1.17m to a height of 2.67m (8.8ft) to provide privacy screening, which formed part of the application being presented to Members;
- (C) the boarding up under the decking. It was noted that this was not considered to be a reason to refuse the application by the APO, as this could be done under the property's permitted development rights;
- (D) representations received from third parties. The APO noted that representation had been received from Stokenham Parish Council objecting to the impact that this retrospective application was having on the adjoining neighbours. It was felt that the height of the fence from the ground level would be 8-9ft and would be overbearing, cause loss of amenity and be out of keeping with the locality. Objections had also been received from a neighbour to the east of the site at Westgrove. Objections included the extent of the extended decking being in breach of the original planning permission, the increased size of the decking, the south east corner of the deck being closer to their boundary and resulting in further overlooking and the proposed fence being out of keeping with the surrounding area;

(E) the proposed willow fencing to be provided on the Devon Bank between Westgrove and the application site. The APO advised that plans had been submitted and approved to provide willow fencing between the properties.

The Group then proceeded to view the proposals from the application site and from the garden of Westgrove.

The Parish Council representative advised that although the Parish Council had no objections to the original application, it was felt that the decking as it had constructed was unacceptable, as it was overbearing with a detrimental impact on neighbouring properties. Moreover, the proposed 8.8ft fencing was felt to be out of keeping with the area and also overbearing. The local Ward Member also expressed concern that the retrospective application undermined the planning process.

Prior to discussion on the application the APO advised that the application was to be considered on its own merits and that the retrospective aspect should not be justified as a reason for refusal.

During discussion, Members expressed concern for the neighbours feeling that the extended decking was overbearing and caused overlooking upon their properties. Furthermore, the proposed fencing between the application site and 2 Shindle Park was also felt to be overbearing. In contrast, a Member felt that as the residents of 2 Shindle Park had no objections to the proposed fencing, it would be difficult to refuse on those grounds.

It was then by 4 votes in favour and one against:-

RECOMMENDED

That in respect of application number 53/0446/08/F, the application be refused due to the detrimental impact on neighbouring properties of the extended decking and the proposed increase in height of the boundary fencing being out of keeping with the area and overbearing.

Due to the retrospective nature of this application, it was then:-

RECOMMENDED

That enforcement action be taken against the construction of the extended decking in respect of application 53/0446/08/F with a period of compliance being six months.