

Planning Ref:	HH/2020/2963
Site:	15 Fivefield Road
Ward:	Bablake
Proposal:	Retention of 2 No. outbuildings
Case Officer:	Holika Bungre

SUMMARY

This application is for the retention of 2 No. timber outbuildings constructed in the rear garden of the site.

KEY FACTS

Reason for report to committee:	Over 5 objections
Current use of site:	Residential dwelling and garden
Proposed use of site:	Residential dwelling and garden (no change)

RECOMMENDATION

Planning committee are recommended to grant planning permission.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DE1, H5 and EM5 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application seeks planning permission to regularise 2 No. timber outbuildings which have been recently constructed in the rear garden.

One is a timber storeroom at the very end of the rear garden near the rear boundary measuring 7.35m x 2.7m, and heights of 2.1m to the eaves and 3.05m to the full height.

The other is a garden room for leisure measuring 6.15m x 4.55m and with heights of 2.65 to the eaves, 3.15m to full height, and 5m from ground to the top of the flue (belonging to the log burner).

SITE DESCRIPTION

The application site relates to a semi-detached residential property located to the south-west side of Fivefield Road in the Bablake Ward. The site has its Permitted Development Rights in-tact.

In the rear garden there are 2 No. timber outbuildings which are the subject of this application and a polytunnel which the applicant states is within the Permitted Development rules at 2.1m in height (where 2.5m is the maximum under these rules), and therefore is not part of this application.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
HH/2020/0710	Erection of a first-floor rear extension, single storey rear extension and front porch, and external alterations	Approved on 18/05/2020
H/2002/0005	Bedroom extension	Approved on 22/02/1974

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy H5: Managing Existing Housing

Policy DE1: Ensuring High Quality Design

Policy EM5: Sustainable Drainage Systems (SuDS)

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Extending Your Home Guidelines

CONSULTATION

Immediate neighbours and local Councillors have been notified; a site notice was posted on 18th February 2021.

6 letters of objection have been received, raising the following material planning considerations:

- a) The buildings are extremely large and high.
- b) The buildings are an eyesore and visible from the gardens above the fences.
- c) The owner removed old hedgerows at the bottom of the garden, are they protected?
- d) The buildings will cause a loss of light to the neighbouring properties.
- e) Concerns regarding rainwater drainage from the large roof spans.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- f) Concerns regarding fumes, smell and pollution from the log burner and impact on health, and flue height is too low.
- g) Fire risk to main houses as the buildings are constructed in timber, and there is a log burner in one of them.

- h) The rear extensions which the applicant is planning to build is oversized when compared with other extensions in the area.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are principle of development, the impact upon the character of the area and the impact upon neighbouring amenity.

Principle of development

The proposal to retain these outbuildings in the rear garden is considered acceptable subject to the considerations on visual and residential amenity. The proposed use of the buildings as a store and a garden leisure space are considered incidental to the main dwelling and in keeping with the established residential use of the site, which will therefore not change.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- a) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

The outbuildings are considered to be of an appropriate scale and design in keeping with their surroundings and of an acceptable design and appearance.

The outbuildings could be constructed with the same footprint as permitted development but in this case they need planning permission because their height exceeds 2.5 metres.

While it is noted that some public comments feel that they are quite high, in gardens (including those not as large as these) it would not be uncommon to find outbuildings of this height. Some objectors have raised concern that they can see the structures which are above the height of the fence but this is the case with most outbuildings and is not cause for a planning refusal of an application unless there is a directly harmful neighbour impact in terms of loss of light, overbearing impacts etc. which will be dealt with in the section below.

Furthermore, given the very large size of the garden, the distance of the buildings from the houses and the generous amount of remaining garden space, they are considered to be in keeping with the site, and the suitable level of private amenity space is still well exceeded.

Impact on residential amenity

The outbuildings are both considered far enough away from the neighbouring properties to cause any significant overbearing impacts – with the store being at the very end of the garden and the nearer timber leisure room building being approximately 9m away from the neighbour's conservatory at its nearest point (and 11.25m away from the applicant's own dwelling) and therefore it is not considered to have a detrimental impact on neighbouring amenity.

An objection raised is that the buildings would cause a loss of light to the neighbouring properties. Again, given the substantial distance of the garden room outbuilding from the nearest property, this is not considered to be the case, and would cause no unduly harmful impact to them in this respect.

Lastly, there are no doors or windows which would directly overlook the neighbour properties and gardens, within them all being at ground floor level, faced into the applicant's own garden first, and then views from them are further impeded by the high boundary treatments between the gardens.

Other Matters

It has been raised that there are concerns regarding rainwater drainage from the large roof spans. These are small outbuildings that only require planning permission because they exceed 2.5 metres in height and drainage is not considered to be an issue.

Concerns have been raised regarding the fumes, smell and pollution from the log burner and impact on health. It can be confirmed that this is not a matter pertinent to the planning assessment. Log burners are governed by the Clean Air Act 1993, and therefore under different legislation, and therefore cannot be controlled by way of this application. However, the relevant information concerning the DEFRA list of approved log burners for smoke control areas has been forwarded on to the applicant to aid them in this. Concerns regarding the flue height being too low is similarly governed by Building Regulations and is not a planning matter. Having spoken with Building Regulations Officer verbally however, it appears that the flue height is acceptable for this building in this regard.

A further concern is fire risk to the main houses as the buildings are constructed in timber, and there is a log burner in one of them. The installation of a log burner does not require planning permission as this would require building regulations approval.

It has also been stated that the owner removed old hedgerows at the bottom of the garden, but it can confirmed that they were not protected and this would not be unacceptable in planning terms.

Lastly, it was raised that the rear extensions which the applicant is planning to build are oversized when compared with other extensions in the area. However, these extensions have already been considered and approved under a previous application and therefore their acceptability is already established.

The proposals to retain the outbuildings are considered acceptable and are not considered to have a detrimental impact on visual or residential amenity.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - a) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - b) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, H5 and EM5 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 29/09/20-01 Rev B received on 10/03/2021.

Reason: For the avoidance of doubt and in the interests of proper planning

