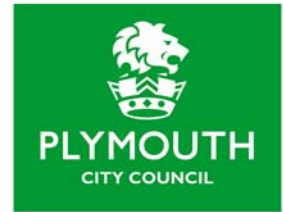
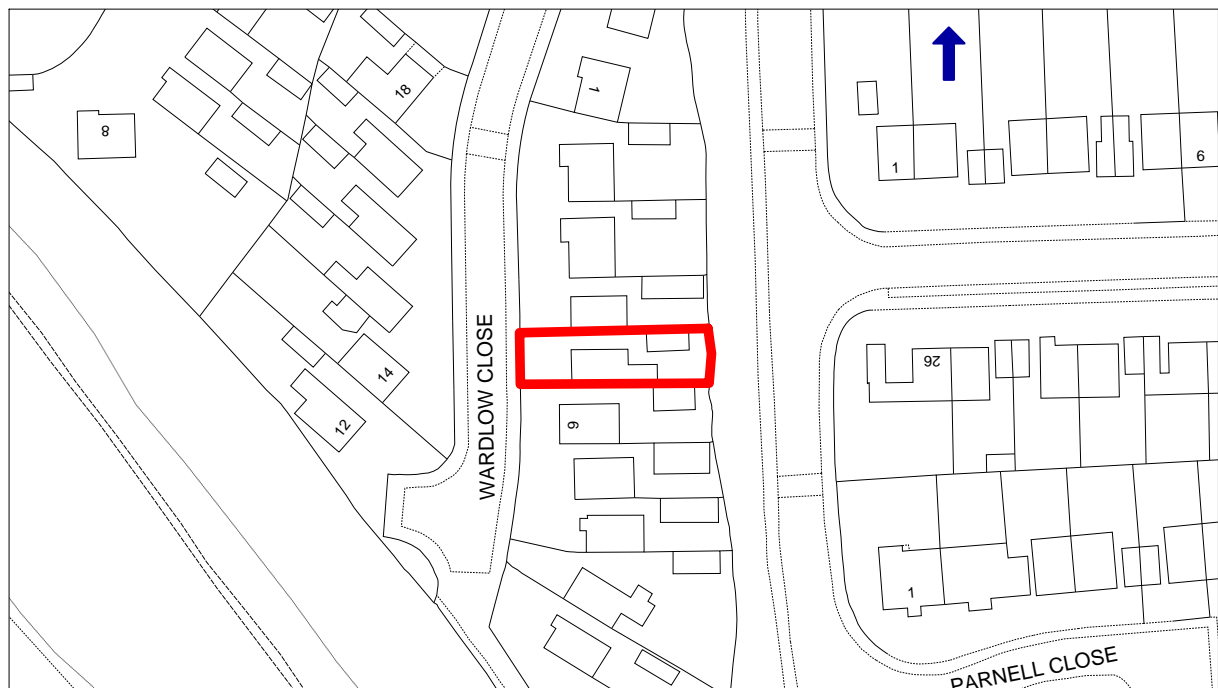


PLANNING APPLICATION REPORT



ITEM: 01

Application Number: 11/00707/FUL
Applicant: Mr G Jones
Description of Application: Retention of Summer House, raised platform and fence
Type of Application: Full Application
Site Address: 5 WARDLOW CLOSE PLYMOUTH
Ward: Eggbuckland
Valid Date of Application: 16/05/2011
8/13 Week Date: 11/07/2011
Decision Category: Member/PCC Employee
Case Officer : Paul Steen
Recommendation: Grant Conditionally
Click for Application Documents: www.plymouth.gov.uk



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Site Description

5 Wardlow Close is a two-storey detached property in the Crownhill area of Plymouth. The property is on the eastern side of Wardlow Close, which is a relatively short cul-de-sac. There is a local distributor road, Culver Way, immediately beyond the rear garden of the property.

Proposal Description

The application seeks planning permission retrospectively to retain a summer house, raised platform, and fencing, in the rear garden of the property.

