

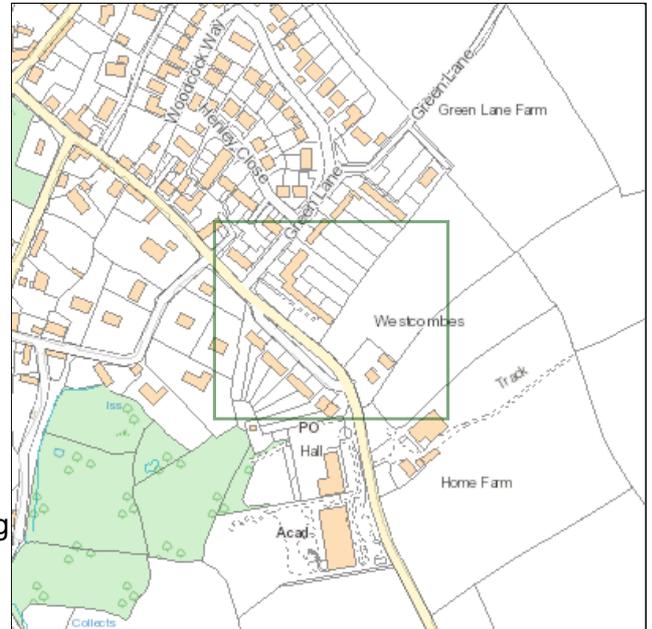
Ward Yarty

Reference 20/1958/FUL

Applicant Alistair Rattenbury

Location 1A Green Lane Chardstock Axminster EX13 7BL

Proposal Construction of garden studio/office and decking



RECOMMENDATION: Approval with conditions



		Committee Date: 15th February 2021
Chardstock Yarty	20/1958/FUL	Target Date: 10.11.2020
Applicant:	Mr A Rattenbury	
Location:	1A Green Lane, Chardstock, Axminster. EX13 7BL	
Proposal:	Construction of garden studio/office and decking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members having been referred from Chair Delegation for consideration of the concerns raised by the Ward Member and Parish Council.

The application seeks permission for the retention of a garden studio/office and associated decking, which has been constructed within the rear garden of 1A Green Lane, Chardstock.

Given the location of the structure at the bottom of the garden, its appropriate design, single-storey scale and ancillary nature, it is considered that the proposal would not have any detrimental impact upon the character of the surrounding area, nor would there be amenity harm to an extent that could justify refusal of planning permission.

The application is therefore considered to be acceptable and is recommended for approval.

CONSULTATIONS

Parish Council

30.09.2020

Council met to consider this application at their extraordinary meeting held 29/9/2020 and has sought an extension to the comment submission deadline until 15/10 to allow a site visit to be undertaken by members of Council; the application will be re-considered at the Ordinary meeting scheduled for 14/10/2020.

Further comments 04.11.20:

Council apologies for the late submission of their consultee comment.

Council remains in objection to this retrospective application on the following grounds:

i) That the development creates a loss of privacy for neighbouring properties and causes significant overshadowing.

ii) That the height and scale of the building is out of keeping with the adjoining properties and appears to be in breach of current planning regulations in terms of both overall, and base, heights and its proximity to a boundary.

iii) That the development has caused significant harm to trees and hedges on-site and appears to create a contravention of the previous conditional consent in 2002.

iv) The application is contrary to the East Devon Local Plan, the Chardstock Parish Neighbourhood Plan and the principles of the Council's Climate Change Emergency Declaration.

Ward Member – Yarty - Cllr P Hayward

I am unable to support this application and am concerned that the building has been almost completed by the time that we are asked to consider the development application. The building is, in my opinion, too high, set at the wrong aspect and elevation and creates an unacceptable degree of overlooking into neighbouring properties and a consequential loss of privacy.

Other Representations

1 letter of objection has been received from the occupier of number 1 Green Lane (adjoining).

The comments can be summarized as follows:

- Too big and intrusive;
- Higher than guidelines for such buildings on the Planning Portal;
- Uncertain why a veranda is required to an office;
- Loss of privacy from direct views towards the rear elevation of the house;
- Concerns over future use of the building;
- Lack of consultation with neighbours by the applicant;
- Loss of hedge;
- No need to elevate the building.

PLANNING HISTORY

04/2902/FUL – Proposed erection of one semi-detached three bedroomed dwelling house and garage. Approved with conditions on 16/12/2004.

