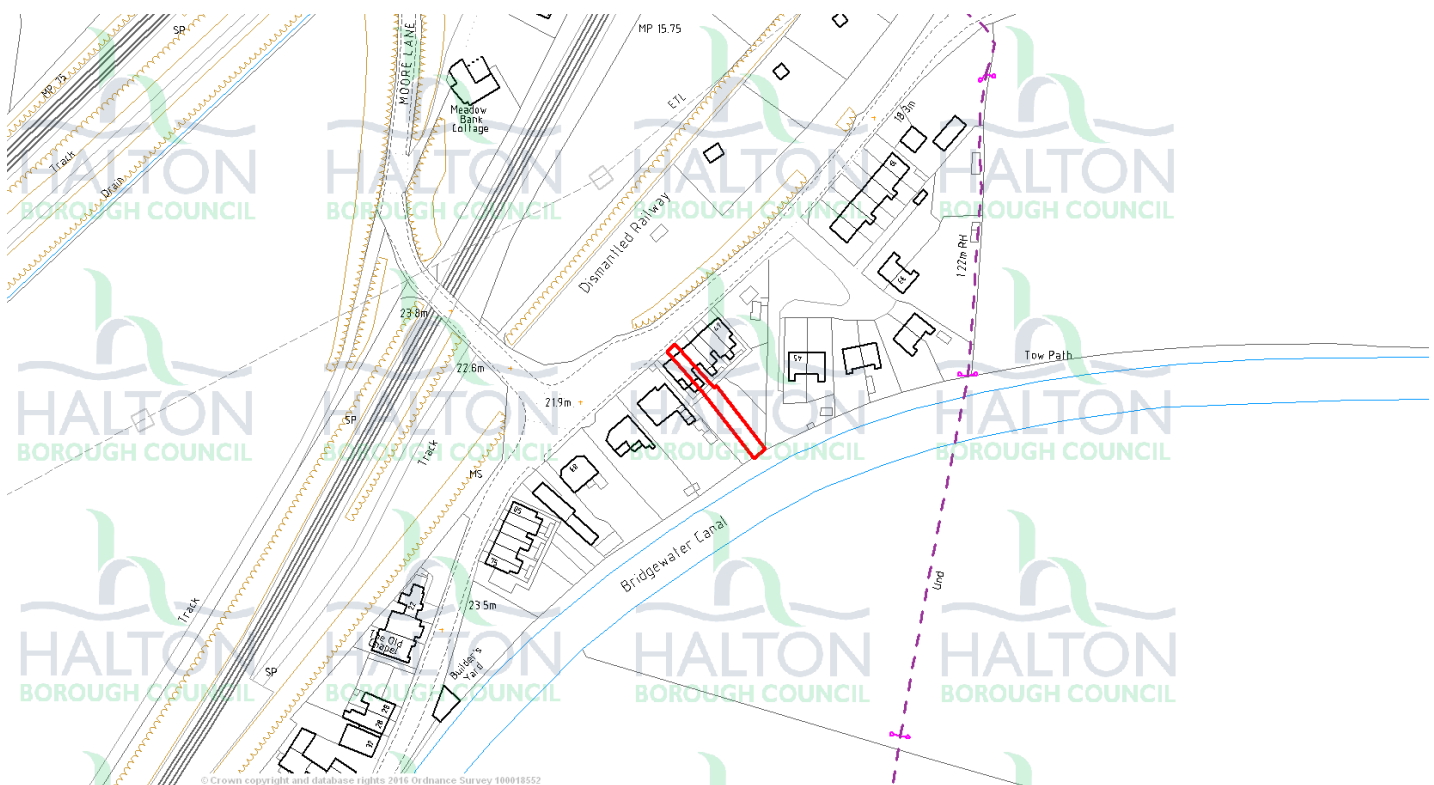


APPLICATION NO:	15/00515/FUL
LOCATION:	55 Runcorn Road, Moore
PROPOSAL:	Retrospective application for retention of "Summer House" in rear garden.
WARD:	Moore
PARISH:	Moore
CASE OFFICER:	Adam Brennan
AGENT(S) APPLICANT(S):	Mr Peter Rhodes 55 Runcorn Road Moore Warrington Cheshire WA4 6TX
DEVELOPMENT PLAN ALLOCATION:	Halton Unitary Development Plan (2005)
DEPARTURE REPRESENTATIONS:	No
KEY ISSUES:	1 neighbour objection, plus councillor objection Design Loss of residential amenity
RECOMMENDATION:	Approve

SITE MAP



1. APPLICATION SITE

1.1 The Site

The application property is a terrace dwelling located in Moore Village. It consists of a large garden to the rear, which leads towards the Bridgewater Canal on the rear boundary. The rear garden is subject to quite significant land level differences as the end of the garden is higher than the application property.

2. THE APPLICATION

2.1 The Proposal

The application is retrospective to retain the timber shed that has been constructed in the rear of 55 Runcorn Road. An application is required as the total height of 3.55m exceeds the requirements of Class E permitted development.

2.2 Documentation

The application has been submitted with the requisite planning application form and location plan, including associated plans and elevations.

2.3 History

No previous planning history.

3. POLICY CONTEXT

3.1 Halton Core Strategy (2012)

There are no considerations generated as a result of the Core Strategy

3.2 Halton Unitary Development Plan (UDP) (2005)

- *Policy* BE1 - General Principles of Development
- Policy BE12 - General Development Criteria – Conservation Areas
- Policy BE2 – Quality of Design

3.3 House Extensions SPD (2007)

The primary planning policy for the determination of this planning application is policy BE1 'General Principles of Development' of the Halton UDP.

