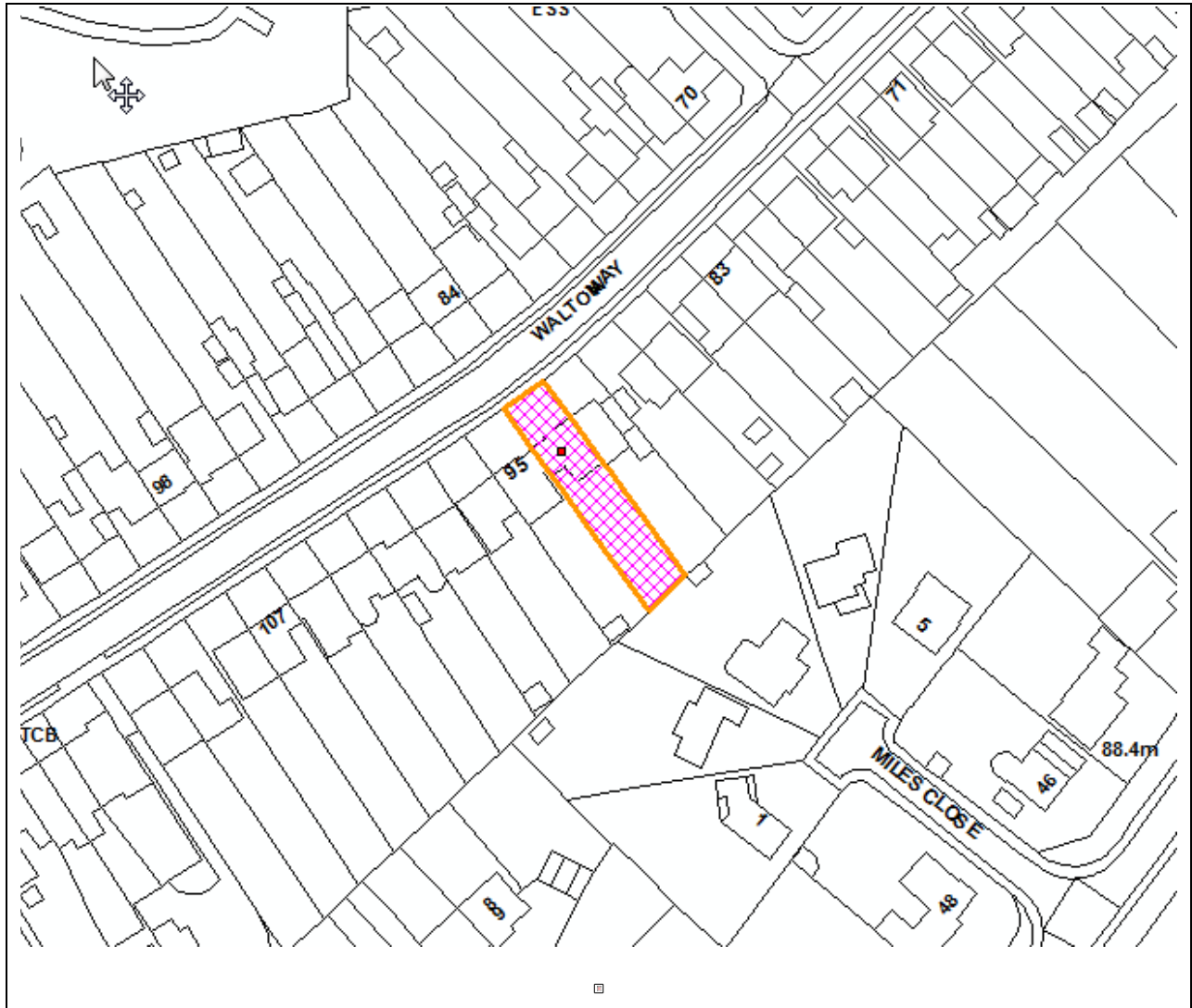


18/04304/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/04304/APP	AYLESBURY The Local Member(s) for this area is/are: -	08/01/19
PROPOSED OUTBUILDING AT REAR OF GARDEN (RETROSPECTIVE) 93 WALTON WAY HP21 7JP MR MOHAMMED PARWEZ	Councillor Barbara Russel Councillor Edward Sims	
STREET ATLAS PAGE NO.116		

1.0 The Key Issues in determining this application are:-

- a) Impact on appearance and character of the dwellinghouse, street scene and wider area**
- b) Impact on residential amenity**
- c) Impact on highways & parking**
- d) Other Matters**

The recommendation is that permission be **DEFERRED & DELEGATED** for approval, subject to the expiry of the site publicity. Any planning permission to be subject to such conditions as are considered necessary.

