

COMMITTEE REPORT

Date: 5 May 2016 **Ward:** Rural West York
Team: Householder and **Parish:** Nether Poppleton Parish
Small Scale Team Council

Reference: 15/02940/FUL
Application at: 99 Long Ridge Lane Nether Poppleton York YO26 6LW
For: Erection of raised platform with children's playhouse and
attached slide and steps (retrospective)
By: Mr Nicholas Reynolds
Application Type: Full Application
Target Date: 11 April 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application property is a two storey detached dwellinghouse located in a residential area on the eastern edge of Nether Poppleton. The area consists in the main of two storey detached and semi-detached properties.

1.2 This application seeks retrospective permission for the erection of a raised platform with children's playhouse on top together with attached slide and steps in the rear garden of the property.

1.3 The application has been called-in for determination by Sub-Committee at the request of Councillor Steward in order to assess the impact on the neighbouring property from overlooking.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Nether Poppleton Parish Council

3.1 The Parish Council has advised that had it been consulted prior to the playhouse being built it would have objected to its inappropriate size and height with it overlooking neighbours.

Publicity and Neighbour Notifications

3.2 Objections received from two adjoining neighbours on the following grounds:

- The platform appears to be 2.5m above ground level and the eaves of the playhouse around 5m. The whole structure is built up to the low boundary fences at side and rear and dominates the rear of the adjoining garden.
- The playhouse is visible from neighbouring gardens and has a direct line of site into the ground level and bedrooms of the neighbouring property.
- Prior to its construction there was complete privacy in the garden and house; this has now been eroded by the structure.
- The large telegraph poles used for the swings are out of scale for a domestic garden. The children using it are well behaved, however, if a new family with boisterous children moved in it could create a bad atmosphere and have a detrimental effect on potential house sale.

3.3 Letters of support have been received from seven neighbours including one adjoining neighbour making the following points:

- Whilst boundary shrubs in the garden have grown so that the neighbour can no longer see the structures, even when it could be seen it did not invade privacy.
- Should be encouraging children to play outdoors.
- The playhouse is tastefully designed and appears to have been there for many years.
- It is constructed and sited at the end of a very large garden.
- The raised platform has been sympathetically camouflaged as it is not immediately obvious.
- No objection to its location or its presence.

3.4 The applicants have submitted a letter in support of their application, which can be précised as follows:

- The neighbours were informed of the plans.
- Several evergreen plants have been planted and a laurel tree allowed to grow higher to screen from the neighbours
- The neighbours cut down a large mature tree from their border which had previously obscured their view.
- The play area has been constructed with a lot of thought and consideration to its surroundings, it enables our children to be outside whatever the weather.
- The design also incorporates a wildlife haven.
- The playhouse is sited at the end of the large garden, approximately 40m away from the nearest property.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact upon the character of the area and the amenities of nearby residents.

POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies at its heart is a presumption in favour of sustainable development. A principle set out in Paragraph 17 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.

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. The relevant City of York Council Local Plan Policy is GP1 'Design', which requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.4 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. Paragraph 15.1 advises that outbuildings, wherever possible, should not be detrimental to the space around it. Paragraph 15.3 advises that they must not have a detrimental impact on the residential amenity of neighbours.

4.5 The Poppleton Village Design Statement SPD (August 2003) states that proper assessment of the character of the surrounding environment should be taken into account when development is proposed. It also advises that development should reflect and respect existing character in size, scale, materials, layout and landscape.

ASSESSMENT

4.6 The application property lies within a row of residential properties with open fields lying to the south east. It, along with other nearby houses in the row, has a long rear garden, circa 43m. The raised platform and playhouse, etc. are located at the rear end of the garden.

4.7 This rear garden is L-shaped. Near to the rear of the house it is 9m wide. It widens to 17m circa 10m from the rear elevation where it runs eastwards and forms the rear boundary to the adjacent property no.97 Long Ridge Lane.

