

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/0471	<u>DATE:</u> 25/05/2016
PROPOSAL: Retention of outbuilding.	
LOCATION: 47 Neath Road, Rhos Pontardawe, Swansea SA8 3EB	
APPLICANT: Mr Dean Osell	
TYPE: Householder	
WARD: Rhos	

Background information

The application has been called to Committee by Councillor Alex Thomas (Rhos Ward), who has requested a site visit to enable Members to form an impression of the structure in situ and assess whether or not the development has a significant impact on the neighbouring property.

Planning History:

None

Publicity and Responses if applicable:

Cilybebyll Community Council – The council notes that this is a retrospective application and the applicant's indication that the building is "ancillary to the use of the dwelling" It requests that the LPA reassures itself that this is the case, and takes an informed view on the scale of the building in the context of adjoining residential properties.

4 Neighbouring properties were consulted individually by letter.

In response, one letter of objection has been received, along with a subsequent email, with the objection summarised as follows;

1. That the outbuilding's external appearance has resulted in a detrimental impact upon the character of their property.
2. That the size, width, height and massing have an unacceptable impact upon their property.
3. That the location of the outbuilding is overbearing upon their amenity space, and property to the detriment of their amenity.

4. That it results in a loss of light.
5. That the outbuilding is out of character with the village.
6. That the building has, and will be used for commercial purposes.
7. Noise and disturbance from the use of the building.
8. Health and safety concerns over storage of fuel and machinery.
9. The property is for sale and the outbuilding is being advertised as a “garage/workshop”.

A letter has also been received from **Jeremy Miles AM** for Neath. The letter reiterates the objectors concerns over the use of the building for business purposes, and the potential for this use to continue in the future, to the detriment of the objectors amenity.

Councillor Alex Thomas (Ward Member for Rhos) has also made the following representations (summarised):

The neighbour comments that the scale of the building and its proximity to the boundary cause it to have an overbearing effect on his property. I note that the dimensions provided with the planning application show that it exceeds the height at the eaves nearest the neighbouring property which would allow it be classed as a permitted development. This is without taking into consideration the substantial concrete footing which adds, at its highest point, a further 0.7m to the height.

The materials used for construction are considered by the neighbour to be out of keeping with the residential setting that surrounds it. In this regard I would note policy BE1 of the LDP, which requires that a development "...complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment" and "...utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate". Having visited the neighbour's property, I can confirm that the size and position of the structure do cause it to have a significant impact on the neighbouring house. The design of the outbuilding, which would be more usual in a light industrial area than a residential setting, intensifies this effect.

Finally, regarding the previous use of the outbuilding for commercial purposes, I am told that neighbouring residents are concerned that, if permission to retain the development is granted, it may in the future be once again used for the tree surgery business run by the applicant. I understand that use of the outbuilding for business purposes would not be permitted without a change to the usage class of the property.

Without prejudice to my comments above, if this application were to be approved I would consider it necessary that conditions be attached to the permission that would ensure that it is only used for purposes ancillary to the use of the dwelling.

Description of Site and its Surroundings:

The building lies within the rear curtilage of No. 47 Neath Road, Rhos, a two storey semi-detached dwelling house sited in a residential street of similar dwellings.

The property has a shared driveway with No.45, with a level front garden which consists mainly of a lawn, with a smaller area of loose stone providing parking for two vehicles. The rear garden gently slopes downwards away from the dwelling with a pathway to the side of the outbuilding in question, leading to lawn area. The rear garden is bounded on all sides by boundary treatment consisting of hedging and mature trees on the eastern and southern boundary and wooden ranch style fencing on the western boundary. An existing glasshouse is located to the rear of the outbuilding.

Brief description of proposal:

The application seeks planning permission for the retention of a detached outbuilding.

The outbuilding is located approximately 10 metres from the rear elevation of the property and approximately 500mm off the western boundary, the common boundary with No 45 Neath Road, and 3.5 metres off the eastern boundary.

The outbuilding measures 4.0 metres in width by 7.0 metres in length, and will reach a height of 2.6 metres to the eaves and 2.95 metres to the ridged roof on the front elevation with the rear elevation measuring 3.4 metres to the eaves and 3.75 metres to the top of the ridged roof. This is due to the sloping nature of the site, and to provide a level base.

The building is a pre-fabricated garage type structure, and has been finished in a dark green colour coated metal. The front elevation has a colour coated green roller shutter door measuring 2.4 metres in width by 2.1 metres in height.

Background Information

Members will note that this application is retrospective, and that the outbuilding has already been erected on site.

Further to this, allegations that this building was being used for commercial purposes have previously been drawn to the Authority's attention. The applicant does operate an arboricultural (tree work/landscaping) business, and evidence was provided that the storage of some machinery associated with that business was stored, and collected by staff from the premises. In addition it was alleged that the property was being used as a "base" for the business, and that members of staff regularly visited the property to collect and drop off items associated with the business, and for other work related purposes.