- 1.1 The development is considered to be of a scale, size, design and materials which respects the appearance of the existing dwelling and the surrounding area. It is acknowledged that the application site could benefit from a similar scheme through the Permitted Development Regulations and in comparison the development does not cause any significant impact in terms of residential amenity or impact in terms of character and appearance of the dwellinghouse, Walton Way and the surrounding area.

It is considered that, the scheme complies with policies GP8, GP9 and GP35 of the AVDLP and the Councils Supplementary Planning Guidance.

- 1.2 It is therefore recommended that the application be DEFERRED & DELEGATED for approval, subject to the expiry of the site publicity. Any planning permission to be subject to such conditions as are considered necessary.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, minor amendments and additional information was required to make the development acceptable; the applicant provided this information through amended plans which were found to be acceptable, and the application was determined within the timeframe agreed.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by the Development Management Committee as the Parish Council has raised material planning objections and indicated that they wish to speak at Committee.
- 2.2 During the application process amended plans have been received, Aylesbury Town Council raised objections to both the original and amended scheme. Comments from the Town Council relate to the size, scale, design and materials used in the outbuilding, concern about the structure's impact on neighbouring properties and the potential use of the structure.
- 2.3 Regarding the Town Council's objections on the size, scale, design and materials used in the outbuilding. It is considered that the outbuilding reflects the design and appearance of the host dwelling, and will not give rise to any significant impact on residential amenity for residents of the neighbouring dwellinghouses at Walton Way and Miles Close. Furthermore, it is considered that a similar scheme could be built under Permitted Development, and that the resulting development is more in keeping with the wider area than what could otherwise be constructed.

- 2.4 In relation to the Town Council's objections on the structure's impact on neighbouring properties, it is considered that there will be no material impact on amenity to the neighbouring dwellings due to the scale and positioning of the development.
- 2.5 In relation to the Town Council's objection to the structure's potential use, the application seeks permission for an outbuilding to be ancillary to the main dwelling , it is considered that the structure's use for ancillary purposes can be secured by way of a condition. As such a use that would not be ancillary to the main dwelling would require a change of use. Furthermore, it is considered that the access to the structure means it is unlikely to be able to function as a separate dwelling.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site relates to a two storey semi-detached dwellinghouse located to the south east side of Walton Way. The property is constructed of brick with white uPVC windows and a concrete tiled roof. The property is accessed via a driveway which culminates in a lean-to garage. To the rear of the dwelling is a relatively long garden with an outbuilding to the rear, which is the subject of this application.
- 3.2 There is provision for two parking spaces within the curtilage of the dwellinghouse, both on the driveway.
- 3.3 The surrounding area is comprised of other dwellinghouses similar in scale and design to 93 Walton Way. To the rear 95 and 97 Walton Way both feature summerhouses to the rear.
- 3.4 The rear of the garden is bordered by fencing of approximately 2m in height, the north western boundary and south eastern boundary in the rear garden of the property is marked by a 1.8m close boarded fence.

4.0 PROPOSAL

- 4.1 The application seeks householder planning permission for the retention of an outbuilding.
- 4.2 The outbuilding measures 4.7m deep, 8.1m wide, 2.4m to the eaves and 3.5m to the highest point. The proposal is constructed of brickwork and features two windows and a door on the front elevation, an obscure glazed window on the rear elevation and a hipped, concrete tiled roof. Internally the building functions as a playroom with a shower unit on the south-east corner. The outbuilding is located to the rear of the garden, 21m

from the dwellinghouse. The development will be located 0.6m from the southern (rear) and western boundaries at the closest point, and 0.7m away from the eastern boundary.

