

UTT/21/1291/HHF

(Council Member)

PROPOSAL: Section 73A Retrospective application for the erection of a timber framed gazebo on top of existing decking.

LOCATION: 35 Winstanley Road, Saffron Walden CB11 3EQ

APPLICANT: Cllr J De Vries

AGENT: -

EXPIRY DATE: 23 Jun 2021

CASE OFFICER: Mr Avgerinos Vlachos

1. NOTATION

- 1.1 Within Development Limits.
Within Groundwater Source Protection Zone 2.
Within Area A of Debden Radar.

2. DESCRIPTION OF SITE

- 2.1 The application site comprises a 2-storey, detached dwelling with render under a tiled roof and located within development limits in south-eastern Saffron Walden. Boundary treatments include close boarded fencing to the rear. There are neighbouring dwellings to all sides of the site. The overall area contains mostly detached or semi-detached dwellings of similar architectural styles, materials and sizes. Existing parking arrangements include 2 no. parking spaces to the front of the property, plus an old integrated garage.

3. PROPOSAL

- 3.1 The proposal includes:
- s73A Retrospective application for the erection of a timber framed gazebo on top of existing decking;
 - Materials (see Application Form and Photographs).

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development does not constitute 'EIA development' for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

- 5.1 The application includes the following documents:
- Photographs
 - Biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1
- None.

7. POLICIES

National Policies

National Planning Policy Framework (NPPF, 2019)
S70(2) of the Town and Country Planning Act 1990 (as amended)
S38(6) of the Planning and Compulsory Purchase Act 2004

Uttlesford Local Plan (2005)

ULP Policy S1- Development limits for the Main Urban Areas
ULP Policy H8 – Home Extensions
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN4 – Good Neighbourliness
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

Supplementary Planning Document 'Home Extensions'

Other Material Considerations

Uttlesford District Council – Interim Climate Change Policy
Essex Design Guide – Rear Privacy
Essex Design Guide – Private Amenity Space
Essex Design Guide – Architectural Details
Essex Design Guide – Garden Size
Essex Design Guide – Appropriate Use of Materials
Essex Design Guide – Building Form
Essex Design Guide – Daylight and sunlight

8. PARISH COUNCIL COMMENTS

- 8.1 The Town Council provided the following comments (summary):
- Resolved to support the objections from neighbours.

9. CONSULTATIONS

UDC Landscape Officer

- 9.1 There are no tree issues arising from the construction of the gazebo.

10. REPRESENTATIONS

- 10.1 The adjacent neighbouring properties have been consulted on this application. Neighbour consultation expired on 27 May 2021.
- 10.2 Summary of representations:
- **In support:**
 - Increased privacy for the neighbouring garden to the south (no. 37 Winstanley Road).
 - Increased privacy for the neighbouring gardens to the north.
 - Aesthetically pleasing with appropriate materials.
 - **Objection:**
 - Height concerns.
 - Eyesore.
 - Inaccuracies (tree, decking).
 - Dominant to neighbouring gardens.
 - Loss of light to neighbouring gardens.
 - Unacceptable noise impacts.
 - Overbearing impacts.
 - Loss of outlook.

11. APPRAISAL

The issues to consider in the determination of this application are:

- A Design and character (S1, H8, GEN2, Interim Climate Change Policy, SPD Home Extensions, Essex Design Guide, and the NPPF);**
 - B Amenity (GEN2, H8, GEN4, SPD Home Extensions, and Essex Design Guide);**
 - C Access and parking (GEN1, GEN8, parking standards, and the NPPF);**
 - D Ecology (GEN7, ENV8, and the NPPF).**
- A Design and character (S1, H8, GEN2, Interim Climate Change Policy, SPD Home Extensions, Essex Design Guide, and the NPPF);**

- 11.1 Due to the national pandemic emergency the Case Officer was unable to visit the site but was confident that an appropriate desktop assessment of the proposal could be carried out using other means and using the applicant's full submission. Also, the neighbours were consulted.
- 11.2 The proposal is located within development limits, in Saffron Walden, with policy S1 being relevant.
- 11.3 In terms of heritage impacts, there are no heritage assets in the vicinity.
- 11.4 In terms of size and scale, the proposal will amount to zero increase in the dwelling's footprint and to a modest increase in built form on site. However, the retrospective gazebo will be subservient and subordinate to the host dwelling, as it is single storey and of reasonable dimensions (H: 2.73m, W: 2.9m, D: 3.57m).

For context, the proposal would be only 0.23m taller than what would be allowed via Permitted Development rights, which would be the fallback position. In terms of design, form and layout, the proposal will be physically discerned from the main dwelling and given its single storey nature and position at the rear, it will mostly go unnoticed from the public realm, complying with the SPD Home Extensions. In addition, the 'Placing of Openings' Essex Design Guide Section states that symmetry in the front elevation and focus on the front door are important, and as such the proposal will not compromise the front elevation. Structures like this are common within urban or rural areas; the gazebo will be in keeping with the local character as an ancillary structure and incidental to the enjoyment of the residential dwelling (see photographs). Therefore, the proposal will not be visually obtrusive or out of place, hence appearing as a "natural" addition to the site.



