

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0532
FULL APPLICATION DESCRIPTION	PRIVATE GARAGE (RETROSPECTIVE)
NAME OF APPLICANT SITE ADDRESS	MR S MADELEY PLOT 1 MAPLE CRESCENT GARAGE SITE SEAHAM SR7 7UT
ELECTORAL DIVISION CASE OFFICER	Dawdon Allan Fenwick 03000261957 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

SITE:

1. The application site relates to an existing parcel of land situated within the residential estate of Parkside dedicated to accommodating and siting detached garages and vehicle hard standings. It is located off the cul-de-sac of Maple Crescent. At present, the land comprises of a number of concrete hard standings, one timber garage plus an electrical sub-station as well as the garage to which this application relates.

PROPOSAL:

2. Full planning permission is sought for the retention of a detached private concrete sectional garage. The garage occupies an area of land known as Plot 1, Maple Crescent Garage Site, Seaham and lies between the perimeter fencing of an existing electrical substation and the boundary fence of an adjacent neighbouring property 26, Maple Crescent.
3. This application is presented to Committee in response to a request from County Councillor Walker following concerns raised to him by a local resident

PLANNING HISTORY

4. 87/514: Construction of 3no Garages: Approved 07/09/1987

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
7. The following elements are considered relevant to this proposal:
8. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL PLAN POLICY

9. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
10. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies by making Orders under Section 109 of the Localism Act 2011. Both the RSS and the stated intention to make the necessary Orders are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. No RSS policies are considered relevant to this application.

LOCAL PLAN POLICY:

District of Easington Local Plan

11. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local

economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

12. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
13. Policy 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

14. Parish Council: No response
15. NEDL: No response

INTERNAL CONSULTEE RESPONSES:

16. Asset Management: As landowner they are not prepared to seek removal of the garage
17. Highways: The proposal would be deemed to be acceptable from a highways point of view
18. Legal Services: All of the issues that have been raised to date are land management issues which are not material to the merits of the planning application

PUBLIC RESPONSES:

19. A site notice was posted adjacent to the application site. In addition, eight neighbour notification letters were sent to residential properties in the vicinity of the application site
20. Four letters of objection have been received from the resident of the adjacent neighbouring property 26, Maple Crescent situated to the southwest of the application site
21. The issues raised include encroachment of the garage upon the garden curtilage of the adjacent property, proximity of the garage to the adjacent electrical substation and the overall width of the garage

APPLICANTS STATEMENT:

22. The Local Planning Authority requested the Applicant to provide a statement in support of their application. However at the time of preparing this report, no statement was received

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111590>.

PLANNING CONSIDERATION AND ASSESSMENT

DETAILED PLANNING CONSIDERATION:

23. The main planning considerations that are relevant to this application are:

- Design and Scale;
- Highways;
- History;
- Objection

DESIGN AND SCALE

24. Policy 35 of the Local Plan suggests the design and layout of development will be required to: '(ii) reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials' and '(iv) have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation'. Similar considerations are included within the National Planning Policy Framework and in particular Part 7: Requiring Good Design. Members will determine this application against the intentions and policies of the NPPF and current Local Plan.
25. In the first instance, the garage has been sited adjacent to an existing detached timber garage of a similar design and footprint as is hereby proposed, within a designated and well established parking area used for the garaging and parking of vehicles belonging to the residents within the surrounding residential area. Indeed, the precedent for such a development has already been set, in principle, by the adjacent detached private garage. Therefore, it is considered the visual impact of the detached garage will be minimal given its relationship to the adjacent and existing detached private garage and vehicle hard standings.
26. It is considered the detached garage is both modest in term of its size and footprint, typically associated with accommodating a vehicle, and occupies an area of existing hard standing to which it was allocated. In turn, the detached garage also benefits from a shallow pitched roof. Whilst it is acknowledged the ridgeline of the detached garage is higher than that of the existing boundary fence of the adjacent neighbouring property 26, Maple Crescent situated to the southwest of the application site, its ridgeline is lower than that of the adjacent electrical substation.
27. The garage also respects the established building line of the adjacent substation and lines through with the solid gable elevation of an adjacent neighbouring property 105, Fern Crescent situated to the north of the application site so as to be unobtrusively sited within the street scene. In turn, the garage is almost 10m from the nearest corner point of the original solid gable wall of the adjacent neighbouring

property 26, Maple Crescent. It is important to note that this adjacent neighbouring property also benefits from an existing integral side garage (91/76: Private Garage: Approved 02/04/1991). Therefore, the visual impact of the detached garage is considered to be minimal given the combination of distance to gable elevation, existing boundary treatment, juxtaposition and orientation of the application site.

HIGHWAYS

28. Durham County Council, Highway Development Management have confirmed the garage has been erected on a dedicated garage site with the benefit of an acceptable driveway to the front and an acceptable vehicular access crossing within the public footway to access onto the unclassified estate road of Maple Crescent, Seaham.

