



Application Reference:	P1307.17
Location:	43 Barton Avenue Romford
Ward:	Brooklands
Description:	Retrospective planning permission for an outbuilding in the rear garden for use as a summer house/gym.
Case Officer:	Aidan Hughes
Reason for Report to Committee:	A Councillor call-in by Councillor Robert Benham has been received which accords with the Committee Consideration Criteria and it was deferred from a previous planning committee meeting.

1. BACKGROUND

- 1.1 A complaint from residents were investigated by Planning Enforcement and an application was submitted to regularise the structure.
- 1.2 In addition, it should be noted that the outbuilding has been visited a number of times by Planning Officer's, the latest being the 5 December 2018. Furthermore the outbuilding in question, was also visited by the Council's HMO Licensing Team and by other agencies, but due to the lack of evidence of the property accommodating people or being used as a separate unit of accommodation, no further action was taken.

2. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The outbuilding, to be used as a summer house/gym, is acceptable and not out of keeping with the locality. Furthermore, the scale and siting of the outbuilding to be used as summer house/gym is not judged to result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to conditions.
- 3.2 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

Conditions

1. SC32 – Accordance with plans.
2. SC33 - Incidental Use.
3. SC46 - Standard Flank Window Condition.
4. SC48 – Balcony condition

Informatives

1. INF29 Approval following revision

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission is sought for the retention of an outbuilding to be used as a summer house/gym within the rear garden to provide ancillary accommodation. The building is located adjacent to the rear access way and includes garage door and a further door to the rear to a store. To the front is a flat roof canopy. There is currently a shed partly under the canopy which the applicant has indicated is used for storage pending the completion of the building. The building is an extension and alteration to an existing garage that was on the site.

Site and Surroundings

- 4.3 The application site is located within Barton Avenue. The site contains a two storey end terraced dwelling and is finished in pebble-dash.
- 4.4 There is parking on the drive to the front of the property. The surrounding area is characterised by predominately two storey terraced dwellings.
- 4.5. The application site and the unattached neighbour are separated by an access to the garages to the rear of the properties along this section of Barton Avenue and to the street at the rear which is Rush Green Road.

Planning History

- 4.6 The following planning decisions are relevant to the application:

ES/ROM 363/52 – Conservatory – Approved.

103/80 – Rear extension – Approved.

5 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.2 The following were consulted regarding the application:

5.3 Highways: No objection to the proposal.

6 LOCAL REPRESENTATION

6.1 10 neighbouring properties were notified about the application and invited to comment.

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 1 which objected.

6.3 The following Councillor made representations:

Councillor Robert Benham wishes to call the application in on the grounds that:

- the existing structure does not match the plans submitted.

- the structure has an additional door to the rear, which is omitted from the submitted plans. Giving residents concerns that it's going to be used as a mini house

- building works have been taking place since April 2017 and residents have complained that works occur in the early and late hours, and on Sunday's.

Representations

6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Building is too large for the size of the garden.
- Toilet and shower has been added to be used for living accommodation.
- Impact on water table.
- Additional noise from outbuilding.
- Inaccuracy on the drawings; however since the consultation these have been revised.

Non-material representations

6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Construction outside of normal hours is not a material planning consideration but an Environmental Health issue in respect to noise.
- Additional noise if the proposal is being used as a separate unit of accommodation. This would be an Environmental Health issue, however, the application can only be considered on its merits and as described on the application form which is for a summer house/gym not a separate unit of accommodation as this would require a further planning application if applicable.
- Comments regarding the dispersal of water are not a planning consideration.

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the committee must consider are:

- The visual impact arising from the design and appearance of the building on the area.
- The impact of the development on neighbouring amenity
- Highways and parking issues

7.2 Physical Impacts of the proposed outbuilding

- The Council Residential Extensions and Alterations SPD refers to provision of outbuildings.
- There are a number of detached buildings nearby, in particular to the rear of the proposal which are similar in scale and therefore an outbuilding of the scale proposed would not appear visually incongruous.
- Staff consider that the outbuilding would integrate satisfactorily in the rear garden environment, mindful of various outbuildings and garage within the immediate area, as it is single storey and its height would be mitigated by its modest eaves height and the hipped roof design. Therefore the building would not appear disproportionate in relation to the main residence or the other outbuildings nearby.
- Staff consider that the proposed development would not unacceptably impact on the water table within the local area as the site does not fall within a flood zone area.

7.3 Impact on Amenity

- The proposed building is stated to be used as a summer house/gym. The plans indicate that the outbuilding would provide an area for summer house with a toilet and shower room with access from the garden to the shed storage area and then to the rear access. No kitchen facilities are shown within the building.

- Staff are satisfied that, whilst the outbuilding is substantial, it would not unacceptably impact on the amenity of the adjacent residents. The application has been described as an outbuilding to be used as a summer house/gym and has been assessed accordingly as there is no evidence to indicate otherwise. The issue of occupancy and future subdivision could be satisfactorily controlled by conditions.
- In terms of noise and disturbance the proposal does have the potential to increase levels of activity within this rear part of the application site. However, given that the outbuilding will be used incidental to the dwelling house and situated at the far end of the garden, it is not considered the proposal would give rise to levels of noise and disturbance which would be materially harmful to neighbouring residential amenity.
- Staff consider that there would be comings and goings to the outbuilding and possibly an increased use of the garden area in a general sense but no more so than the neighbouring outbuildings. As such, staff are of the view that the use of the outbuilding proposed as a summer house/gym would not give rise to an unacceptable level of noise and disturbance and would be unlikely to give rise to significant adverse impacts.
- Nevertheless it is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking and increased noise transmission.
- Subject to safeguarding conditions, officers are of the view that the proposed outbuilding to be used as a summer house/gym would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

7.4 Parking and Highway Implications

The application site presently has off street parking for three vehicles to the frontage. The Highways Department have not objected so long as the building stays ancillary to the main household.

8 Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be approved subject to conditions and for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.