

TWC/2021/0684

25 Pinewoods, Church Aston, Newport, Shropshire, TF10 9LN

Erection of 1no. outbuilding (Part-Retrospective)***Amended Plan and additional information received***

APPLICANT

Paul Fletcher

RECEIVED

21/06/2021

PARISH

Church Aston

WARD

Church Aston and Lilleshall

CLLR. ANDREW EADE HAS REQUESTED THAT THE FULL PLANNING APPLICATION IS DETERMINED BY MEMBERS OF PLANNING COMMITTEE

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2021/00684>

1.0 SUMMARY RECOMMENDATION

1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to Condition(s) and Informative(s).

2.0 SITE AND SURROUNDINGS

2.1 The application site is a domestic property within the predominantly residential area of Pinewoods within Church Aston. The application property is a link detached property set within an average sized plot.

3.0 APPLICATION DETAILS

3.1 The application is a retrospective application for the erection of an outbuilding within the rear garden of 25 Pinewoods.

3.2 The external width of the building measures 7.9 metres with and the depth is 5.1 metres (incl. roof overhang on all elevations which protrudes a further 0.3 metres) and overall height 3 metres.

4.0 RELEVANT PLANNING HISTORY

4.1 TWC/2020/0855 - Erection of 1No. Outbuilding - Full Granted 03 November 2021

5.0 RELEVANT POLICY DOCUMENTS

5.1 National Guidance:

National Planning Policy Framework, (NPPF)

5.2 Local Development Plan:

Telford & Wrekin Local Plan 2011-2031:

BE1: Design Criteria

BE2: Residential Alterations

6.0 **SUMMARY OF CONSULTATION RESPONSES**

6.1 **Local Member & Town/Parish Council Responses:**

6.1.1 Church Aston Parish Council: **No Response**

6.1.2 Cllr. Andrew Eade: **Object:** Scale and mass of the building and impact on amenity of neighbouring property.

6.2 **Standard Consultation Responses:**

6.2.1 Shropshire Fire: **Comment:** Recommend Fire Safety Informative.

7.0 **SUMMARY OF PUBLIC RESPONSE**

7.1 Consultation has been carried out in accordance with Article 15 of the Development Management Procedure Order (as amended). The public consultation process has resulted in thirteen letters of objection from two properties and one letter of support. These can be summarised as following:

Support:

- The building is no more intrusive than a raised deck would be;
- Note the building being in constant use day and night without any associated noise and disturbance;
- The issue of lighting is being addressed by the fitting of blackout blinds;
- The external materials of the building will now be clad in wood rather than metal.

Objection:

- Building is far too big for the garden and would set a precedent for further outbuildings;
- The outbuilding is a contravention of Policy BE2 as it does not respect local context;
- Unacceptably adverse impact on the amenities of the adjacent properties by reason of overlooking, loss of privacy and visually overbearing;
- The building can be seen from Pinewoods Road;
- The elevated outbuilding visually appears 1.5 metres above the permitted fence height dominating 26 Pinewoods;
- Elevations include a 3-panel bi-fold aluminium door – reduction in privacy and increased light pollution;
- Note that the building feels almost equal in height to first floor bedrooms;

- Proximity of building to neighbouring boundaries;
- Noise can be heard of people moving around within this outbuilding;
- Change in materials from what was initially proposed;
- Pinewoods is subject to a Tree Preservation Order (TPO);
- The building is extremely out of character to the locality and surrounding amenity;
- Plans do not reflect differences in ground level within the wider context;
- Potential noise associated with the addition of an external mounted air conditioning unit;
- Omission of mitigation regarding height/materials;
- Mitigation measures have not been offered regarding height or the grey soffit;
- The building is an eyesore, completely dominating outlook.

8.0 PLANNING CONSIDERATIONS

8.1 This is the second planning application on the site for an outbuilding. The previous application, ref.: TWC/2020/0855, granted under delegated authority – during this consultation period no objections were raised.

8.2 The previously approved building measured 4.3 metres in depth and 7.3 metres in width. The building was proposed to have a shallow sloping roof and be a maximum of 3 metres in height with hardwood vertical cladding. On the front of the building there were to be double doors on the left hand side with a single door and a narrow window on the right hand side, furthermore, the building was to be split internally into two separate rooms, and office/gym and a store/shed. There was to be a high level window within the side elevation adjacent to No. 26 Pinewoods.

8.3 Following the approval of the building, construction was started and it was brought to the Council's attention that the building had not been built in accordance with the approved plans resulting in the current application. During the application process, the building work did temporarily continue, however has subsequently ceased.

8.4 Having regard to the Development Plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Scale and Design
- Impact Upon Neighbouring Amenity
- Other Matters

8.5 Scale and Design

8.5.1 The external width of the building measures 7.9 metres with and the depth is 5.1 metres (incl. roof overhang on all elevations which protrudes a further 0.3 metres). Whilst the overall height is 3 metres, the introduction of a deep fascia (0.425 metres in depth) offers the appearance of a taller structure. External lights have been installed into the underside of the fascia.