HISTORY

29. It would appear the hard standing to which this application relates has been tight up to the garden curtilage of 26, Maple Crescent for a number of years. It is unclear why this has occurred when all of the remaining nine garage plots have been set in approximately 1.0m from the perimeter of the Council owned garage site. However, this is a fact which is clearly evident when looking at historic maps such as the Ordnance Survey based location plan.
30. It would appear this boundary was hedged for a number of years. An application previously submitted to and determined by the former District of Easington Council during the 1980's suggests this boundary clearly benefited from a hedge (87/514: Construction of 3no Garages: Approved 07/09/1987). This would therefore imply a boundary fence was erected at a later stage.
31. Indeed, the current resident of 26, Maple Crescent contacted the former District of Easington Council and in particular its Assets and Property Management approximately seven years ago with the intention of replacing a boundary fence abutting the Council owned garage site. At the time it was noted "...that the fence has suffered severe vandalism and it is your intention to replace the same". The Asset and Property Management Officer who dealt with the informal enquiry also confirmed, "...I would have no objection to the new fence being located adjacent to the existing fence". This would appear to suggest a boundary fence has been erected sometime between 2005 and 2010.
32. However and for reasons unknown, the Local Planning Authority was never consulted on such a matter to establish whether formal planning permission was required or not. Therefore, the Local Planning Authority find it difficult, if not impossible, to comment upon the position of the existing fencing and is also unable to confirm with any degree of certainty that the replacement fence was erected in the correct place.

OBJECTION

33. It is acknowledged four letters of objection have been received from the resident of an adjacent neighbouring property 26, Maple Crescent situated to the southwest of the application site. It is suggested the detached garage has been erected too close to the perimeter fence of the adjacent electrical substation, whilst at the same time, the resident also believes the detached garage is too wide for the hard standing on which it sits. In turn this has led to the alleged encroachment of the detached garage

over the garden curtilage of the adjacent neighbouring property, through the overhanging of the rainwater guttering.

34. As members will be aware, part of the application process involves a statutory consultation process with the appropriate statutory consultees who are invited to comment upon relevant planning applications. In this particular instance, the Local Planning Authority has not received any comments from NEDL following their consultation. It is therefore assumed NEDL has no objection to the retention of the detached garage in its present location and as a result this would also appear to suggest the detached garage does not have a detrimental impact upon the substation or its associated fencing. Planning officers agree with this.
35. The Local Planning Authority acknowledge the concern of the resident with particular regard to the rainwater guttering along the southwest facing side elevation of the detached garage overhanging the boundary fence of the adjacent neighbouring property. In accordance with statutory requirements, the Applicant has formally served notice upon the appropriate landowners to enable this application to be presented to Committee. Members will be aware, whilst such a requirement validates an application and also mitigates any possible threat of mal-administration, it is ultimately a civil issue between landowners in such instances of boundary disputes.
36. Following a lengthy period of consideration, recent indications from Durham County Council, Asset Management are that whilst they have allowed the boundary fence to be placed on Council land, that land remains in Council ownership. In addition, they are not prepared as land owner to seek removal of the detached garage. In these circumstances, there are considered to be no planning issues arising in respect of any doubts over the lawfulness of the boundary fence given the length of time it has been in place and its general acceptability. Furthermore, the detached garage must be considered on its merits as submitted, as there is no intention of the Council as landowner to seek its relocation. A decision on this planning application has been previously delayed pending Asset Management's consideration, as an intention to require relocation of the garage would have had significant implications for any planning permission granted.

CONCLUSION

37. The detached garage is considered acceptable in terms of design, location and materials. Furthermore, it is considered that the overhanging of the guttering does not have sufficient detrimental impact on the amenities of the adjacent property to justify refusal of this application. As a result, it is considered the proposed development is in keeping with the appearance, character, design and scale of other developments in the vicinity and does not have a detrimental impact upon the amenities of the surrounding area or the wider setting. It is therefore considered the proposal is an acceptable form of development and accords with Policies 1, 35 and 73 of the current Local Plan and Part 7 of the NPPF.

RECOMMENDATION

That the application be **APPROVED** unconditionally

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU73 - Extensions and/or alterations to dwellinghouses
NATIONAL PLANNING POLICY FRAMEWORK	Part 7 - Requiring Good Design

2. In particular the development was considered acceptable having regard to consideration of issues of residential and visual amenity plus highway safety
3. The stated grounds of objection concerning the retention of the private garage and its associated rainwater guttering are not considered sufficient to lead to reasons to refuse the application given the proposed development is in keeping with the appearance, character, design and scale of the street scene and will not have a significantly detrimental impact upon the amenities of the adjacent property.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Durham County Council
 Received
 - 5 NOV 2010
 Planning Services
 Easington Area Office

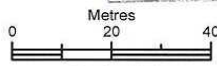
Produced 05.11.2010 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2010.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Scale 1:1250

Supplied by: **Durham County Council**
 Serial number: 00096700
 Centre coordinates: 442092.25 547859.5

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

Easington Area Office

Garage Site

Maple Drive

Seaham SR7 7UT