

Reference: 06/19/0565/F

Officer: Mr G Chibumu

Expiry Date: 04-12- 2019

Applicant: Mrs L. Jones

Proposal: Erected outbuilding (wooden summerhouse) in the back garden of the detached dwelling (retrospective).

Site: 19 Yallop Avenue
Gorleston
Great Yarmouth
NR31 6HD

REPORT

1 Background / History: -

- 1.1 No.19 is a detached dwelling located on the south side of Yallop Avenue, Gorleston. This application seeks retrospective planning permission for an outbuilding (wooden summerhouse) to erected in the rear garden.
- 1.2 The erected outbuilding measures a length of 7.4 metres, a width of 3 metres, and is of 3.15 metres in height inclusive of the decking (0.3 metres high)
- 1.3 The application site has an existing garden shed sited 0.4 metres at its furthest point and 0.2 metres at its closest point with the shared south boundary with No. 14 Marine Close to the south and 0.2 metres from the shared east boundary with the adjoining neighbour No.17
- 1.4 The application site has been subject to three previous applications which include the erection of a single storey rear extension and a two-storey side extension approved in 2019, the erection of a first-floor extension over existing lounge approved in 1995 and the erection of a conservatory in 2000.
- 1.5 The application is submitted following concern that the building had been erected without the benefit of planning permission. The building when measured did not comply with the condition and limitation of the General Permitted Development Order 2015 and a planning application was requested to be submitted. In essence the building exceeds the height in close proximity to the boundary allowed under the Order.

2 Consultations: -

2.1 Highways – No objection.

2.2 Neighbours – Five adjoining neighbours were consulted, and two representations have been received from neighbours No.15 and No.19 (attached to the report). In summary the objections are:

- loss of privacy and view concerns caused by the erected outbuilding being sited within proximity to the shared east boundary and their rear garden and amenities.
- would prevent winter sunshine to the rear garden of the neighbouring property and is causing a shade into their existing conservatory
- the outbuilding was erected without appropriate planning procedures and should have been subjected to proper assessment
- the existing height and the sitting within proximity to the shared boundary contravene planning regulations
- concerns for noise disturbances caused by loud music at unsociable hours from social use of the erected outbuilding.
- Fire safety concerns

3 GREAT YARMOUTH LOCAL PLAN: CORE STRATEGY.

3.1 POLICY CS9 - Encouraging well -designed, distinctive places.

High quality, distinctive places are an essential part in attracting and retaining residents, businesses, visitors, and developers. As such, the Council will ensure that all new developments within the borough;

- (f) seek to protect the amenity of existing and future residents, or people working in, or nearby, a proposed development, from factors such as noise, light and air pollution and ensure that new development does not unduly impact upon public safety.

4.0 SAVED GREAT YARMOUTH BOROUGH -WIDE LOCAL PLAN POLICIES.

The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007 and assessed again in January 2016. An assessment of policies was made during the adoption of the Core Strategy in December 2015 and these policies remain saved following the assessment and adoption. The Saved Policies listed have all been assessed as being in general conformity with the NPPF and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.

4.1 POLICY HOU18 – Extensions and Alterations to Dwellings.

Extensions and alterations to dwellings will be permitted where the proposal

- (a) is in keeping with the design of the existing dwelling and the character of the area;
- (b) would not significantly affect the amenities of any neighbouring dwelling;
- (c) would not result in over-development of the site.

5 NATIONAL PLANNING POLICY FRAMEWORK (NPPF 2019).

5.1 Paragraphs 124, 127 and 180 of the National Planning Policy Framework aims for achieving well-designed places states in the following paragraphs that;

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

6 NOISE POLICY STATEMENT FOR ENGLAND (NPSE).

- 6.1 The Noise Policy Statement for England (NPSE) 2010 states the long term vision of Government noise policy is to “promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development”.

7 Assessment: -

- 7.1 The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E (criterion d, e and f) which states that;

Development is not permitted by Class E if -

(d) the building would have more than a single storey;

(e) the height of the building, enclosure or container would exceed -

- (i) 4 metres in the case of a building with a dual-pitched roof.
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse.
- (iii) 3 metres in any other case

(f) the height of the eaves of the building would exceed 2.5 metres

- 7.2 The outbuilding sits within 2 metres of the shared east boundary with neighbour No.17 and its existing height of 3.15 metres therefore, exceeding the permitted height of 2.5 metres by 0.65 metres.
- 7.3 In considering the development in the context of Policies CS9 and HOU18 and Paragraph 127 of the NPPF it is acknowledged that the siting of the outbuilding has an impact on the view from adjoining neighbour's property of the dwellings and gardens in Yallop Avenue to a certain degree however, there is no right to a view under the planning system the outbuilding. Impacts for loss of light were also assessed and due to the siting of the adjoining neighbour's dwelling the east of the application site and the sun's path from the east towards the west, it was observed and noted the impact is minimal therefore, not resulting in a significant loss of light.
- 7.4 The fallback position here is that a building could be erected on the site in the current location albeit 0.65m lower. In practical terms it is for the LPA to consider the additional impact of the building over and above that allowed under the permitted development rights. On balance the impact would not be significant and would not result in an unduly oppressive living environment for the occupants of No.17 nor of the neighbour No.21 to the west.