The application is being referred to Planning Committee because the applicant is related to a Council employee.

Relevant Planning History

11/00448/OPR – Planning compliance investigation into installation of summer house and decking – Opened 22/03/11

79/01492/FUL - Extension – Withdrawn – 25 December 1979

79/01041/FUL – Caravan Hardstanding & Access – Refused – 4 July 1979

Consultation Responses

None

Representations

Four letters of representation have been submitted, three from current residents of other properties in Wardlow Close and one from a former resident, expressing support for the application on the following grounds;

- the owners of the property maintain their property well, and to a very high standard
- cannot see how the development has affected, or will affect, any neighbouring occupiers
- the design, appearance, and layout of the summer house are of the highest quality and enhance the rear garden of the property

Analysis

The summer house and the adjoining raised platform, in the form of wooden decking, were erected at the property approximately three and half years ago, but have only recently been drawn to the Council's attention, in the form of a planning compliance enquiry. The wooden fencing has been erected quite recently.

This application stands to be considered primarily in the context of Policy CS34 of the City of Plymouth Local Development Framework Core Strategy 2006-2021, and supplementary planning document 'Development Guidelines'. The main issue to consider with this application is the effect of the developments on the amenities of neighbouring properties, particularly in terms of privacy, daylight impact, and outlook.

The summer house stands on an existing raised concrete paved area, located on the boundary of the adjoining property, No. 4 Wardlow Close. The summer house measures 3.8 metres in width by 3.2 metres in depth, with a shallow sloping ridged

roof, and stands no more than 2.5 metres in height from the paved area. Its appearance is typical of the type of pre-fabricated small garden structure that can be purchased typically at garden centres and similar suppliers. The summer house and raised platform are situated immediately behind the garage of the property, and due to their scale and position, are not considered to unreasonably impact on the privacy, daylight, or outlook of neighbouring properties. The summer house is used for purposes incidental to the residential use of the main property, although if approved, a planning condition can be applied to ensure it is restricted to domestic use only.

The wooden raised platform/decking sits to the front of the summer house, and the majority of the platform lies approximately 0-20cm above ground level, upon an existing raised garden area, previously laid to lawn. It is not considered to result in any additional overlooking.

The recently added boundary fencing extends along the boundary of the property which faces the summer house; the majority of the fence is permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, two panels stand in excess of two metres in height nearest the dwelling. These, however, are situated directly adjacent to a garage at the rear of the neighbouring property, and so for this reason are not considered to have an unreasonable impact on the adjoining property.

The summer house and raised platform/decking, first installed at least three years ago, require planning permission as they could not be considered to be permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended), as a result of its proximity to a highway to the rear of the premises. Following amendment to this legislation on 1 October 2008, no such restriction now exists. Consequently, the same development taking place after that date would be permitted development and therefore a planning application would not be required.

Therefore, whilst these developments stand to be considered by the Council entirely on their planning merits, in practical terms it is necessary to acknowledge that the summer house and raised platform/decking, if required to be removed, could simply then be reinstated by the applicant without the need for planning permission from the Council.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Section 106 Obligations

There are no Section 106 Obligation requirements arising from the application.

Equalities & Diversities issues

There are no equalities and diversities issues arising from the application.

Conclusions

Subject to a condition limiting the use of the summer house only to purposes incidental to the residential use of the property, the development is considered to be acceptable, and in accordance with Core Strategy Policy CS34, and is therefore recommended for approval.

Recommendation

In respect of the application dated **16/05/2011** and the submitted drawings Site Location Plan, Block Plan, and Photographs, received on 03 and 16 May 2011, it is recommended to: **Grant Conditionally**

Conditions

ANCILLARY OR INCIDENTAL USE

(1) The summer house hereby approved shall only be used for purposes incidental or ancillary to the primary use of the premises as a dwelling.

Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of different parts of the premises would be likely to produce conditions unacceptable to the Local Planning Authority, contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact of the development on the amenity of neighbouring occupiers, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Applications

SPDI - Development Guidelines