- 11.5 The proposed materials are acceptable as they will be visually pleasing due to their natural essence and are common within an urban setting.
- 11.6 Overall, the proposal is acceptable and of subservient size, scale, form, design, layout and materials, and thus it accords with ULP Policies S1, H8, GEN2, the Interim Climate Change Policy, the SPD Home Extensions, the Essex Design Guide, and the NPPF.
- B Amenity (GEN2, H8, GEN4, SPD Home Extensions, and Essex Design Guide);**
- 11.7 In terms of the residential amenity of the occupants, there will be no material loss of private amenity space (garden) and the Essex Design Guide threshold is met.
- 11.8 In terms of noise, dust and other disturbances, there will be no material increase on site that could harm the amenity of neighbouring occupiers. Letters from neighbouring occupiers highlighted potential noise impacts as a result of the development, but a gazebo on a rear garden would be compatible with the residential use of the site as an ancillary structure, incidental to the enjoyment of the residential dwelling. The only difference would be that due to the shelter it provides from the natural elements it is likely to be used more often during colder months.
- 11.9 With regards to the amenity of neighbouring occupiers, due to the scale and design of the proposal in relation to the neighbouring properties, and after applying the remoteness and design tests (see 'Rear Privacy' EDG Section) and the 45-degree tests (see SPD Home Extensions), no material overshadowing, overlooking (actual or perceived) and overbearing effects are considered. More specifically, even though the retrospective gazebo is adjacent to the site

boundaries with nos. 6 and 8 Tukes Way, its small scale, ancillary nature and appropriate design guarantee no amenity issues to any neighbouring occupiers. The ground levels have not been materially altered due to the timber decking and as a result the gazebo does not exacerbate any impact to the amenity of neighbouring occupiers. A structure of similar dimensions could be constructed under permitted development in this location without the requirement of planning permission. The height of the gazebo being 23cm taller than what would be allowed as Permitted Development and the decking being laid would be only reasons why planning permission is required.

- 11.10 Overall, the proposal will not materially harm amenities, and thus it accords with ULP Policies GEN2, H8, GEN4, the SPD Home Extensions, and the Essex Design Guide.

C Access and parking (GEN1, GEN8, parking standards, and the NPPF);

- 11.11 No new vehicle access or alterations to the existing access are proposed.
- 11.12 Existing parking arrangements include probably 2 no. parking spaces to the front of the property, plus an old garage. The proposal will not harm parking arrangements. Bedroom numbers remain intact and, according to local parking standards, there is no need for additional parking spaces and parking standards are met. In addition, there are bus stops in the immediate vicinity.
- 11.13 Overall, the proposal is acceptable in terms of access and parking, and thus it accords with ULP Policies GEN8 and GEN1, Essex Parking Standards, Uttlesford Residential Parking Standards, and the NPPF.

D Ecology (GEN7, and the NPPF).

- 11.14 A biodiversity questionnaire has been submitted, triggering no consultations with the Ecology Officer. Assuming the submitted information is correct and accurate, the proposal would not harm protected and priority species and habitats.
- 11.15 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and thus it accords with ULP Policies GEN7, and the NPPF.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

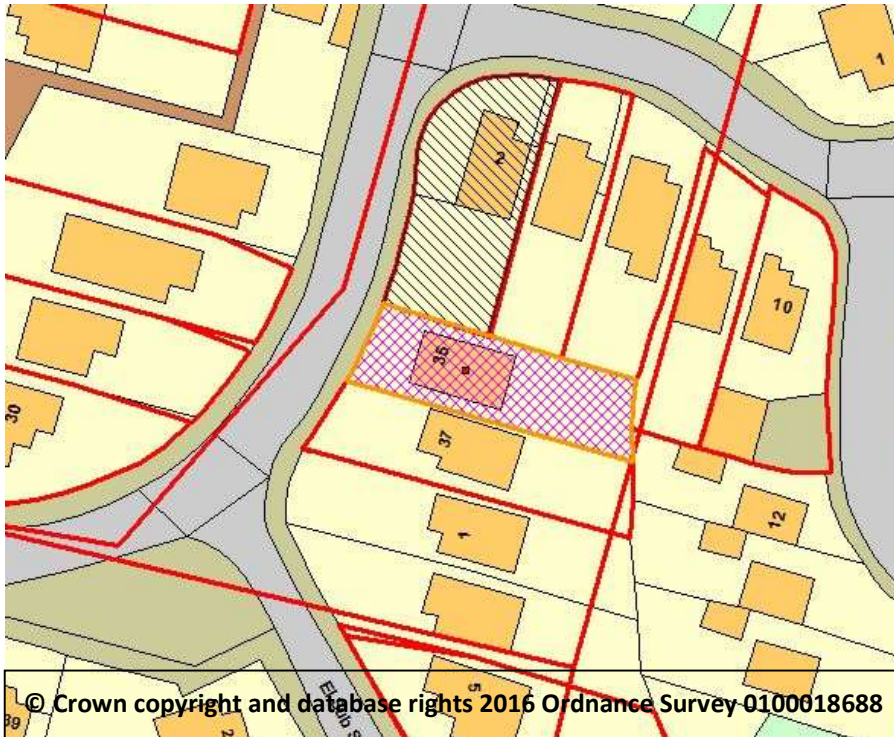
- A** The proposal will be of subservient size, scale, form, design, layout and materials.
- B** The proposal will not harm residential or visual amenities of neighbouring occupiers.
- C** The proposal will not harm parking arrangements and it will meet parking standards.
- D** The proposal will not harm protected and priority species and habitats.

RECOMMENDATION: APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans and details as set out in the Schedule.

REASON: To ensure the retrospective development will remain in perpetuity as approved in this application, in accordance with the adopted Uttlesford Local Plan Policies S1, H8, GEN2, and the National Planning Policy Framework (2019).



Organisation: Uttlesford District Council

Department: Planning

Date: 11 Jun 2021