

## PLANNING COMMITTEE – 28<sup>th</sup> JULY 2020

**REFERENCE NUMBER:** 20/00095/FLH    Application Expiry Date: 31/07/2020  
**Application Type:** Householder Planning Permission

**Proposal Description:**                    **Erection of a detached summerhouse in rear garden**  
**At:**    **21 Hogarth Rise, Dronfield S18 1QG.**

**For:**    **Mr. Russ Thorpe**

**Third Party Reps:**    5                    **Parish:**                    Dronfield  
**Ward Name:**                    Gosforth Valley

**Author of Report:**    Case Officer: Kevin Figg                    **Date of Report:**    2020

**MAIN RECOMMENDATION: Grant permission**



## **1.0 Reason for Report**

- 1.1 There have been 5 letters of objection received from local residents raising concerns regarding the proposed development. A Ward Member has requested that the application be decided by Planning Committee to give an opportunity to residents to express their concerns and to allow more time to assess the potential impact on local residents and their amenity.

## **2.0 Proposal and Background**

- 2.1 The application property comprises a detached bungalow located in a row of similar properties on a residential cul-de-sac with open countryside opposite; the land sloping up from north to south.
- 2.2 The application property lies within the settlement development limits for Dronfield where domestic development is considered to be acceptable in principle.
- 2.3 The property is currently undergoing a scheme of refurbishment and extension to the bungalow previously approved under delegated powers.
- 2.4 The current proposal is for the erection of a detached summerhouse in the rear garden of the property for the use of the applicant and his family.
- 2.5 Construction works have already started on site as the applicant believed that the proposed building would constitute permitted development. However, although the building's dimensions would otherwise accord with the rules relating to permitted development, consent is required in this instance since more than 50% of the site would be developed, contrary to those rules.

## **3.0 Relevant Planning History**

- 3.1 The construction of single-storey extensions to the front and side of the bungalow were approved in 2019 (19/00435/FLH).

## **4.0 Consultation Responses**

- 4.1 Ward Members – initially raised no comments. Following receipt of objections from neighbouring residents, the Ward Members were notified and one Member requested that the application be presented to Planning Committee.

Parish Council – raised no comments.

## 5.0 Representations

5.1 Comments have been received from neighbouring residents with the following concerns raised:

- The description of the proposed building as a 'summerhouse' is misleading;
- The size of the building is too large;
- The proposed use of the building is unclear;
- The overall size of the outbuilding now proposed and the previously approved extensions would have an adverse impact on surface water drainage;
- Building works have already started on site (Officer note: this is not a material planning matter);
- The building is being partly constructed on land outside the ownership of the applicant (see para 7.4 below).

5.2 Comments have also been received relating to the previously approved scheme of extension (19/00435/FLH) but these are not considered relevant to the assessment of the current application.

## 6.0 Relevant Policy and Strategic Context

6.1 The Development Plan comprises the North East Derbyshire Local Plan and the Dronfield Neighborhood Plan.

The most relevant policies contained in the North East Derbyshire District Local Plan pertaining to this application are:

BE1 (General Design Principles)  
GS5 (Settlement Development Limits)  
H5 (Domestic Extensions)

The most relevant policy contained in the Dronfield Neighbourhood Plan (DNP) pertaining to this application is:

D3 Good Design

6.2 Emerging North East Derbyshire District Local Plan

The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around

housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in Autumn, with Plan adoption by the end of 2020. The emerging Local Plan is therefore at an advanced stage and the following policies from it are relevant and should be attributed appropriate weight in decision making:

SS7 (Development within Settlements)  
LC5 (Residential Extensions)

### 6.3 National Planning Policy Framework

The overarching aims of the revised National Planning Policy Framework (NPPF) are also material in the assessment of this application.

## 7.0 **Planning Issues**

- 7.1 Policy BE1 of the Adopted Local Plan requires that new development should respect the character and appearance of the surrounding area. Policy GS5 requires that development should not be detrimental to the character and appearance of the site and should not have a detrimental effect on the amenities of neighbouring occupiers and uses. Policy H5 requires that domestic development should be in keeping with the property and streetscene in terms of their style, proportion and materials and should avoid significant loss of amenity for the neighbouring properties. Policy D3 of the DNP requires new development to respond positively to the character of existing development.
- 7.2 Comments have been received from neighbouring residents with concerns over the size and proposed use of the outbuilding now proposed. The current application is for a summerhouse within the curtilage of a dwelling with a proposed use ancillary to the enjoyment of that dwelling. The outbuilding is assessed on that basis and, if approval is granted, would be conditioned to that purpose only. Any other proposed use of the outbuilding would require a further grant of planning permission. It is considered that the proposed summerhouse is of a size, appearance and style appropriate to its location within a residential environment and is in accordance with the relevant policies above.
- 7.3 Concerns have also been raised over the potential impact of the proposed outbuilding on surface water drainage in the area, particularly when the previously approved extensions at the property are also taken into account. However, it is not considered that this would represent a material planning consideration in this instance and the immediate surface water run off for the summerhouse would be contained locally and controlled through other legislation.

- 7.4 Comments have also been received that suggest that the outbuilding now proposed would be partly constructed on land outside of the control or ownership of the applicant. However, the applicant has confirmed that the outbuilding would be sited completely on land within his ownership and any dispute over such ownership would be a private legal matter between the parties concerned.
- 7.5 Concerns were also raised that construction work on the outbuilding had already taken place prior to the submission of a planning application. Construction works have already started on site since the applicant believed that the proposed out building would constitute permitted development. However, although the outbuilding's dimensions would accord with the rules relating to permitted development, consent is required in this instance since more than 50% of the site would be developed, contrary to those rules.
- 7.6 The outbuilding would be located at the bottom of the rear garden of the property and any openings would face back towards the applicant's bungalow. Any potential views towards neighbouring properties would be severely restricted by the 1.8m fencing along the property boundaries. It is Officer's opinion, therefore, that the proposed outbuilding would result in no significant detrimental overlooking or loss of privacy for neighbouring residents.
- 7.7 The proposed outbuilding would be flat roofed with a maximum height of 2.5m and would be located to the north of the existing dwelling. It is Officer's opinion that the proposed building would not appear overly prominent when viewed for neighbouring properties and would not result in any significant overshadowing or loss of light.
- 7.8 The proposed outbuilding would not be visible from public viewpoints and would therefore have no impact on the character or appearance of the surrounding streetscene.

## **8.0 Summary and Conclusion**

- 8.1 The current application is for the construction of a summerhouse within the rear garden of the applicant's property for the use of the applicant and his family. It is considered that a summerhouse is an appropriate use in this instance and would be ancillary to the enjoyment of applicant's dwelling.
- 8.2 It is considered that the proposed outbuilding would be of appropriate size, appearance and materials for its residential setting and would have no significant impact on the amenity of the neighbouring residents, in accordance with policies BE1, GS5 and H5 of the Adopted Local Plan.

## **9.0 Recommendation**

Grant Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the revised plans and elevations drawing received 23/03/2020; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
3. The outbuilding hereby approved shall be for ancillary domestic use only and not for any business use.