4. CONSULTATIONS

4.1 Moore Parish Council

A copy of the objection received from Moore Parish Council is highlighted below.

I write with regard to the above application which has been considered by Moore Parish Council. The PC considers that the drawings supplied are inaccurate and that the structure is out of proportion. Councillors also consider that the building constitutes an invasion of privacy for the neighbouring property and consequently wish to object to this application.

*Yours sincerely,
Moore Parish Council
Catherine J. Fitch - Clerk to Moore Parish Council*

4.2 Peel Holdings – (sites proximity to the Bridgewater Canal)

There were no comments received from Peel Holdings.

5. REPRESENTATIONS

The application is a result of an enforcement case, which resulted in an invitation to submit a planning application to retain the structure. A neighbour objection was received in connection to the subsequent application on 2nd November 2015. The content of the email is outlined below.

I would like to know how this will affect the fencing between the two properties, as this is owned and maintained by myself. The downstairs bathroom will be against our dining area, this is a thin inside wall and we have concerns about the noise and drainage/ventilation. We use the back entry way to access our property from the garage area. I understand there will be a need to use this during the build but will it be kept clean and clear during this time.

Additional councillor objection was received on 6th November, from both Councillors J and M Bradshaw. The content of their combined objection is again outlined below.

Confirming our telephone conversation as regards this application, this e-mail is to confirm that both Ward Councillors consider the shed/play building to be inappropriate for its purpose. At up to 4 metres high with two floors, even without taking the slope of the garden into account, which brings users of the second floor to be at the same level as the the bedrooms of the adjoining property, it is much too obtrusive for the site.

We consider that the application should be declined and the existing building be reduced in height to one storey.

The Ward Councillor then requested that the application be reported to committee for decision.

6. ASSESSMENT

6.1 Impact on residential amenity at surrounding neighbours

Considering the distance of the structure to principle windows at neighbouring properties, it is deemed that the timber shed will not have a detrimental impact on residential amenity. After a site visit, it was concluded that there would not be significant loss of light to neighbouring properties. This viewpoint was taken on site, after assessing the location of existing walls and structures that surround the rear elevation of neighbouring properties, shielding the view from ground floor level. The proposed shed, although high, is located in an area where loss of amenity at surrounding residents is not significant.

6.2 Design, location and Moore Green Belt

Permitted development legislation allows for a 2.5 metre height in the structures current position, within 2 metres of the boundary. The proposal does seem to be high in relation to the locality, where few neighbours have erected such buildings, and is magnified due to the narrow gardens. The height of 3.55 metres is quite typical of timber sheds, and the narrow width only emphasizes the height due to its unusual design. Design alone is not deemed to be a justifiable reason to refuse this application, as the impact on neighbouring properties is not significant.

6.3 Impact on the streetscene and Bridgewater Canal

The structure is located at the rear of property, meaning that it is well secluded from Runcorn Road. Due to the limited view from the front of the property, the impact of the structure of the streetscene of Runcorn Road. The timber shed is deemed to respect the character of the street however, there are no concerns with the impact this proposal will have on the streetscene.

The current structure can be seen from the canal footpath that runs to the rear of the property. However, as referenced above, the significant land level differences reduce the visibility from the path. Its current location is deemed to have an acceptable impact on the outlook from the canal path, as it is well shielded by landscaping and as stated the land level differences.

6.4 Amenity of neighbours

The physical impact of the garden room is quite minimal, located in what is located in a isolated area in terms of principle windows at neighbouring properties. It is deemed to be compliant with BE1 of Halton's UDP. The siting means that the impact on immediate neighbours is acceptable, and would not justify a refusal.

The neighbour objection from 57 Runcorn Road refers to regulations allowing structures to not exceed 2.5 metres in height. The resident is quoting permitted development legislation, and the height of 3.55 metres is the reason the application has been submitted. The other issues raised, direction of rainwater into their property and the structural impact it has on the communal

'ginnel', are civil and not part of the decision making process. In relation to rainwater, impact of run off would be the same regardless of the structures height. Lastly, it has been stated that the structure can be seen from the road and from the footpath to the rear. However, as stated there is no concern with the impact the structure has on the streetscene or the canal footpath.

Ward Councillors and Moore Parish Council raised concerns regarding the obtrusive nature of the structure and that it is out of character for the property and the area. As stated, the design alone is not deemed to be a justifiable reason to refuse this application, as it is considered that the refusal would not be successful at appeal. The concerns regarding impact raised by the Parish Council have been addressed above, and it is the view of the Local Planning Authority that the impact on surrounding properties is acceptable, due to the location of the structure in relation to principle windows. It is deemed to be compliant with BE1 of Halton's UDP.

6.5 Conclusion

In summary, the proposed does not have a detrimental impact on the appearance of the dwelling, curtilage, the streetscene, or the amenity of surrounding neighbours. It is compliant with policies BE1 in the Halton Unitary Development Plan and is therefore deemed acceptable by this council.

The LPA has taken the view that the applicant could construct a similarly proportioned shed under permitted development with an overall height of 2.5m. The LPA considers that the additional 1 metre height of the current shed structure has little additional impact. It is not considered that a refusal could be upheld. In addition, as the application retrospective, that the serving of an enforcement notice could be sustained if taken to appeal.

RECOMMENDATIONS

Grant planning permission.

7. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.3) Order 2015; and

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.