

Planning Committee Item - February 2016

21. FULL APPLICATION - ERECTION OF A GARDEN SHED (RETROSPECTIVE) AND FENCING AROUND GARDEN OF ROSEDENE COTTAGE, WOODHOUSE LANE, WINSTER (NP/DDD/0715/0614, P5988, 424154 / 360600, 26/01/2016/SC/CF)

APPLICANT: MS AMANDA PEARCE

Site and Surroundings

Rosedene is a Grade II listed two storey cottage, located within a small yard behind the village store off Main Street in Winster. The property and garden area are sited within the Conservation Area of the village. A restricted access (Woodhouse Lane) runs in a north south direction, approximately 12m to the east of the dwelling and at a lower level. A non-traditional property (Ashlea) is situated adjacent to the north and east garden boundary of Rosedene. Ashlea and its garden curtilage are sited outside the Conservation Area of the village.

Proposal

The current application seeks retrospective planning permission for the retention of a chalet type garden shed and the erection of a timber fence to part of the garden boundary of the cottage.

The shed is sited at the rear of the garden at the boundary with the adjoining property (Ashlea) and positioned on a raised platform/base from the immediate ground floor level. It measures approximately 3m x 3.25m x 2.49m to the ridge. The plans show the shallow pitched roof over the building has a felt covering and the main structure being clad with horizontal tongue and grooved timber. The plans also show a window and door in the south gable elevation, with a small covered veranda area in front facing towards the main house. Revised plans have since been submitted which show the raised base removed, which would effectively reduce the overall height of the shed from approximately 2.5m to 2.3m in height above the adjacent ground levels.

The proposed fencing would be double paled at a height of 1.2m and erected adjacent to existing boundary walling on a section of the west boundary with the neighbouring dwelling (Wood Hayes), before extending inside and along the north and east boundary walling with the adjoining garden area to the north (Ashlea).

RECOMMENDATION:

That the revised application be APPROVED subject to the following conditions:

- 1. Within 3 months of this decision, the platform/base of the shed shall be removed and the shed structure lowered to the immediate ground floor level.**
- 2. The external timberwork of the shed and the proposed fencing shall be painted a Stone Grey (RAL 7030) and shall be permanently so maintained.**

Key Issues

- Whether the shed and fencing would have a detrimental impact on the amenities of the nearby residential properties, or detract from the setting of the listed cottage and/or the special qualities of the village Conservation Area.

Relevant History

2014 – Enforcement case created relating to the unauthorised shed, subject of the current application. The shed is considered not to be permitted development, since it is sited within the curtilage of a listed building.

Consultations

County Council (Highway Authority) – no response to date.

District Council – No reply to date.

Parish Council – The Parish Council say that *the application was best described as a summer house than shed. Its appearance, design, positioning and size is inappropriate within the curtilage of a listed building, the setting of Listed Buildings in the locality and Winsters Conservation Area. It is highly visible from the public highway (Woodhouse Lane) and the images shown in the Design and Access Statement fail to demonstrate the proposals true impact. Existing soft landscaping to integrate the building into the locality is outside the control of the applicant and it cannot be guaranteed this will be maintained indefinitely to mitigate. Furthermore, due to the buildings close position to the northern and western boundary it would be difficult to screen the summer house through additional landscaping.*

For the reasons given above, the application was recommended for refusal by the Parish council.

PDNPA (Built Environment) – The Authority's Conservation Officer says that *"Although the summerhouse and fencing is not attached to any listed or curtilage listed structures, the timber building and the high timber fencing will have a negative impact both on the setting of the listed building and on the conservation area, for the following reasons:*

- *The large size and Swiss-chalet style of the summerhouse, with wide overhanging eaves and veranda is completely non-traditional: it is entirely unsympathetic to, and not in keeping with its surroundings, within the curtilage of the listed building, at the edge of the conservation area and within the historic settlement.*
- *The lie of the land adds to its prominence, especially from Woodhouse Lane and in views into the conservation area from the north.*
- *Low stone boundary walls are a distinctive and significant feature of Winsters conservation area, providing a continuity that links the buildings and spaces. Timber fencing, as proposed, is a non-traditional boundary treatment within the conservation area and should be avoided, as this would have a negative effect on the character of the conservation area. The timber fencing proposed as screening for the summerhouse will be highly prominent, appearing above, and having a negative impact on the character and appearance of the traditional stone boundary walls.*
- *The introduction of this large, prominent, non-traditional timber summerhouse, and the associated, prominent non-traditional timber fencing, could have a negative impact on the setting of the listed building.*
- *The proposed use of shrubbery screening will not be sufficient mitigation to enable this prominent, unsympathetic structure to be acceptable in this location".*

The Authority's Conservation Officer concludes by saying that *"For any form of timber structure to be acceptable here, it would need to be smaller and much lower, with no overhanging eaves and no veranda. It would need to be sufficiently recessive in appearance and size, so that it can blend with the surroundings and sit behind the existing stone boundary wall without the need for any additional timber fencing".*

