

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 14th November 2017

Application

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Application Number:	17/01300/FUL	Application Expiry Date:	3rd August 2017
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Application Type:	Full Application
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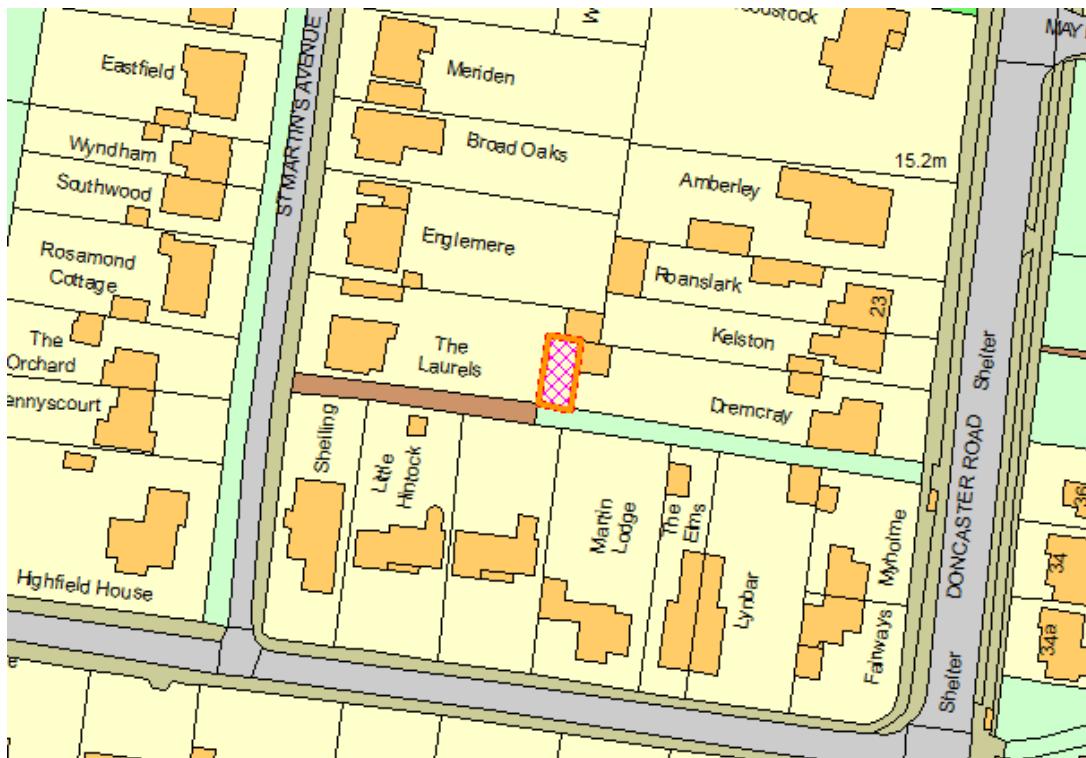
Proposal Description:	Erection of a detached garage/outbuilding.
At:	Land Off St Martins Bawtry Doncaster DN10 6NJ

For:	Mr & Mrs Jackson
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Third Party Reps:	8	Parish:	Bawtry Town Council
		Ward:	Rossington And Bawtry

Author of Report	Sara Dodds
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 This application is being presented to Planning Committee, following the deferral of the application from the Planning Committee of the 17th of October 2017 for a site visit. The site visit was conducted on the 10th of November 2017 to enable Members of the Planning Committee to assess the access to the site and to understand the concerns raised by highways.

1.2 This application is being presented to Committee at the request of Councillor Rachael Blake on the grounds of residential amenity, and as a result of the level of objection received.

2.0 Proposal and Background

2.1 The application seeks planning permission for the erection of a detached garage/outbuilding.

2.2 The application site is an area of land located off St Martins Avenue, Bawtry and is separate from the remainder of the residential property of The Elms, Martin Lane. The application site is, however, in the ownership of the applicant.

2.3 This site is an area of land which is served by an access track/lane. The track/lane has boundary treatment to both sides in the form of timber fencing, and as you progress further down the track/lane the area becomes more over grown by tress and greenery from the surrounding area. Other residential garden areas and outbuildings surround the proposed garage site.

3.0 Relevant Planning History

No relevant history on the application site.

The Elms:

14/01071/FUL - Erection of pitched roof study/utility/wc extension to rear, bricking up of doorway and erection of new glazed canopy supported on cast iron columns to side of semi-detached house following demolition of existing outbuilding - Granted 01/09/2014.

15/01775/PD - 1. New side dormer window - Permitted Development 10/08/2015.

The Laurels;

15/00521/FUL – Erection of pitched roof single storey extension to rear of detached dwelling – Granted 31.03.2015

4.0 Representations

4.1 This application has been advertised in accordance with Article 15 of the Development Management Procedure Order (DMPO), and includes neighbour notification and Planning Applications Online. Seven letters of objection have been received in connection with this application on the following grounds:

- Description of the location of the site.
- Access from Doncaster Road, but not St Martins Avenue.
- The size of the proposal/solar panels being part of the proposal.
- Is the structure to house a weekend fun car.

