

PLANNING COMMITTEE – 22nd September 2020

REFERENCE NUMBER: 20/00435/FLH Application Expiry Date: 25/09/2020
Application Type: Householder Planning Permission

Proposal Description: Erection of a detached garage in rear garden
At: 13 Westthorpe Road, Killamarsh S21 1ET.

For: Mr. R Ley

Third Party Reps: 3 **Parish:** Killamarsh
Ward Name: Killamarsh West

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 3 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 allow Committee Members to assess the potential impact on local residents and their amenity due to the size of the proposed building.

2.0 Proposal and Background

- 2.1 The application property is a detached dwelling on a long sloping plot currently undergoing a scheme of extension and refurbishment to change a bungalow into a two-storey dwelling and previously approved. The other properties in the vicinity are a mix of single and two-storey dwellings of differing design and appearance. The land slopes steeply up from north to south.
- 2.2 The application property lies within the settlement development limits for Killamarsh where domestic development is acceptable in principle.
- 2.3 The current proposal is for a large detached garage in the rear garden to be used for the storage and maintenance of the applicant's classic cars.

3.0 Relevant Planning History

- 3.1 Outline application for the construction of an additional bungalow and garage in the rear garden was approved in 2015 (14/01214/OL) but Reserved Matters were not submitted.
- 3.2 Conversion of the original bungalow to a two-storey dwelling was approved in 2018 (18/00253/FLH).
- 3.3 The erection of a triple detached garage to the rear of the property was approved in 2018 (18/00592/FLH).

4.0 Consultation Responses

- 4.1 Ward Members – Following receipt of objections from neighbouring residents, one Member requested that the application be presented to Planning Committee to allow Committee Members to assess the potential impact on local residents and their amenity due to the size of the proposed building.

Parish Council – raised no comments.

5.0 Representations

- 5.1 Comments have been received from neighbouring residents with the following concerns:
- The area is residential in nature and not suitable for workshops, there is space available at Westthorpe Fields Industrial Estate for such uses;
 - The proposed development would have a negative impact on the amenity of neighbours through noise, overlooking, overshadowing, smells, loss of daylight, loss of privacy, dust, vibration and late night activities;
 - The proposed building would be out of scale with surrounding buildings and not respect the local context or character of the area;
 - The property already has a triple garage to the rear for storage of vehicles;
 - The siting of the proposed garage would involve the loss of a Silver Birch tree and may impact on other nearby trees;
 - The proposed building would appear industrial in appearance;
 - The proposed building and access to it would introduce noise and pollution into the adjoining private garden area;
 - The proposed garage does not comply with the regulations of Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 [*Officer comment – the applicant has applied for planning permission for the garage*];
- 5.2 Comments have also been received concerning the parking of cars and vans to the front of the property relating to the ongoing scheme of refurbishment but this is not considered to be relevant to the current application.

6.0 Relevant Policy and Strategic Context

- 6.1 Adopted North East Derbyshire District Local Plan
BE1 (General Design Principles)
GS5 (Settlement Development Limits)
H5 (Domestic Extensions)
- 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 beginning of 2021. The emerging Local Plan is therefore at an advanced stage and the following policies 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.
- 7.2 Comments have been received from neighbouring residents with concerns over the scale, appearance and use of the outbuilding now proposed. The current application is for the erection of a detached garage to be used for the storage and maintenance of the applicant's classic cars. The building would have a footprint of 11m x 11.5m with a maximum height to the ridge of 5m and be constructed of block work and timber cladding with a profiled sheeting roof and a roller shutter metal door to the northern elevation facing the dwelling.
- 7.3 Officers acknowledged that the proposed building is significantly larger than that which would normally be found within a residential setting. However, the proposed building would be located at the southern end of the applicant's elongated plot and would be approximately 50m away from the rear of the applicant's dwelling and 70m from the highway edge. The building proposed would not be easily visible from public viewpoints along Westthorpe Road being mostly screened from view by existing dwellings. It is likely that it would be partially visible from the public footpath to the rear (PROW 49) and the adjacent dwellings on Heath Avenue to the south but would be well screened by the existing vegetation. The building, although large in comparison to a standard domestic garage, would not be overly prominent from public viewpoints.

- 7.4 It has been suggested that the garage would be out of keeping with its residential setting appearing more as an industrial unit rather than a domestic outbuilding. The adjacent properties to the east are residential, with detached dwellings set in extensive gardens. The property to the west is a plant nursery with a single dwelling and associated buildings and glasshouses. The area of land adjacent to the proposal is the site of two large glasshouses and a number of polytunnels and it is in the context of these non-residential structures that the proposed outbuilding will also be perceived.
- 7.5 The nearest other dwelling along Westthorpe Road is number 11 to the east. The building now proposed would be sited approximately 50m from the rear elevation of that property. It is likely that it would result in some shadowing of the adjacent garden when compared to the existing situation but any impact would be limited to the bottom of the neighbours garden and this would not be significantly harmful to the amenity of the neighbouring residents.
- 7.6 Comments have been received concerning the potential for overlooking and loss of privacy as a result of the garage. Given the proposed use of the building for garaging and vehicle maintenance and its location at the bottom of the applicant's garden, it would not result in any significant overlooking or loss of privacy for neighbouring residents.
- 7.7 Comments have also been received concerning the potential increase in vehicular movements and the associated increase in noise and pollution. The intended use of the garage is for the storage and maintenance of the applicant's classic cars as a hobby ancillary to the residential use rather than the owner's everyday vehicles or for any business use. Everyday use vehicles would be stored in the existing detached garage nearer to the house. This use would result in a small amount of additional vehicle movement compared to the existing situation.
- 7.8 There is a large Silver Birch tree in the applicant's garden that is likely to be impacted or lost by building the garage. However, the tree is only partially visible from public viewpoints and has low public amenity value. The tree does not merit Preservation Order.

8.0 Summary and Conclusion

- 8.1 The application is for the construction of a garage in the rear garden for the storage and maintenance of the applicant's classic cars ancillary to the main use of the property as a dwelling. The garage is an appropriate use in this locality.

- 8.2 Although it is acknowledged that the building is large, given its siting at the bottom of the garden and its separation from other properties, it would have no significant impact on the amenity of the neighbouring residents or the character of the surrounding streetscene in accordance with policies BE1, GS5 and H5 of the Adopted Local Plan.

9.0 Recommendation

9.1.1 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.

Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the details shown on the submitted plans and elevations drawings received 21/05/2020; 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.

Reason: For clarity and the avoidance of doubt.

3. The outbuilding hereby approved shall be for ancillary domestic use only and not for any business use.

Reason: In the interests of the amenity of neighbouring residents and in accordance with policy GS5 of the North East Derbyshire Local Plan.