- 4.3 This application has received amended plans. The amended plans received indicate that the outbuilding is 0.7m wider than shown on the previously submitted plans, this resulted in the outbuilding being 0.3m closer to the western boundary, 0.4m closer to the eastern boundary and 0.3m further apart from the southern boundary. The application has been determined on the basis of the amended plans received.

5.0 RELEVANT PLANNING HISTORY

98/01022/APP - Single storey rear extension – Approved

17/00521/APP - Single storey front and part two storey side and rear extension. – Approved

18/02086/APP - Single storey front and part two storey side and rear extension – Approved

6.0 TOWN COUNCIL COMMENTS

- 6.1 Aylesbury Town Council have objected to this application stating:

“By reason of its scale, size, design and materials the outbuilding would appear as an inappropriate form of development. The committee have concerns of the detrimental impact this structure will have on neighbouring properties and the potential use of the structure. “

- 6.2 No comment has been received regarding the amended scheme.

7.0 CONSULTATION RESPONSES

- 7.1 Buckingham and River Ouzel Drainage Board – No Comment

8.0 REPRESENTATIONS

- 8.1 A total of 12 representations have been received from residents of Aylesbury and Walton Way. Many of the representations touched upon similar reasons for objection, objecting upon:

- Concern over the scale and appearance of the building and that it is not reflective of the 1930's style of housing found at Walton Way.

- That the inclusion of a shower room indicates that the development will function as granny annexe and not a playroom.
- The lack of access for emergency services.
- Drainage issues caused by the shower.
- The risk of precedent.
- The loss of residential amenity, especially in relation to the enjoyment of the garden.
- The development's lack of planning permission.
- An incorrect statement on the application form stating that no trees are within falling distance of the development.
- The windows look onto the neighbouring gardens and the back of their houses reducing privacy.

8.2 A further representation was also received from the Local Member objecting upon:

- The appearance of the building.
- Concern over the use of the building and doubt that it is to be used as a playroom.
- Discrepancies between the plans submitted and what has been constructed.
- Overlooking into neighbour's rear gardens and rear windows.
- The development's lack of planning permission.

9.0 EVALUATION

a) Impact on appearance and character of the dwellinghouse, street scene and wider area

9.1 This proposal falls to be assessed against GP.9 and GP.35 of the AVDLP. Policy GP.9 seeks to protect the character of an area and its surroundings, in regards to the potential appearance of the dwelling and other buildings in the locality and any development's potential residential impact.

- 9.2 GP.35 states that the design of new development proposals should respect and complement; the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historical scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines.
- 9.3 It is acknowledged that informal advice had been given previously on enquiry 17/04277/INF4. The advice previously given suggested that the outbuilding would be acceptable under the permitted development criteria however, the previously submitted plans indicated an outbuilding 2.5m in height with a flat roof unlike the 3.5m high, hipped roof outbuilding which has been built.
- 9.4 The outbuilding in its current form would fail the permitted development criteria, under both Class E.1(e), (ii) and (iii), Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (amended). This is because the building is within 2 metres of 91 and 95 Walton Way and also of 3 Miles Close to the rear. Due to this proximity to neighbouring dwellinghouses and the buildings height of 3.5m, the development fails Class E.1(e).
- 9.5 The outbuilding is set 21m from the rear elevation of the host dwelling, towards the south east of the plot. The outbuilding will not be visible from the highway to the north of the site, Walton Way, and due to the distance from the host dwelling would have no impact on the appearance and character of the host dwellinghouse. The host dwelling forms one of the semi-detached properties located along Walton Way, many of which benefit from outbuildings within the rear gardens of the dwellings. It is acknowledged that the development is larger than the surrounding outbuildings, however, it is considered that the proposal does not significantly harm the character and appearance of the host dwelling to warrant refusal of the scheme. The outbuilding is constructed of brick, with a tiled hipped roof. The materials used within the outbuilding are considered to reflect the materials used within the host dwelling, in particular the later extensions, and although the roof tiles are differing to what is found on the host dwelling it is considered that the materials used satisfactorily complement the host dwelling and the surrounding area.
- 9.6 Furthermore, whilst it is considered that the scale of the outbuilding is conspicuous in context of the rear gardens at Walton Way it is however, acknowledged that if the

building had been constructed with a flat roof and therefore had a maximum height of 2.5m then the outbuilding would constitute permitted development. It is furthermore considered that the introduction of a hipped roof is a more visually attractive and sympathetic addition to the wider area than the flat roof which would otherwise be in place.