- 7.5 According to the Noise Policy Statement for England (NPSE), The Government is committed to sustainable development and The Department for Environment, Food and Rural Affairs (Defra) plays an important role by working to secure a healthy environment in which people and future generations can prosper. A particular type of noise which is addressed by the NPSE is “neighbour noise” which includes noise from inside and outside people’s homes.
- 7.6 These objectives are echoed by the National Planning Policy Framework (NPPF) paragraph 180, which states that planning policies and decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.7 Providing that the building is used for purposes ancillary to 19 Yallop Avenue as a residential dwelling and no other unrelated uses - as condition of should planning permission then the impact of the use of the building upon the neighbouring properties should be minimised. Taking into consideration the factors discusses above, the recommendation is to approve with conditions.

8 RECOMMENDATION: -

- 8.1 Approve with conditions for the use of the outbuilding to be incidental and related to the main dwelling.
- 8.2 The proposal complies with the aims of Policies CS9 of the Great Yarmouth Local Plan: Core Strategy and saved Policies HOU18 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

Great Yarmouth Borough Council

30 OCT 2019

Customer Services

Great Yarmouth
Borough Council

30 OCT 2019

Planning
Department

Yallop Avenue,
Gorleston-on-Sea,
Gt. Yarmouth
Norfolk
NR31 6HA

29 October 2019

Dear Mr Munis,

Application Number: 06/19/0565/F

Further to your planning letter dated 14 October 2019 we wish to raise an objection to the wooden summer house (aka party room) at 19 Yallop Avenue, Gorleston, Gt. Yarmouth NR31 6HA. This substantial wooden structure (23' x 8'11 approx) has been erected next door to us & sits 8" from the forced boundary. We completed a Planning Enforcement Complaint Form as we needed to ascertain that the height & distance from our boundary met the legal requirements. Matt Whitten from the Planning Department visited us & took photographs from our garden & also went to the said address to measure the wooden structure. Matt confirmed with us later that it did indeed contravene the maximum height allowed. As the owners had not asked permission for this building to be erected they are now applying for retrospective planning permission. If correct procedures had been followed they would not have been allowed to erect the structure so close to our boundary & to the height that it is as it clearly contravenes planning regulations. The result is we get no winter sun on that side of the garden & shade into our conservatory.

Another concern is the fact that there is a power supply to this structure & insulation in the roof. If any form of heating is installed a fire risk will ensue. There are now five wooden buildings adjacent to each other ie. our garden shed, the

wooden structure & large garden shed at said address plus two garden sheds on adjoining properties in Marie Close. We are very worried about this. Also there is a large decking area which reaches up to the house at said address.

Since the erection of the "party room" we have been disturbed on several occasions by an excess of loud music, loud conversation & bad language at unsociable hours (namely until 2-3am). We also have cigarette butts thrown into our garden on such occasions.

Please also take into consideration Planning Application Number: 06/19/0559/F for a side & rear extension to said property. We are very concerned this constitutes an over development of the site.

This is a very upsetting situation for us & we feel that our rights are being trampled upon. Our previous pleasant view to the right of our back garden has now been replaced by a very large grey wooden monstrosity, which is not used as a summer house but a party room.

We thank you for considering the above.

Yours sincerely,

D.

~~12/1/06~~

Internet Consultees



Application Reference 05/19/0565-F

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name M & Mrs Watts

Address 15

Yallop Avenue

Gorleston

Post Code NR31 6HA

Telephone

Email Address

For or Against NOS Subject to Condition

Speak at Committee ☐

There has been occasion in the past involving noise and loud music.
If the Committee is minded to approve this retrospective application, could consideration be given to the inclusion of a
condition to restrict noise levels to maintain the quiet environment of the surrounding neighbourhood?