- 8.5.2 Internally, the building is one large open plan room and consequently the front elevation has been altered to include one large set of fully opening triple patio doors which have been positioned in the middle of this front elevation.
- 8.5.3 In addition, an air conditioning unit has also been installed on the rear elevation of the building. Whilst this is not a usual element on a domestic outbuilding, as it is on the rear and has very limited visibility, this is considered acceptable.
- 8.5.4 As part of the current submission, the Applicant had originally stated that the front elevation was to have vertical timber cladding with the sides to be of metal construction. Following discussions, this has now been amended so that the cladding on all sides and rear will be featheredged board. It has been stated that this will be grey but no exact details have been submitted for this cladding and therefore details of this are proposed to be secured via Condition.
- 8.5.5 Whilst the building is large, the previously approved application and Permitted Development Rights are material planning considerations and it is considered on balance that the building does not significantly detract from the appearance of the property. With regards to the streetscene, due to its location in the rear garden, there are limited views of it within the street scene and whilst the building is large, it is considered that it does not significantly detract from the overall area and therefore on balance is acceptable.

8.6 Impact Upon Neighbouring Amenity

- 8.6.1 The property is a linked detached property. The building is within the rear garden of the property. The application site is at a slightly higher level than the adjacent property at No. 26 Pinewoods.
- 8.6.2 It must be pointed out that under Permitted Development, if an outbuilding is within 2 metres of a boundary, the height cannot exceed 2.5 metres in height. This measurement is taken from the highest ground level and not the lowest and therefore, from the highest ground level, this building is 3 metres in height which is 0.5 metres more than what can be built under Permitted Development. Comments have been made that the application has failed to mention that the application site slopes and that the building has been built on bricks which are not show on the plans. The building height is always measured from the highest ground level and the plans do show this. It is noted that the bricks are not shown on the plans but it is not considered necessary to do so.
- 8.6.3 The building is large in appearance and due to the relatively short rear garden is clearly visible from No. 26 Pinewoods which is at a slightly lower level. The large fully opening triple doors within the front elevation do cause an element of overlooking into the garden of No. 26 Pinewoods. There are also views directly into the kitchen of the property together with views into upper floor bedroom windows. The Applicant has agreed to install some obscure film on the inside of the windows to negate the overlooking. It is considered that the

level of obscuring would need to be at Level 5 on the Pilkington Scale (or equivalent) and this is proposed to be conditioned - this film will only cover the upper half the windows. Whilst this will solve the issue of overlooking when the doors are shut, when the doors are fully open, there will still be views into the garden and into the property. However, people would still be able to look into the property and garden from the existing garden level. A Condition cannot be imposed requiring the doors to be closed whilst the building is in use as this would not be enforceable. The neighbour has requested that the doors be amended so that a pair of the panels are permanently fixed and that only one opens however, this has not been agreed by the Applicant. Whilst Officers are sympathetic to the next door neighbours, the fall-back position of what can be built under Permitted Development is a material planning consideration. If this building were reduced in height by 0.5 metres, it would constitute Permitted Development and the overlooking would be at the same level and in addition external lighting could be installed which would add to the impact caused. It is considered that the additional 0.5 metre does not significantly increase the detrimental impact caused.

8.6.4 There is also a window in the side elevation of the building adjacent to No.26. This is a high level window and whilst it is appreciated that there is perceived issue with overlooking, it is considered that due to the height and position, there is no significant impact caused, however it is considered that this window be Conditioned to be obscurely glazed to omit this perceived overlooking.

8.6.5 The installation of the external lights within the underside of the fascia cause a level of light pollution which adversely impacts on the amenity of the neighbouring property. It is considered that these lights be removed from the building which has been agreed by the Applicant. A Condition will be imposed to require the permanent removal of these lights within one month of any Approval (if applicable) being issued. In addition the Condition will also remove Permitted Development rights for any additional external lighting either on the building or within the rear garden of the property. It is noted that there have been concerns raised with the internal lighting from the building, whilst Officers appreciate that there is impact from the internal lighting, as these are internal, these cannot be Conditioned or assessed as part of the application. The Applicant has stated that internal blackout blinds will be installed but as these are not development these cannot be conditioned.

8.6.6 Whilst the building has not been completed, it has been stated that the Applicants have been using the building for entertaining and therefore is not ancillary to the existing house. However, Officers consider that as the building is being used for entertaining for visitors to the main house it is not a separate use and is incidental to the existing residential property.

8.7 Other Matters

8.7.1 A query has been raised as to whether the building benefits from or requires Building Regulations, however this is not a material planning consideration. Notwithstanding this, dialogue has taken place and continues to take place

with colleagues within Building Regulations in respect of the proximity of the building to the boundary such that an application will be required.

9.0 CONCLUSION

- 9.1 Whilst it is considered that the outbuilding does have an impact on the residential amenity of No. 26 Pinewoods, consideration of what can be built under Permitted Development is a material consideration. If this building were to be reduced in height by 0.5 metres, it would constitute Permitted Development and the overlooking would be at the same level and external lighting could be installed which would add to the impact caused. It is considered that the additional 0.5 metres does not significantly increase the detrimental impact caused and therefore on balance it is considered that outbuilding is acceptable.

10.0 RECOMMENDATION

- 10.1 Based on the conclusions above, it is recommended that **Delegated Authority** be granted to the Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** (with the authority to finalise any matter including conditions) subject to:

A) The following Condition(s):

- Removal of External Lights (1-month)
- Installation of Obscured Glazing (Level 5 on the Pilkington Scale or equivalent)
- Cladding Details
- Development in Accordance with Plans
- Building to be Used Incidental to the house but not for sleeping
- Shall not be let or sold separately