

COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Westfield
Team: Householder and **Parish:** No Parish
Small Scale Team

Reference: 15/02651/FUL
Application at: 224 Hamilton Drive West York YO24 4PJ
For: Erection of summer house to rear (retrospective)
By: Miss Claire Bonner
Application Type: Full Application
Target Date: 5 February 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks retrospective permission for the erection of a detached summer house to the rear garden of 224 Hamilton Drive measuring approximately 6.9m in width x 5m in length.

1.2 The host dwelling is a traditional semi-detached property, situated in an established residential area. The summerhouse is to be located along the northern boundary of the rear garden which is raised above the rest of the site by approximately 300mm.

1.3 The application has been called to committee by Cllr. Andrew Waller on the grounds that the structure is considerably larger than existing garden outbuildings and appears out of keeping with established properties in the locality, causing concern amongst local residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Neighbour Notification and Publicity

3.1 The application was advertised by neighbour notification letter. A petition with 15 signatures and two letters of objection have been received from neighbouring residents raising the following objections:

- the structure is very obtrusive and out of context with other temporary buildings (shed etc) located in surrounding gardens
- the structure is highly visible and blights the outlook from the house and garden
- the scale is more in proportion with a flat roofed bungalow which seems out of place in this location.
- a log burner and bar are to be installed - what is the building going to be used for?
- the structure is extremely intrusive in such close proximity to neighbouring gardens.

4.0 APPRAISAL

KEY ISSUES:-

- Visual impact on the dwelling and the area
- Impact on neighbouring property

RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.2 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.3 Draft Local Plan Policy GP1 expects new development to respect or enhance the local environment, and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials.

4.4 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012) states that garages and other outbuildings can have as much impact on the overall visual appearance of a property as any other addition. Wherever possible they should reflect the style, shape and architectural features of the original building and not be detrimental to the space around it. Care should be taken to avoid the loss of vegetation and retain space for planting that can often soften a building's impact. Outbuildings should clearly be smaller in scale to the house. Outbuildings must not have a detrimental impact on the residential amenity of neighbours.

PROPOSALS

4.6 The proposal seeks retrospective permission for the construction of a detached outbuilding measuring 5m x 5m with an overhanging roof to the side measuring an additional 1.9m in width, which includes a slight chamfer along the rear corner to allow for the boundary fence. The structure is built on a slight slope with the height of the building measuring 2.8m at the front and 2.5m at the rear. The only opening in the building is a pair of double doors to the front elevation. It is understood that the outbuilding was originally constructed to comply with permitted development allowances which allows detached outbuildings to be constructed in a rear garden providing they do not exceed 2.5m in height within 2m of a boundary and do not exceed 50 per cent of the curtilage of the dwelling. Given the level differences at the rear of the garden the structure exceeds the permitted height by approximately 300mm. The outbuilding is structurally complete, however it is awaiting a render finish and internal fixtures and fittings.

VISUAL IMPACT ON THE DWELLING AND AREA

4.7 The outbuilding is a large flat roof structure which occupies the full width of the rear garden of the host dwelling. It was originally designed to comply with permitted development allowances and is not considered to relate well to neighbouring properties and other garden outbuildings given its scale and flat roof. Although the applicants describe it as a summer house, in appearance it resembles a garage or

workshop building. Whilst it is noted that the structure remains unfinished, the only external alteration will be its render finish. It is not considered that render would appear significantly out of context in this location.

IMPACT ON NEIGHBOURING PROPERTY

4.8 Two of the neighbouring occupants whose properties abut the site have objected to the proposals by virtue of its intrusive nature which they feel affects the outlook from their gardens. Upon viewing the outbuilding from both gardens, it is acknowledged that it does not appear in keeping with surrounding structures, but this is considered to be due to its design and scale rather than its height, as the flat roof ensures that it doesn't significantly exceed the height of surrounding outbuildings. By virtue of its location and lack of windows it is not considered that the structure itself would have a detrimental impact in terms of loss of light or privacy.

4.9 However the scale of the outbuilding is such that residents are concerned about its use and whether there would be issues of noise if it were to be in continued use by the applicants. It is understood however that the structure is to be ancillary to the host dwelling and any issues of noise would be controlled by Public Protection.

PERMITTED DEVELOPMENT

4.10 It has been established that the structure would be permitted development were it not for the differing land levels upon which it has been built. The main issue therefore is how harmful the additional 300mm in height is to the appearance of the dwelling and neighbour amenity. Even with a 300mm reduction in height, the outbuilding would still be visible above the boundary fencing, (although only just) and when viewed from a higher vantage point (i.e. first floor windows) its design and scale would appear unchanged. The use of the building would also remain the same. Given that a very similar structure could be constructed under permitted development rights, it is the opinion of officers that the building could not reasonably be refused retrospective planning permission.

5.0 CONCLUSION

5.1 Whilst the development is not overly large in the context of the size of the back garden, its positioning close to the boundary makes it somewhat prominent in views from a number of neighbouring properties. Its design does not sit comfortably with guidance given in the NPPF, draft Local Plan policies GP1 and H7 or the Council's House Extensions and Alterations SPD in respect of its appearance. However, under permitted development rights a very similar structure with very similar impacts could be constructed without the need for planning permission. In this instance, retrospective planning permission is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 The outbuilding shall be completed with a render finish within six months of the date of this permission.

Reason: To achieve a visually acceptable form of development.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Consideration of the permitted development 'fall-back' position
Use of conditions to address the final finish of the building

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477