Representations

There have been six letters of objection to the application, the main points of these are summarised below:

- Structure does not harmonise with the surrounding properties
- Adverse impact on the Conservation Area & the Listed Cottage
- Capable of facilitating additional sleeping accommodation
- Overlooking of adjacent properties
- Inappropriate fencing in a Conservation Area
- Out of character with the surrounding stone walls and housing

Policies

In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing householder extensions. LH4 says extensions and alterations to dwellings, including the provision of outbuildings, will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

Wider Policy Context

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

As the proposed development is within the boundary of the Conservation Area, policy L3 of the Core Strategy and Local Plan policies LC5 and LC6 are also relevant. These policies seek to ensure the existing character and appearance of the Conservation Area and the setting of the grade II listed property (Rosedene) will be preserved and, where possible, enhanced, including its setting and important views into or out of the area.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Assessment

Siting and Design

The shed is not constructed from traditional building materials, and its design does not reflect the style and traditions of local vernacular buildings within the surrounding Conservation Area or the character and appearance of the original house. However, it would be inappropriate to require all incidental buildings within the curtilage of a dwelling, including garden sheds, to be built from stone with a tiled roof, for example, even in a designated Conservation Area and/or within the curtilage of a listed building. For example, permitted development rights would normally allow a householder to erect a building identical to that proposed in the current application in the rear garden of many houses in the National Park including houses situated within a designated Conservation Area without planning permission.

Therefore, it is clear that the Government considers that garden sheds and similar structures in the back garden of a house are normally acceptable forms of development. Equally, it is not always desirable to construct a stone-built outbuilding within the curtilage of a listed building to meet a transient need for storage space, for example, and the need to store garden implements can often be better met by a more temporary structure such as a shed that is removable. Consequently, there are no overriding objections to the principle of the design of the shed and materials used in its construction (despite the potential objections on policy grounds) other than the shed is currently positioned on a raised platform above the adjacent ground levels.

Revised plans have since been submitted which show the raised platform being removed and the shed being sited on the ground, which would lower the overall height of the shed to approximately 2.3m above the immediate ground floor level. In this case, the footprint of the shed measures 3m x 3.25m, is considered relatively modest in size and scale and lowering its height, painting it a recessive colour and providing fencing would all assist in preserving the character and appearance of the surrounding Conservation Area and the setting of the listed cottage, if the shed were to be granted planning permission.

The proposed fencing would be of a height that generally reflects that of a traditional drystone wall and would therefore appear as a subordinate addition to the property, augmenting the existing drystone walling which surrounds the garden of the cottage and its boundaries with the neighbouring properties Ashlea and Wood Hayes. Although it is recognised the Authority's Conservation Officer does not support the current proposals, and objects to the fencing in its own right, the additional fencing would further reduce the visual impact of the shed, which is also considered to be in the least obtrusive practicable location within the garden, and to a certain extent, the fence would also lessen the impact of the shed on the outlook from nearest neighbouring properties.

Consequently, the retention of the shed and the inclusion of the proposed fencing are considered to accord with the overarching objectives of conservation and design policies in the Framework and the Development Plan, because they would not harm the character and appearance of the host property or its setting and a recommendation of conditional approval would be appropriate providing the development would not be unneighbourly.

Neighbourliness

It is accepted that the shed occupies a fairly noticeable position within the garden area of Rosedene and is clearly open to views from nearby Woodhouse lane and surrounding neighbouring properties. However, due to the built form of the area, the shed would not be unduly imposing in the rear garden of Rosedene to the extent it would harm the outlook of nearby properties and its retention would not exacerbate the degree of overlooking from one property to another or the intervisibility between neighbouring gardens that already occurs. In particular, the nearest neighbouring properties have a limited amount of privacy in the rear gardens due to the close proximity of surrounding garden boundaries, which are primarily made up of low dry stone walls that do not block views from one garden into another.

Therefore, the retention of the shed would not in itself result in a loss of privacy or give rise to gardens being over looked that are not already visible from the neighbouring properties or Rosedene itself. Moreover, there are no overriding concerns that the retention of the garden shed would detract from the quiet enjoyment of the nearest neighbouring dwellings by way of noise and disturbance, intervisibility between windows in the shed and habitable windows or harm to outlook because of the orientation of the shed, its relatively modest scale and design, and the distances involved between the shed and the nearest houses in separate ownership.

Conclusion

It is therefore concluded that the retention of the shed would not be unneighbourly but the Authority's Conservation Officer's professional assessment of the current proposals does illustrate that the issues are finely balanced in terms of design, siting and the visual impact of the current proposal. In particular, the key issue is the appropriate degree of control that should be applied to development within the curtilage of a listed building, which in this case, amounts to householder proposals for a domestic shed and additional fencing within the back garden of a dwellinghouse. On balance, it is considered that the retention of the shed and the erection of the fence with appropriate mitigation would not detract from the significance of the designated heritage assets and the proposals would not harm the setting of the listed building or the special qualities of the surrounding Conservation Area.

Accordingly, the current application is recommended for conditional approval.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil