

Committee Report

Item No: 2

Reference: DC/18/02573
Case Officer: Mark Brands

Ward: Leavenheath.

Ward Member/s: Cllr Jennie Jenkins.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Householder Planning Application - Erection of outbuilding following removal of existing aviary and shed.

Location

94 High Road, Leavenheath, Colchester, Suffolk CO6 4PE

Parish: Leavenheath

Expiry Date: 02/08/2018

Application Type: HSE - Householder Planning Application

Development Type: Householder

Applicant: Ms S Viner

Agent: Mr Brian Letham

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The Corporate Manager for Sustainable Growth and Planning considers the application to be of a controversial nature having regard to the extent and planning substance of comments received from third parties and Parish Council.

Details of Previous Committee / Resolutions and any member site visit

A panel of committee members visited the site on Wednesday 29th August 2018.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Local Plan Alteration No. 1 – Policy CN01 (Maintaining Local Distinctiveness)

“All new development proposals will be required to be of appropriate scale, form, detailed design, and construction materials for the location.”

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Suffolk County Council Highways

“The current proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council does not wish to restrict the grant of permission.”

Leavenheath Parish Council

“With respect to the above planning permission, Leavenheath Parish Council object.

We objected when it was 2.5m high, and do so again at the proposed 4m high application.

The design and materials will have a considerable impact on the amenity of the neighbouring properties. The alterations and scale from the previous application are an overdevelopment of the site.”

B: Representations

Objections have been raised by three neighbouring properties, 75, 90 & 92 High Road. Key issues raised from neighbour responses are as below;

Negative impact to the streetscene
Scale/height inappropriate and overbearing
Out of kilter with the neighbourhood
What will the outbuilding be used for
Lack of detailed design with the plans
Crowding of the site
Loss of views and reduction of daylight

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

The application site is a brick two storey dwelling located on a corner plot fronting High Road, with Heathlands Road running to the side and rear of the property. There is a hedgerow border on the front and side boundaries forming the junction, with a brick wall enclosing the rear garden. The amenity space afforded to the property is significantly larger than the two neighbouring properties.

The site is within the built up area boundary, adjacent to Heathlands Road and on the opposite side of this road is open countryside with a mixture of trees and shrubs adjacent to the road. The existing development is comprised of staggered diagonal development with a mixture of materials, including brick, render and cladding. The properties on both roads have linked garage extensions with the adjoining properties.

94 High Road benefits from being a corner plot, as such has amenity space to the front, side and rear with a site area of 0.09 ha. The cumulative amenity space is subsequently notably larger than the neighbouring two properties which have smaller amenity areas.

2. The Proposal

The proposal as presented to Committee is for the erection of a detached outbuilding. The maximum height will be 3.5m (2.5m to the eaves), with a depth of 3.5m, and width of 9.7m (with an overhanging roof), and will be positioned 1m from the rear boundary wall.

Following representations and as a result of officers own assessment of the original proposal amendments to the appearance and form of the initially submitted building were required. The scheme now before members is the product of that negotiation.

In essence the proposed building now has a lower ridge height [own from 4m to 3.5m], a roof that has been turned through 90 degrees to reduce its visual impact and to avoid the disruptive proportions of the earlier asymmetrical roof as seen from the adjacent road and a footprint that has been pulled away from both adjoining boundaries. The Committee presentation will illustrate these changes and the amenity and aesthetic improvements that have flowed as a result.

The materials will be red facing brickwork on the exterior walls and white UPVC fenestration (same as host dwelling) with a slate roof

3. The Principle Of Development

There has been a previous approval for an outbuilding to the rear of 94 Heathlands under DC/18/00483.

The previous dimensions of the outbuilding had a front width of 11.940m, with a reduced width of 10.150 from the rear, and a depth of 3.5m (with 0.5m overhang roof) the maximum height was 2.55m.

A non-material amendment was subsequently applied for under DC/18/02336 which was refused as the amendments went beyond what could reasonably be classed as non-material. The amended plans submitted under the NMA was subsequently applied for under the current planning application.

The principle of an outbuilding for purposes incidental to the enjoyment of the main dwellinghouse in a location within a settlement boundary is acceptable.

In many instances the erection of an outbuilding would constitute “permitted development”.

4. Site Access, Parking And Highway Safety Considerations

No objections raised by the County Highways department, the outbuilding will be ancillary to the host dwelling and will not result in an intensification of use.

