

DELEGATED APPLICATION REPORT

Application No: 191976/HOU

Address: 16 Links Drive

Proposal: Garden structure - wood gazebo with aluminium roof, in the back of the garden (Retrospective)

Target Date: 13/03/20

Case officer: Connie Davis

Site Description and Surrounding Area:

The application site is a semi-detached property located on the south-eastern side of Links Drive. The surrounding area is residential. The property's rear garden backs on to the rear gardens of nos. 32 and 34 Brockley Close. Two other 'garden rooms' have been constructed in the rear garden, but these qualify as permitted development.

The application site is not listed, nor in a conservation area.

Proposal:

Retrospective planning permission is sought for the erection of an outbuilding (gazebo) in the rear garden. The application is a result of an enforcement case.

The gazebo has a quad pitched roof with an eaves height of 2.5 metres and has been built on top of a raised platform measuring 0.13 metres in height; resulting in the gazebo having an overall maximum height of 3.28 meters. It has a width of 4m. The gazebo backs on to the boundary fence which separates the site with neighbouring properties 32 and 34 Brockley Close.

The gazebo therefore does not qualify as permitted development due to being more than 2.5m in height as it is within 2m of the boundary of the property.

The gazebo is made of wood with a corrugated aluminum roof.



Plans/ Documents Considered:

BD.99411 - Gazebo (Retrospective)

Received 20th January 2020

Specification by Yardistry
Photograph

Received 16th December 2019

Relevant Planning History:

None.

Consultation Responses:**Internal Consultees**

No internal consultees were consulted on this application.

External Consultation

The following addresses were formally consulted via letter on 23/01/20:

15, 17 Links Drive
28, 30, 32, 24 and 36 Brockley Close

In addition, a site notice was displayed between 25th January 2020 - 15th February 2020.

Two letters of objection were received which stated:

We are absolutely shocked to receive a letter regarding 16 Links Drive applying for planning permission for a gazebo which has already been erected for over seven months. I approached the man known as Jack whilst erecting the gazebo if he had planning permission and he told me he had checked with the council, which turns out to be untrue!!!! Even though the council had already investigated and confirmed by e-mail(Planning Officer B. Petkovic)to all concerned that it breached planning regulations and is illegal because of it's close proximity to our borders; it's height. The owners were given voluntary time to take down before the council would then enforce the issue, which for some unknown reason has not been done. Planning application has only recently been applied for (12.12.2019). We completely object to this along with our neighbours

and

This structure is already built & has been since early last summer. Both myself & my neighbour complained due to the height & close proximity to our borders as it breaches planning permission (confirmed by your planning officer B Petkovic). We both object to it.

Summary of discussions with applicant/agent:

The applicant was advised by email the concerns with the proposal, specifically relating to the overall size of the gazebo and the impact on neighbouring amenity. The opportunity of withdrawing the application was provided, however this was not taken up by the applicant. As a result, it has led to a recommendation of refusal for the application. The applicant was advised that the enforcement team would be back in touch to discuss options moving forward.

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Reading Borough Local Plan, 2019) according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough Local Plan (2019)

CC7: Design and the Public Realm

CC8: Safeguarding Amenity

H10: Private and Communal Outdoor Space

A Design Guide to House Extensions - Supplementary Planning Document (2003)

Appraisal

The main issues are considered to be:

- Design and impact on the street scene
- Impact on neighbouring amenity
- Amenity space

Design and impact on the street scene

Policy CC7 states that *'all development must be of high quality that maintains and enhances the character and appearance of the area of Reading in which it is*

located. The various components of development form, including:Scale: height and massing’.

The principle of a gazebo structure within the rear garden is considered acceptable, subject to being sited in a suitable position and being of suitable size.

The materials that have been used are considered acceptable, however the proposed design of the gazebo is considered excessive in terms of height and width compared to other outbuildings in the vicinity. The design of the roof (quad pitch) and the structure being on a raised platform results in the gazebo being of excessive height.

In terms of impact on the street scene, the gazebo is slightly visible from Brockley Close. This is due to nos. 32 and 34 Brockley Close being at a slight angle to one another and therefore the structure is visible between the gap. However this slight visibility is not considered harmful to the street scene to a substantial degree.

Overall, there is no overriding material consideration for an outbuilding of this scale in this location. As such, due to its excessive dimensions and overall scale, the proposal is considered contrary to Policy CC7 of the Reading Borough Local Plan (2019).

Impact on Neighbour Amenity

Policy CC8 states that *‘Development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties in terms of.. visual dominance and overbearing effects of a development...’*

The rear plot of 34 Brockley Close is split level, with the part of the garden closest the property being of lower ground level than that close to the boundary with the application site. Due to the gazebo’s height, given its proximity to the shared boundary, it is considered that the structure is overbearing for this neighbour’s amenity space as it sits well above the boundary fence. The width of the gazebo also encompasses almost the entire width of no. 34 Brockley Close which is also considered excessive. As such, the proposal is considered contrary to Policy CC8 due to the visual dominance of the structure and thus resulting in an overbearing effect from the rear garden of neighbouring properties.



Amenity Space

Policy H10 states that *'the design of outdoor areas will respect the size and character of other similar spaces in the vicinity'*. It is considered that the gazebo does not reduce the amount of amenity space at the application site to an unacceptable degree. As such, the proposal is considered acceptable in terms of Policy H10 of the Reading Borough Local Plan (2019).

RECOMMENDATION: REFUSE

- 1) Due to its overall scale, particularly its height and width, it is considered that the proposed development would be visually dominant and overbearing in relation to the rear amenity space of neighbouring properties, specifically 32 and 34 Brockley Close. The proposal is therefore contrary to Policy CC7 (Design and the Public Realm) and Policy CC8 (Safeguarding Amenity) of the Reading Borough Local Plan (2019) and the Council's adopted Supplementary Planning Guidance - A Design Guide to House Extensions (2003).

Informatives

1. The plans/ documents considered in this planning application are as follows:

BD.99411 - Gazebo (Retrospective)

Received 20th January 2020

Specification by Yardistry
Photograph

Received 16th December 2019
2. The Local Planning Authority has worked with the applicant in a positive and proactive manner. The application was made aware of the issues relating to this proposal but decided not to withdraw the application, hence resulting in a refusal of planning permission.
3. This planning application was submitted without first having sought pre-application advice, which can often avoid the need to refuse planning permission. The council's pre-application advice service is here:

http://www.reading.gov.uk/media/1190/Pre-Application-Enquiry-Form/pdf/Pre-app_1_Revised_Nov_2015.pdf