The applicant has since secured alternative premises, and whilst it is understood the applicant still uses the outbuilding to store items related to his personal involvement in the business, and for uses ancillary to the dwelling, they have confirmed that they no longer operate the business from the application site.

Notwithstanding this, the application submitted is to retain an outbuilding within the rear garden area of the residential property, for uses ancillary to the dwelling house only. As such, any alleged business use of this building is not to be assessed or considered as part of this application.

Material Considerations

The main issues for consideration in the determination of this application are whether the proposal would be acceptable in terms of visual amenity and residential amenity in the context of prevailing development plan policies.

Policy Context:

The Council formally adopted the Local Development Plan on 27th January 2016, within which the following Policies are of relevance: -

- SP21 – Built Environment and Historic heritage
- BE1-Design

Permitted Development Rights for Residential Outbuildings

Having regard to the objections raised by the neighbour and comments from the Ward Councillor, it is noted that permitted development rights exist for outbuildings that would not require the benefit of planning permission. Notably, this allows the siting of an outbuilding without the need for planning permission subject to the following:

- The total area of ground covered by outbuildings does not exceed 50% of the total area of the curtilage
- The Outbuilding is not located in front of the building line of the principal elevation
- The Outbuilding does not extend beyond the side elevation of the house when the development would be any closer to a highway than the existing house, or at least 5 metres from the highway – whichever is nearest
- No part of the development within 2 metres of a boundary of the house can exceed a height of 2.5 metres
- No part of the development within 2 metres of the house can exceed a height of 1.5 metres

And specifically in relation to height of outbuildings;

- Outbuildings cannot exceed more than one storey
- The height of an outbuilding cannot exceed 4 metres when the building has more than one pitch (eg dual pitch and hipped roofs)
- The height cannot exceed 3 metres when the building has a single pitch or other roof form
- Flat roof buildings cannot exceed 2.5 metres in height
- Eaves height of the building cannot exceed 2.5m

Therefore in this particular case, this outbuilding requires planning permission because: -

- The development exceeds a height of 2.5 metres within 2 metres of a boundary of the property.

In this case the development ranges in height, when measures 2m from the boundary between approx. 2.8m and 3.5m. An average of 650mm over permitted development allowances.

- In addition for the rear half of the building, the eaves levels, due to the plinth base, exceeds 2.5m. At the maximum the eaves level measured at the rear corner measures approx. 3.4m, this is due to the level platform constructed to place the outbuilding on, being 700mm in height at the rear.

Visual Amenity

With regards to visual amenity, the outbuilding is sited within the rear garden at the end of a shared driveway, alongside a wooden outbuilding which is located within the neighbouring property's (No.45) garden. Due to the orientation of the property and the fact that it will be sited approximately 27.0 metres from the highway, the outbuilding is not highly visible when viewed from the public highway, however it is acknowledged that it is visible from the rear of the immediate neighbouring properties.

The outbuilding is constructed in box profile colour coated metal, and is considered to be an 'off the shelf' pre-fabricated structure, the likes of which can be bought for the purpose of storage, or the garaging of vehicles from many high street or DIY stores.

An objection has been received stating that the external appearance has resulted in a detrimental impact upon the character of their property, and that it is out of character with the character of the village. In this regard it is noted that the finish does not reflect that of the main property, however, having regard to the above it is not considered unusual to have outbuildings within a residential context of this design and finish, nor is it considered that in this location the choice of materials would be sufficient to justify refusal of this application on such grounds. It is also noted that a similar structure using such materials could be constructed under the permitted development rights detailed above on this or other residential properties.

In terms of its size, it is noted that there are outbuildings within the rear gardens of adjacent properties, notably No. 43, which is of a similar scale, albeit of different external appearance, and a smaller wooden building adjacent to the application site within the garden of No. 45.

Taking into consideration the size of the rear gardens, the location, design and scale of the development, it is considered that the outbuilding does not amount to an unacceptable or obtrusive feature

within the rear garden of a residential dwelling. In this regard, whilst it is visible from the rear gardens and rear windows of the adjoining properties, the distances off the properties themselves, and the fact that the external finish is dark green in colour results in a form of development that does not appear out of character or demonstrably detract from the visual amenity of the area.

Policy BE1 of the Neath Port Talbot LDP refers to design, and states that proposals should complement and enhance the character and appearance of a site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment. This Policy is applied to all new development, and it is considered that in the context of an outbuilding within a rear garden that the proposals does not have a detrimental impact upon the host dwelling by its appearance or location nor does it detract from the character and appearance of the street scene and surrounding area. Accordingly the proposals are in accordance with Policy BE1 of the Neath Port Talbot Local Development Plan.