The boundary then turns southwards and forms the western boundary of the garden to no.95 Long Ridge Lane. On this stretch of the boundary there is a mix of 2m high close boarded fence and 2m high mature hedgerow. The whole of the western boundary of the application property is shared with no.101 Long Ridge Lane. The boundary between nos.101 and 99 is not as well screened as that between nos.99 and 95. There is a low post and rail and the boundary is interspersed with shrubs up to circa 2m high but there are gaps between the shrubs. The main raised platform abuts the rear boundary with the open fields to the south east. The front of the platform is circa 5m from the boundary with no.101 and circa 8-9m from the boundary with no.95. The rear edge is about 2.5m from the boundary with no.101 and 6-7m from the boundary with no.95. It is also roughly 38m from the rear elevations of nos.101 and 95. The playhouse sits roughly in the centre of the platform.

4.8 Schedule 2, Class E of the Town and Country Planning (General Permitted Development) Order 2015 outlines a list of structures that can be erected within the curtilage of a dwellinghouse without planning permission. Specifically excluded from this is development which includes a raised platform. For this reason both the raised platform and playhouse and the set of slide and steps require planning permission.

4.9 There is a set of swings attached to the left hand side of the raised platform but it is considered that this structure and other pieces of play equipment in the garden, including trampolines and wooden gymnastic beam, benefit from PD rights.

4.10 In terms of the impact on the character of the area, it is considered that this is acceptable. The structures are located at the far end of the garden, adjacent to open fields and circa 40m away from the nearest houses in Long Ridge Lane and they are constructed from timber, which is an appropriate material for the location.

4.11 The main issue is the impact on immediate neighbours. Although there is support from a number of local residents none of these have gardens that lie immediately adjacent to the structures. Even no.97, which lies adjacent to the application property, is not affected in the same way as nos. 95 and 101. As the occupant of no.97 states she cannot see the structures because of the high shrubs on her rear boundary and her garden is circa 23m away, whereas the rear gardens of nos. 95 and 101 lie next to and are overlooked by the raised platform and playhouse.

4.12 It is not considered that the privacy of the occupants of nos.101 and 95 within their own houses is eroded (the raised platform is 40m away) but it is considered that the potential to enjoy their rear gardens is affected due to the fact that they can be overlooked from the raised platform. Although the applicant has provided some plants on the raised platform to try and screen the structure and the activities on it to address this problem, it is not considered that it overcomes the issues. The impact is probably greater felt by the occupants of no.101.

The raised platform is closer to the boundary with this property than it is to no.95 and because the shared boundary is less well screened, the platform and playhouse appear as more dominant structures. The slide is also adjacent to the boundary with no.101 and it is considered that activities around this structure and on the raised platform erode the privacy of the rear garden area to no.101. The rear garden area to no.95 benefits from better screening provided by 2m high hedges and fencing. Whilst the raised platform and playhouse can still be seen above this screening from the garden of no.95, the loss of privacy is considered to be less significant.

4.13 Raised platforms are specifically excluded from Schedule 2, Class E of the Town and Country Planning (General Permitted Development) Order 2015. This ensures that neighbour's privacy from works that could otherwise be undertaken without planning permission can be assessed. The play structures provide a valuable amenity for the applicant's children however this has to be balanced against the impact that the use of the structures has on ability of the neighbours to reasonably enjoy their private amenity space.

5.0 CONCLUSION

5.1 It is considered that the use of the raised platform and playhouse adversely affect the adjoining neighbours' ability to enjoy their garden in a reasonable manner and as a result the scheme is in conflict with NPPF Paragraph 17, Policies GP1 of the City of York Draft Local Plan and the Council's Supplementary Planning Document (SPD) for House Extensions and Alterations.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1. It is considered that the raised platform and playhouse adversely affects the level of privacy that the adjoining neighbours could reasonably expect to enjoy within their rear garden area. As a result the scheme is in conflict with NPPF Paragraph 17, Policies GP1 of the City of York Draft Local Plan and the Council's Supplementary Planning Document (SPD) for House Extensions and Alterations.

7.0 INFORMATIVES:

Notes to Applicant

STATEMENT OF POSITIVE AND PROACTIVE APPROACH

1. In respect of the requirements set out within the National Planning Policy Framework paragraphs 186 and 187 regarding adopting a positive approach towards sustainable development in their decision-taking and seeking solutions to problems identified during the processing of the application, the Local Planning Authority has considered the proposal against national and local planning policies

and it was not considered that amendments or conditions would overcome the stated reason for refusal.

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