The planning application has been submitted following an Enforcement Investigation at which the applicant advised that they believed that the proposal was Permitted Development and as such didn't require planning permission.

POLICIES

Adopted East Devon Local Plan (2013 – 2031)

Strategy 7: Development in the Countryside
Policy D1: Design and Local Distinctiveness

Chardstock Neighbourhood Plan

CPNP 01: Sustainable Development
CPNP 03: Protecting the Built Environment
CPNP 04: Protecting and Enhancing the Natural Environment

National Planning Policy Framework
National Planning Policy Guidance

Site Location and Description

The property is a two-storey end of terrace house.

The rear garden to the property extends beyond the neighbours rear garden extending along the rear of the garden to number 5 Green Lane that sits at 90 degrees to the application property.

The land raises up from the house towards the studio/office such that it is higher than the host and adjoining number 1 Green Lane.

The site is outside of the AONB.

Proposal

The application seeks the retention/construction of a garden studio/office for use by the occupiers of number 1A Green Lane.

The garden studio/office is at the bottom of the garden approximately 19m from the rear elevation of number 1A and is constructed in timber.

The studio/office openings are raised above the original ground level by virtue of the front of the structure being at the height of raised decking to the front of the building just under 1m high.

The building measures 3m in height to the front off the decking, 2.9m high to the rear with a footprint of 6.1m by 3.1m.

ANALYSIS

The main issues for consideration are the visual impact from the proposal and impact upon the amenity of adjoining residents.

To clarify, the removal of any hedges prior to the works commencing did not require planning permission and the development is not in breach of any conditions on the original consent. Whilst the original consent required planting to be retained, the condition was only binding for 5 years and as such there is no conflict with the original consent.

The proposal is not considered to have a harmful impact upon any trees.

Impact upon visual amenity

The structure is within the rear garden to a residential property and is single-storey in nature.

The structure is therefore viewed in association with the surrounding residential development and from this perspective the visual impact is acceptable, particularly as a building of a large footprint, albeit at a slightly lower height, could be constructed in rear gardens without planning permission.

There may be glimpsed views of the structure over the hedge, and through the field gate to Westcombes, but again the structure is viewed in association with the surrounding residential development and built form.

In light of the above, the visual impact from the proposal is considered to be acceptable.

Impact upon residential amenity

The structure is located approximately 19m from the rear elevations of numbers 1 and 1A Green Lane and approximately 40m from the rear of number 5.

Whilst the structure will be visible from the rear of numbers 1, 5 and 6 (and other properties in the terraces), and is raised above the garden levels of neighbours, the distances and single-storey nature of the proposal mean that it will not have an overbearing impact.

There are no windows proposed in the side or rear elevation and as such there will be no detrimental overlooking towards neighbours at numbers 5 or 6 Green Lane.

With regard to the relationship to number 1, the openings to the structure will be visible from the rear of number 1 and from parts of its garden, as will the veranda. However, given the single-storey nature of the building, distance to the rear of number 1, the fact that it is already a garden area where people can sit out (albeit being acknowledged that the building will enable this all year round and in all weathers and on a raised platform), and given that a building of a similar design at a height approximately 1m lower could be constructed under Permitted Development Rights, it is not considered that the impact is so detrimental as to be able to justify refusal of planning permission.

There is no doubt that the structure is visible from number 1, but it is not uncommon for people to construct out-houses/summerhouses/sheds/ancillary accommodation in their gardens. Some inter-visibility from gardens back to neighbouring properties is

inevitable and in light of the 19m distance to the rear of the neighbour, whilst the structure is visible, it is not harmful enough to justify refusal of planning permission.

CONCLUSION

Whilst the structure is raised above original ground levels and will be visible to neighbouring properties, there is no wider harmful visual impact and in light of the size of the structure, its single-storey nature, distance to the rear of surrounding dwellings, and as a similar structure could be constructed under Permitted Development rights, it is not considered that a refusal of permission could be justified.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. The outbuilding hereby permitted shall not be used other than for purposes ancillary to the residential use of the dwelling known as 1A Green Lane.
(Reason - The outbuilding is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and is an unsustainable location where a separate unit of accommodation would not be adequately served by a range of services and facilities such that it would not comply with the requirements of Policy D1 - Design and Local Distinctiveness and Strategy 7 – Development in the Countryside of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Plans relating to this application:

Location Plan
Proposed Site Plan - Layout
Proposed Elevation - Front
Proposed Elevation - Side

Proposed Elevation - Back
Proposed Floor Plans