Residential Amenity:

In relation to residential amenity, the outbuilding is located at the end of the driveway approximately 10.0 metres from the rear elevation of the host property. The proposal has a roller shutter door on the front elevation with no windows or doors proposed on either side elevation facing the neighbouring properties

The objection received states that the size, width, height and massing have an unacceptable impact upon their property, and that the location of the outbuilding is overbearing upon their amenity space, and property to the detriment of their amenity including from loss of light.

With regards to the neighbouring property at No. 45 Neath Road the outbuilding will be sited approximately 500mm off the boundary measuring a height to the 2.6 metres to the eaves at the front and gradually increasing to 3.4 metres to the rear. Due to the lack of screen boundary treatments between the two rear gardens the development is highly visible when viewed from the neighbour's garden. However it should be acknowledged, and has been clarified earlier within this report, that under Permitted Development Rights an outbuilding can be erected reaching a maximum height of 2.5 metres within 2.0 metres of the boundary. In addition a wall/ fence up to 2.0 metres in height can be erected on the boundary without planning permission. It is

acknowledged that the erection of a screen fence would significantly obscure the side elevation of the outbuilding, however, it would be located 0.5m closer than the existing building, and whilst either party may wish to erect one in the future, it is not considered that for visual amenity, or privacy that one is necessary to make the development acceptable.

In respect of No. 49 Neath Road the outbuilding has a separation distance of approximately 3.5 metres off the boundary with this property and is screened by the 2.0 metre high mature hedge which follows the length of the boundary.

The outbuilding is approximately 35.0 metres from the rear boundary with the neighbouring properties at 19 and 20 Heol y Nant and is screened by the mature trees on this boundary.

Therefore taking into consideration its size, siting and design in relation to the neighbouring properties, it is not considered to have an unacceptable impact with regards to overlooking, overbearing or overshadowing issues to the detriment of amenities of the occupiers of the adjacent properties. It is accepted that the building is visible to the occupiers of No. 45, but it is not of excessive scale or height to impact significantly upon their amenity or enjoyment of their rear garden to warrant refusal, notably taking into consideration the distances from the rear elevation of the dwelling, and the allowances under permitted development.

In respect of the use of the outbuilding, whether it be for the garaging of vehicles or storage, it is considered that the use of this building for purposes ancillary to the dwelling would not result in any significant harm upon the amenity of adjoining properties.

It is also considered necessary to impose a condition requiring the use of the garage to be restricted to the garaging of private motor vehicles and uses incidental to the use of the associated dwellinghouse only and for no industrial, commercial or business use. In this regard, it is noted that any future use of the building for commercial/business purposes would require planning permission. Whilst each application is considered on its merits, it is unlikely in a residential area that a commercial use and operation would be appropriate.

The storage of items in relation to the owner's profession, for his personal use would most likely fall within "ancillary use" to the dwelling,

just as the use of an outbuilding for a residents own hobby, such as car restoration for example, could be considered ancillary. However, that would be a matter to consider outside of this application, should any alleged breach of planning justify further investigation.

In this regard, the objectors comment that the building is being advertised as a “garage/workshop” in the sales information for the property would still reflect the approval of this building, since as noted above an outbuilding can be used for a workshop for the occupiers own use, ancillary to the use of the property.

It is therefore concluded that the use of the outbuilding, for purposes ancillary to the dwelling will not have an unacceptable impact upon the amenity of adjoining properties.

Highway Safety (e.g. Parking and Access)

The existing parking arrangements within the front curtilage of the property are to be retained and the outbuilding is located solely within the rear garden area. As such, it is considered that the development has no adverse impact on highway and pedestrian safety.

Objections

It is considered that the objections received have been addressed within the forgoing report. The impacts of the development upon visual amenity, the character of the area, and the residential amenity of adjoining properties has been considered. In addition the issues with use have also been addressed.

The storage of fuels etc, is not a planning matter, and therefore not a material consideration on the determination of this application.

Conclusion

It is considered that the outbuilding does not have an unacceptable impact upon residential amenity, upon the character or appearance of the street scene or the amenity of adjoining properties through its design or scale, and there would be no adverse impact upon highway and pedestrian safety. In addition the use of the building can be controlled by condition, and any potential breach of planning would need to be investigated outside of the determination of this application.

Accordingly, the proposed development is considered to be in accordance with Policies SP21 and BE1 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

CONDITIONS

Approved Plans

(1) The development shall be carried out in accordance with the following approved plans and documents:

P1 Elevations

P2 Ordnance Survey Plan

P3 Block Plan

P4 Sketch plan of shed position

P5 Floor Plan

Reason

In the interests of clarity.

Regulatory Conditions

(2)The use of the garage shall be restricted to the garaging of private motor vehicles and uses incidental to the use of the associated dwellinghouse only and for no industrial, commercial or business use.

Reason

In the interests of amenity and to clarify the extent of this consent.