

TWC/2018/0584

Bush House, Mossey Green, Ketley Bank, Telford, Shropshire, TF2 0DL
Siting of 2no. steel container units clad with timber and tile effect roof, erection of
1no. gazebo and erection of a 2.4m high fence (Part Retrospective) ***Amended
description and amended plans received***

APPLICANT

Carl Beamond

RECEIVED

17/07/2018

PARISH

Oakengates

WARD

Oakengates and Ketley Bank

**OAKENGATES TOWN COUNCIL HAS REQUESTED THAT THE APPLICATION
BE DETERMINED BY THE PLANNING COMMITTEE.**

1. THE PROPOSAL

- 1.1 This part retrospective application seeks consent for the siting of 2no. steel container units clad with timber and tile effect roof, erection of 1no. gazebo and erection of a 2.4m high fence.
- 1.2 The steel containers have already been sited and have been subject to investigation by the Planning Enforcement team. The containers have been concreted to the ground. Steel containers are not classed as ancillary to a residential property and would always require planning permission within a residential garden. The Applicants have been advised that the appearance of steel containers is not appropriate for a domestic garden, hence the application to clad them and to add a roof. During the application, a section of fencing 2.4m in height has been added which will help to additionally screen the building. The fence is going between the rear elevation of the building and the boundary with Rosevale and is to be the same width as the building.
- 1.3 The pergola needs consent as it is over 2.5m in height within 2m of a boundary. This is also retrospective. During the application, the owners of the adjacent property have informed the LPA that the pergola has been built overhanging their property. This has been fed back to the applicant who is going to relocate it slightly so that it is not overhanging. Due to the miniscule distance this is moving, it was considered that the Block Plan did not need to be altered.

2. SITE AND SURROUNDINGS

- 2.1 Bush House is a large detached property set within a large plot on Mossey Green which is a residential street in Ketley Bank.
- 2.2 The application property is a large 2 storey dwelling. Part of the garden had been previously sold off by a previous owner to build a detached bungalow which had been previously approved but was never implemented and has

now expired. The applicant has since bought back this land and is now once again part of the garden of Bush House. As this application was never implemented, the land was still classed as garden land and therefore, no change of use was necessary.

3. RELEVANT PLANNING HISTORY

3.1 None

4. PLANNING POLICY CONTEXT

4.1 National Planning Policy Framework (the NPPF)

4.2 Telford & Wrekin Local Plan
BE1 Design Criteria
BE2 Residential Alterations

5. SUMMARY OF CONSULTATION RESPONSES

5.1 Oakengates Town Council: Initial Consultation – No Objection

Second consultation - Comment

Oakengates Town Council discussed this application at the Full Council meeting on 4 September 2018 and would like to call in the application to be discussion at Plans Board for the following reasons:

- Height of the construction in relation to neighbouring properties.
- Loss of light to neighbouring properties.
- Noise to neighbouring properties from activities that the construction is being used for.
- Close proximity of the construction to neighbouring properties.
- Pollution to neighbouring properties from the activities that the construction is being used for.
- Potential for the construction to be used for business use.
- Effect on the local environment.

5.2 Shropshire Fire: Comment – Recommend Fire Safety Informative

5.3 Neighbour Consultation: Fourteen letters of objection have been received raising the following concerns:

- Trying to sell adjacent property but offers have been revoked.
- The roof of the gazebo overhangs the neighbouring property.
- The applicant has attached wicker fencing to hide the containers.
- The containers block out light from the kitchen.
- The containers are too close and imposing
- Applicant has told residents different stories such as:
- The containers will be there for 18 months whilst renovations are carried out (which have been completed)

- Moving his office and car parts company to the back garden
- Storing and selling of car parts.
- Storing Classic Cars
- The applicant has misled neighbours and the planning department.

6. PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Scale and design of the proposal
- Impact on the amenity of neighbouring properties

Scale and design of the proposal

- 6.2 The gazebo is of a standard domestic design. Currently, the roof of the gazebo overhangs the neighbouring property but is to be relocated 250mm which will remove the overhang. Even when relocated, the gazebo still needs permission as the height exceeds the 2.5m when within 2m of a boundary that is allowed under permitted development. The height is 3.2m. Due to the modest nature of the gazebo, officers consider that even with the low boundary treatment, there is no significant impact caused.
- 6.3 Currently, the containers are industrial in appearance and are not a suitable addition for a domestic garden as they currently stand. The containers have been placed side by side and cover an area of 12.3m x 5m which is large. However, due to the size of the garden and the existing dwelling, officers consider that a building of the footprint could be classed as ancillary to the existing dwelling and therefore, under the right conditions, could be permitted development.
- 6.4 The plans submitted are to clad the existing unsuitable containers and to add a roof and therefore would create an outbuilding. This building will have a height to the eaves of 2.5m and maximum height of 3m which is only 50cm higher than what could be built under permitted development in this location. The plans show that the building is 1m away from the boundary, if this was moved so that it was 2m away, planning permission would not be required and additionally, the maximum height could be increased to 4m.
- 6.5 The current containers are clearly not a suitable addition to a domestic garden but by cladding them in suitable timber cladding and creating a roof over, will transform the appearance into that of a domestic outbuilding.
- 6.6 As part of the negotiations on the application, the applicant has agreed to erect a 2.4m high fence along the width of the building in order to help the appearance from the neighbouring property (Rosevale). From Rosevale, due to the level difference, the current boundary treatment appears to be low and this section of fence will help to draw attention away from the building.

Impact on the amenity of neighbouring properties

- 6.7 The proposals affect one property, Rosevale. The occupier is recently deceased and is now in the ownership of her 3 children. Officers agree that the building is large and that ideally, would have been sited further down the garden away from Rosevale however, the fall-back position of what could be done under permitted development has got to be taken into account. The neighbouring bungalow has windows within the side adjacent to the building. However, due to the fact that it is only 50cm higher than what can be done under permitted development, officers consider that there would not be sufficient detrimental impact caused to warrant a planning refusal and therefore, whilst the building is not ideally located, it is on balance consider to be acceptable.
- 6.8 It is appreciated that the 3 siblings who own Rosevale are trying to sell the property, but unfortunately this is not a material planning consideration in itself. However, as the works are part retrospective, the Council does have powers to insist on the work being finished. Therefore, conditions will be placed on the permission requiring the cladding and roof to the containers, the new fence and the relocation of the gazebo to be carried out within 3 months of the date of the approval, in order to improve the appearance.
- 6.9 There have been comments made about the applicant misleading residents and the Council on the application, however, this application has been submitted as a householder application and the applicant has stated to officers that it is for the storage of his private cars. This application is not for any business use and officers will be conditioning the use of this building so that no business use can take place and that it can only be used as an integral part of the dwelling.

Other matters

- 6.10 Oakengates Town Council has commented on this application and have raised issues of potential noise and pollution caused by activities from the building and impact on local environment. As previously stated this application is a householder application for a domestic outbuilding and is not for a business use. Any issues arising from this would not be a material planning consideration and if issues do arise, these would be a matter for environmental health.

7. CONCLUSIONS

- 7.1 Once the pergola has been re-located, officers consider that it will have no significant impact on the neighbouring property. The current containers are to be clad and a roof added so that it resembles an outbuilding. Whilst it is large and is only 1m away from the boundary, it is only 50cm higher than permitted development and therefore, whilst not ideal, it is considered that there is not significant detrimental impact caused to warrant a refusal. The applicants have also proposed a new 2.4m section of fencing which will help mitigate the appearance of the building and therefore on balance, the proposal is deemed

to be compliant with Policies BE1 and BE2 of the Telford & Wrekin Local Plan and the guidance contained within the National Planning Policy Framework.

8. RECOMMENDATION

8.1 Based on the conclusions above, it is recommended to **GRANT PLANNING PERMISSION** subject to the following conditions:

Conditions

1. ACustom Moving of the pergola
2. ACustom Cladding of the building
3. ACustom Erection of the fence
4. C002 Materials to match details
5. C38 Development in accordance with approved plans
6. Dcustom No business use

Informatives

I17a Coal Authority High Risk Area
I31 Fire Safety
I40 Conditions
I41 Reasons for Grant of Approval
RANPPF1