Date Entered 04-11-2019

Internet Reference OWPC5738

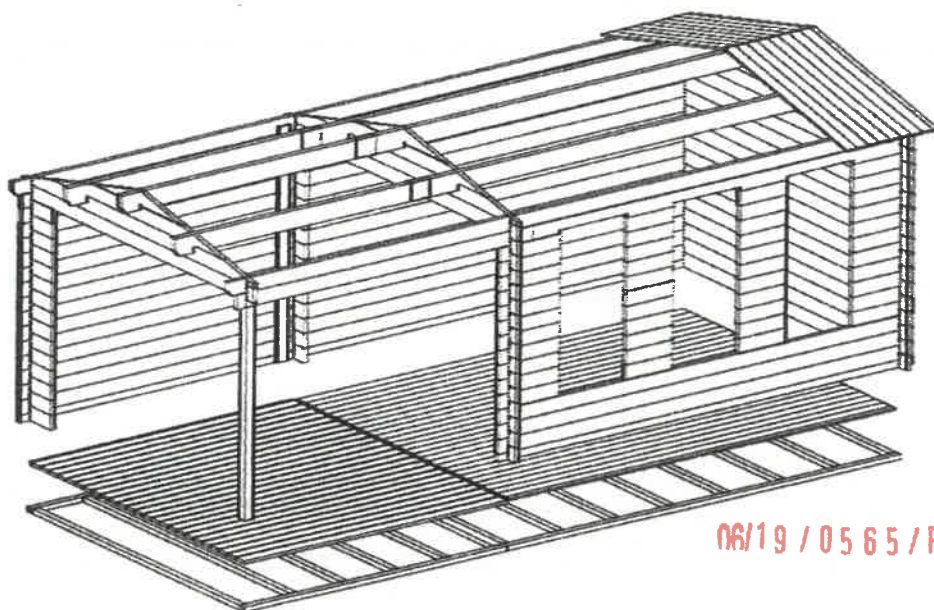
19 Yallop Avenue Gorleston on Sea Great Yarmouth NR31 6HD
[Type here]



Great Yarmouth
Borough Council
09 OCT 2019
Planning
Department

06/19 / 05 65 / F



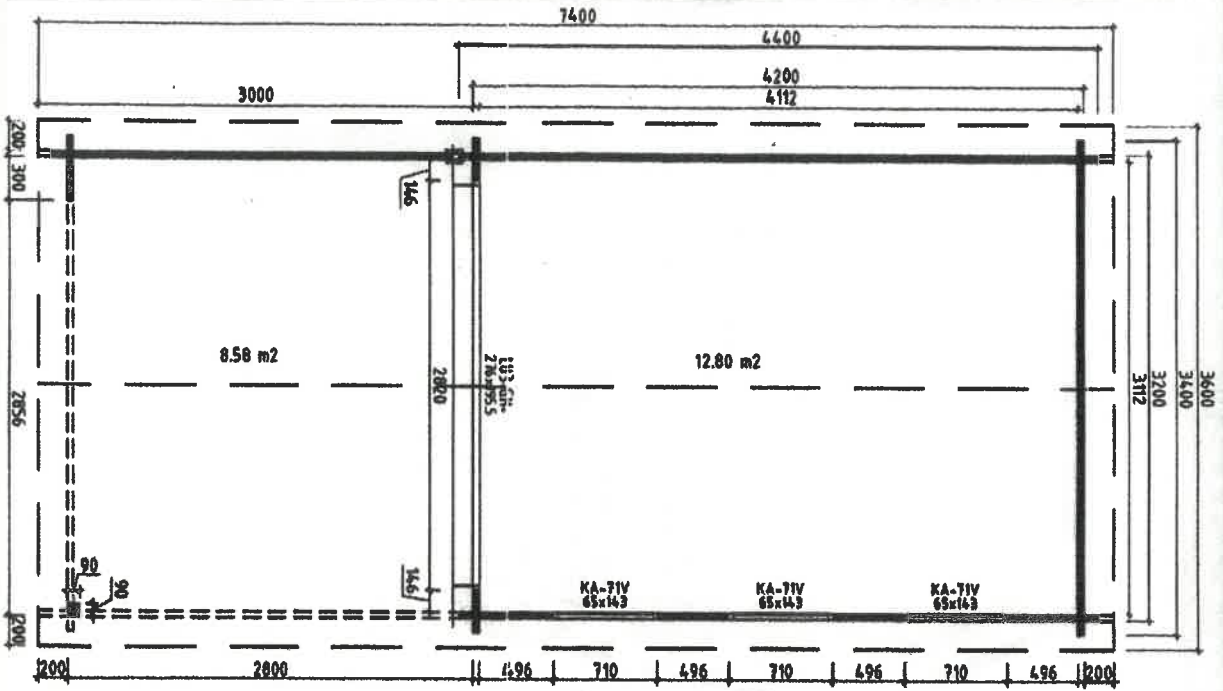


06/19 / 05 65 / F

Great Yarmouth
Borough Council

09 OCT 2019

Planning
Department



Great Lakes
Borough
Planning
Department
09 OCT 2019

06119/0565/F

19, Yallop Avenue, Gorleston, Great Yarmouth, Norfolk, NR31 6HD



Site Plan shows area bounded by: 662734.35, 301937.36 662876.77, 302078.77 (at a scale of 1:1250). OSGridRef: TG6280 200. 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.

Produced on 13th Sep 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00455073-1DECA5

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the www.buyaplan.co.uk website are Copyright © Pass Inc Ltd 2019

Great Yarmouth
Borough Council

09 OCT 2019

Planning
Department