5. Design And Layout [Impact On Street Scene]

The proposed outbuilding will be visible from Heathlands Road, from the rear of the property. The streetscene is characterised by gable ends facing towards the street. The amended design received for the proposed outbuilding will maintain this vernacular, and architectural design as viewed in the context of the wider streetscene.

The height is not considered to be disproportionate in the context of the streetscene, with the neighbouring garages at a higher scale than the proposed outbuilding, the footprint is not considered to constitute in overdevelopment of the site, with sufficient amenity space around the host dwelling to accommodate the proposed outbuilding. The siting will be set back from the rear boundary by 1m, to avoid surface water run-off into neighbouring properties.

The building now has acceptable proportions with a ridge that runs parallel with the longest dimension. This means the span of the roof has been narrowed and as a consequence the ridge height has been reduced. Previously the ridge ran across the width of the building rather than the length and this combined with an asymmetrical pitch resulted in a visually disturbing over-spanned gable to the street.

While concerns have been raised over the quality of the plans provided, they are now an acceptable standard, and at a scale of 1:50 with annotated dimensions.

6. Impact On Residential Amenity

Concerns have been raised regarding impact to neighbouring amenity. This report looks at the relevant amenity consideration in turn.

Disturbance/Noise:

The building is intended for use as a fitness-room for the use of the occupiers of the host dwelling. There is no intrinsic reason why such equipment would generate undue disturbance to adjacent occupiers. In reality many people have such equipment set-up in spare rooms within their homes. [whether detached, semi detached or terraced]. Keeping fit is increasingly becoming part of people's lives. This is not a commercial proposal and as such there will be no to and fro of clients. The domestic nature of the use can be conditioned. Therefore the resultant activity will be as expected from any garden

Lighting:

There is no reason why ordinary domestic lighting within the building should pose any greater threat to amenity than similar lighting within houses on the wider estate. External lighting can be controlled by condition.

Overlooking/ Loss of privacy:

The outbuilding is single storey in form and as such there is no risk of significant overlooking into adjacent properties. In many ways such a risk is reduced within the building compared to people standing in the garden in an equivalent position and looking over the boundary wall/fence. Any suggestion that permitting this building will create a problem of loss of privacy to first floor bedrooms in adjacent houses is not credible. The distances and angles are such that anyone already standing in the garden would have a similar opportunity to look upwards towards upper floors windows in adjacent properties. From one's own day to day experience it is clear that this does not result in a realistic opportunity to 'view in' . If that were the any occupier of a house with a neighbour would feel uncomfortable in their own homes on upper floors. People generally close curtains in the evening when they have bedroom lights on when living close to other properties.

Outlook:

The amended building is sufficiently distanced from adjoining windows and its form is of a sufficiently low profile to avoid any significant harm to outlook from within adjacent habitable rooms.

Overshadowing/ daylight:

Members will be aware that outbuildings can often be built close to common boundaries and fences up to a height of 2m can be erected as permitted development. This building will not create significant overshadowing impacts to either immediate neighbours rooms or private amenity area immediately to the rear of adjacent houses. Daylighting to adjacent habitable rooms will not be adversely impacted for similar reasons.

Sunlight:

The height position form and orientation are such as to mean that the proposed outbuilding will not significantly and adversely impact sunlight levels to adjacent habitable rooms.

PART FOUR – CONCLUSION

7. Planning Balance and Conclusion

Following the amended plans received the design, form and architectural design is in keeping with the local vernacular as viewed from Heathlands. The gable ends will be located on the sides rather than the front and rear elevations, which has enabled the roof to be reduced in scale, with the dormer addition not considered to cause detriment to neighbouring amenity. The single storey outbuilding will not cause overlooking or reduction of private rear amenity space of neighbouring properties. As noted by virtue of this property being located on a corner plot the amenity space of the dwelling is notably larger than the neighbouring properties, subsequently the plot as a whole is not considered to be overdeveloped by the proposed development. The height will be lower than the garage outbuildings located on Heathlands Road, as such the height is not considered to cause detriment to the streetscene. The proposed outbuilding is considered to be compliant with the aforementioned policy CN01

RECOMMENDATION

That authority be delegated to the Corporate Manager – Growth and Sustainable Planning to grant planning permission subject to conditions including the following:-

- Time limit of 3 years
- As per the approved plans
- Occupation restriction; permission shall only authorise the use and occupation of the accommodation for purposes incidental and ancillary to the principal dwelling [i.e. no commercial use]
- Controls over external lighting