

PLANNING APPLICATION NUMBER:P06/0295

Type of approval sought	Full Planning Permission
Ward	Gornal
Applicant	Mr & Mrs A Armato
Location:	63, RUITON STREET, LOWER GORNAL, DUDLEY, WEST MIDLANDS, DY3 2EH
Proposal	ERECTION OF A DETACHED BUILDING TO CREATE GARDEN STORE AND GYM IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 Number 63 Ruiton Street is a brand new detached bungalow situated in a row of three similar properties. The neighbouring properties are numbers 61 and 65 which respectively stand on ground 1m lower to the south and 1m higher to the north. Another bungalow of a similar design – no.67 – stands 20m to the east.
- 2 Properties to the rear in Furlong Walk stand on ground some 5.5m lower.
- 3 Two metre high boundary treatments surround the modest rear garden on all sides. These comprise; a wall at the boundary with no.65 and fencing at the boundary with no. 61 and to the rear.
- 4 The application site has a slight gradient which slopes downwards by 0.3m from the boundary with no. 65 to the boundary with no. 61.

PROPOSAL

- 5 Retrospective planning permission is sought for a detached building in the property's rear garden which houses a garden store and small gymnasium.

- 6 The building is 8.5m wide and 3.5m deep and has a monopitched roof over which rises from 2.4m high at the front elevation (facing the bungalow's rear elevation) to 3.1m high at the rear elevation, which is 1.3m away from the rear boundary. Adjacent with the boundary with no.65, the eaves height reduces to 2.1m and the height at the rear elevation to 2.9m because of the slight gradient that the development stands on.

HISTORY

<i>APPLICATION No.</i>	<i>PROPOSAL</i>	<i>DECISION</i>	<i>DATE</i>
P04/0412	Approval of reserved matters following the grant of outline permission (P01/1186) to erect four 2 bedroom bungalows.	Approved	18.06.04

Condition 10 of the above planning permission removed permitted development rights covered by Part 1 Classes A, B, C, and E of Schedule 2 of the GPDO (1995). This was done because the rear gardens were quite shallow.

PUBLIC CONSULTATION

- 7 Four letters of notification were sent to neighbouring properties. Written objections have been received from the residents of nos.61 and 67 Ruiton Street. Areas of concern relate to:

- A restrictive covenant forbidding the erection of structures other than sheds or greenhouses during the development period.
- Issues relating to drainage and potential subsidence.
- Invasion of privacy.
- Possibility of noise caused by activity at the gym.
- Parking problems, particularly if the gym was to be used by non – residents.
- Effect on neighbouring property values.

OTHER CONSULTATION

8 None required.

RELEVANT PLANNING POLICY

- 9 Supplementary Planning Guidance Note 17 – House Extension Design Guide
- 10 Supplementary Planning Guidance Note 12 – The 45° code
- 11 Policy DD4 – Development in Residential Areas – Adopted UDP (2005)

ASSESSMENT

- 12 PGN 17 and Policy DD4 of the Adopted UDP seek to both protect residential amenity and encourage proposals to respect the character of residential areas when proposals for extensions to dwellings are assessed.
- 13 PGN12 seeks to protect neighbouring properties from adverse impact on amenity caused by impact upon privacy, daylight and outlook by assessing proposals against the 45° code.
- 14 Although covering a significant area of the property's rear garden, the building is modest in scale and the materials used match those of the existing building. Care has been taken to match architectural details with the existing bungalow.

Consequently, In terms of design, the building is considered to be acceptable and compliant with policy.

- 15 The structure does contravene the Council's 45 degree guidance. However, the nearest part of the building is some 6m from the rear windows at nos. 61 and 65 and because of the existing 2m high boundary treatments, only a small part of the building is visible from adjacent properties. Additionally, the monopitched roof slopes away from both neighbours. Because of these factors and because of its low roof, it is considered that neighbouring daylighting and outlook are not significantly affected. It is further considered that because of its westerly orientation sunlighting would not be affected.
- 16 With regard to noise and the gym being used by non-residents it is considered reasonable that a planning condition is imposed to restrict the use of the development to the occupants of the property.
- 17 The existence of the restrictive covenant is not a material consideration relevant to this application.
- 18 When the site visit to the development was undertaken no issues with regard to subsidence or problems with drainage were apparent. Further, It was observed that the entire rear garden had been overlaid with hard landscaping so the addition of the building would not reasonably be expected to increase any runoff: One of the two letters of objection was submitted by the occupant of no.67, which stands on ground higher than and 20m away from the application property. However, these issues would not normally be dealt with through the development control system.
- 19 Because the structure itself and both neighbouring dwellings are single storey, the boundary treatment prevents overlooking of either neighbouring rooms or gardens consequently thereby protecting the privacy of neighbouring dwellings.
- 20 Effects on neighbouring property values are not a planning consideration.

- 21 For these reasons it is not considered that there are sufficient grounds to justify refusal.

CONCLUSION

- 22 It is considered that the proposed development is acceptable in terms of scale and appearance and would have no adverse impact on residential amenity. It would not have a detrimental impact on the streetscene and is compliant with Policy DD4 of the Adopted UDP.

RECOMMENDATION

It is recommended that the application be approved subject to the following conditions:

Conditions and/or reasons:

1. The development hereby approved shall be used only by occupants of the main dwelling on the site.