9.7 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the streetscene or the locality in general. The proposals are therefore considered to comply with GP9 & GP35 of the AVDLP, the Council's Design Guide Residential Extensions and NPPF.

b) *Impact on residential amenity*

9.8 Policy GP.8 of the AVDLP sets out that that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.

9.9 Representations were received which objected to the development's impact on neighbouring enjoyment of their back gardens, arguing that privacy and comfort would be lost due to the presence of the outbuilding.

9.10 The development features no openings which will introduce views into neighbouring dwellinghouse which were not previously accessible from the rear garden. There is a rear opening however, any potential view will be obscured by the presence of the rear boundary treatment and mature planting at 3 Miles Close furthermore the opening is obscure glazed. The development will not give rise to any loss of light at neighbouring dwellinghouses due to its location approximately 20m away from neighbour dwellinghouse. Furthermore, it is noted that the arrangements as proposed would also be possible if an outbuilding was constructed in this location that complied with the Permitted Development criteria.

9.11 In regards to the outbuilding appearing overbearing. The outbuilding will be well screened from views to the rear due to the presence of mature planting at the rear of 3 Miles Close. Whilst it is noted that this hedging may not be a permanent feature, the

dwelling-houses at Miles Close are located at least 16m away and as such the proposed development would not have any significant impact on the rear dwellings. Furthermore, the boundary treatment present at the application site would reduce the outbuilding's impact upon neighbouring gardens to the rear and sides. In addition the outbuilding is located towards the rear and away from the primary amenity space of rear gardens at Walton Way. Dwellinghouses at Walton Way are similarly considered to be located at a sufficient distance from the development to not be impacted.

9.12 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity. Therefore the proposal accords with GP.8 of AVDLP and NPPF.

c) *Impact on highways and parking*

9.13 The proposal does not seek to increase the number of bedrooms associated with the host dwelling and as such there would be no requirement for any increased parking provision. Furthermore, it is noted that no parking provision will be lost as a result of this application. Therefore the proposal is considered to accord with GP.24 of AVDLP and NPPF and the Council's SPG Parking Guidelines.

d) *Other matters*

9.14 A number of the representations received argued that the outbuilding is of a design larger than a typical playroom and may be intended to function as a granny annexe. The application as proposed is for ancillary accommodation and the application should be assessed on its planning merits. It is considered that the use and function of the development may be controlled by means of a condition requiring that the outbuilding shall not be used or occupied for any purpose other than as ancillary to the residential use of the property on the site. It is however, considered that as the outbuilding can not be accessed by any means than through the dwellinghouse that the outbuilding will be unlikely to have a future function that is not ancillary to the dwellinghouse.

- 9.15 Representations were also received addressing concern that the outbuilding would be inaccessible for emergency service vehicles in the event of an emergency. This is acknowledged however, it is considered that emergency service vehicles can still access the dwellinghouse and all development in line with the current arrangements for both the existing and other similar properties.
- 9.16 A number of representations were also received objecting to the applications lack of planning permission. It should be noted that it is not an offence to carry out works or a change of use without the benefit of planning permission, and in this instance measures have been taken to seek to remedy and regularize the position. Whilst it is accepted that the development was undertaken without the benefit of permission in this case, a planning application has been made retrospectively and the development is being considered without prejudice and on its planning merits.
- 9.17 It is acknowledged that there is a mistake in the application form regarding the presence of trees within falling distance. However, the site visit showed that the trees were present and are not considered to impact the development.
- 9.18 Representations were also received objecting on the basis of potential drainage issues which is not considered to be a material planning consideration.
- 9.19 Similarly, the decision making process is not based upon precedent and therefore, precedent is not considered to be a material consideration.

Case Officer: Alex Armour