- Possible damage to drains in Backlane.
- The sheet describing the site refers to "access from St Martins Avenue".
- The implication of unlimited access to the Avenue by non-residents. It is a private road maintained as necessary by residents as circumstances dictate.
- The Avenue already suffers from the impact of motor vehicles and should not be subject to any more.
- It should be noted that vehicular access to Highfield House is, and always has been, via the Avenue.
- St Martins Avenue is a private road, and as such is maintained and paid for by the householders who access their property from this road.
- The site is not accessed from St Martins Avenue, but from a track that is accessible from the applicants own property directly through his drive or Doncaster Road. The fact that this track is not overgrown to the extent of the Doncaster Road end is due to the diligence of the three properties that abut this track.
- The track is narrow and to be used on a regular basis will have an impact on the quality of life on these three properties, also on the two properties on St Martins Avenue which face the entrance to the track with an increase in traffic and Light pollution.
- The only building which has been on the site is a small greenhouse, as the plot has always been used as an allotment.
- The main drain for the properties abutting the track runs underneath, which is just a path.
- St Martins Avenue is a privately owned and unadopted road and no rights of access to the land (site) is accessible.
- The fold down bollard to ensure only controlled access onto the track, this is located at St Martins Avenue end of the track.
- Access to the track should be available from Doncaster Road.
- The land (site) was sold for use as an allotment only and with pedestrian only access rights from the track via a narrow gate. This status remains unchanged.
- Possible damage to sewer pipe.
- Other vehicles of a non-domestic nature may use the track
- Lack of action by others could lead to allowing access to a private road which residents maintain. The solution is to clear the track from Doncaster Road.

A further representation was then received following the receipt of an amendment to reduce the footprint of the garage. The comments received are as follows;

- The plans do not accurately show the proximity of the Laurels as a result of an extension
- The width of the access road is different to that shown on the deeds
- Height of the proposed garage above ground level

5.0 Parish Council

5.1 No response/comments have been received.

6.0 Relevant Consultations

6.1 The Coal Authority standing advice in the form of an advisory informative note in the event of any coal mining feature is encountered during development.

6.2 Highways Development Control - the following comments have been received;

The lane adjacent to the application site is unadopted and does not currently appear to be used for vehicular access, being grassed and overgrown in parts from images. The applicant should ensure that they have a right to use this lane for vehicular access in the first instance and if in private ownership, it may be shared by neighbouring properties who may have interest in the proposal. As presented Highways initially had concerns with the application as proposed. The positioning of the garage leaves, what appears to be, insufficient space for a car to manoeuvre in or out however the plan does not measure to scale and the Highways Officer has been unable to assess this fully. It may also be difficult to drive out of the access given the width of the lane.

The need for the proposed new access is questioned as it is apparent that the site already benefits from an access and driveway to the front of the property and Highways would have concerns over the use and adequacy of the side lane for vehicular use, particularly if the intention was to exit directly on to Bawtry Road.

The application was then amended to reduce the footprint of the garage to improve manoeuvrability. Further Highways comments were subsequently received;

Whilst the amendments have made the manoeuvrability within the site better, Highways still have concerns over promoting this lane for use by vehicles. There is no way of preventing vehicles from accessing or exiting the lane from and onto Doncaster Road which raises serious road safety concerns. Doncaster Road is a well-used classified route, there is a bus stop located immediately adjacent to the access and visibility is extremely poor. Notwithstanding the above, there is still the issue over rights of access. Taking all of these factors into consideration Highways Development Control view this proposal unfavourably.

6.3 Built and Natural Environment Section (Trees and Hedgerows Officer) - the following comments have been received:

With the further information on the fabrication of the building Mr Jenkinson is correct in that damage to the tree roots through direct loss/damage is reduced and there is no issue with the construction method. The comparison to the fencing isn't quite accurate in the Tree Officer's opinion in that although it is correct that the fencing required excavation and is near to the tree that this proposal would be, the total surface area of the root plate affected is tiny compared to root plate area potentially affected by the garage, which could cause compaction and change the air and moisture exchange with the soil.

Overall, knowing that the garage will be implemented without the need for significant excavation and the surrounding area likely to allow the trees to compensate for the potential root plate loss although it isn't ideal because as per BS5837:2012 section 5.3. As such a tree survey is no longer required and there are no objections to the proposal on arboriculture grounds.

7.0 Relevant Policy and Strategic Context

7.1 The site is allocated as Residential Policy Area, as defined by the Doncaster Unitary Development Plan (Adopted July 1998) and saved by the Secretary of State September 2007.

Planning policy relevant to the consideration of this application includes:

Doncaster Council's Core Strategy:
Policy CS14: Design and Sustainable Construction.

National Planning Policy Framework
Chapter 7 - Requiring Good Design

Supplementary Planning Document: Development Guidance and Requirements, Adopted July 2015.

8.0 Planning Issues and Discussion

8.1 The main issues relating to this application are the impact of the development on the character of the area, highway safety and any impact on residential amenity.

Principle of development

8.2 The proposal is for a garage and the applicant has confirmed that the building is intended for domestic use and not for business use, which is a concern of local residents. The applicant also states that access would only be occasional and for a domestic vehicle. Whilst the site is separated from the main residential curtilage of The Elms, the application site is owned by the applicant. Interested parties comment that the land was previously used as an allotment. It is currently overgrown and is bound by timber fencing. As such, the proposal for a domestic garage on the site is acceptable in principle.

Highway safety

8.3 Policy CS 14 of the Doncaster Council Core Strategy sets out the design criteria for all proposals. Included within this is a requirement to ensure quality, stability, safety and security of private property, public areas and the highway. The proposal will be accessed from a track which has access from St Martins Avenue, and also leads to Doncaster Road, where there is a dropped kerb onto the A638.

8.4 The applicant intends to access the site via the track from St Martins Avenue, and given that, neither the track or St Martins Avenue are classified roads, planning permission would not be required for the formation of an access. The access onto St Martins Avenue and Doncaster Road is also already in existence. The applicant is not seeking to form an access onto Doncaster Road, however, given that there is already access and other properties have access gates, the local planning authority have no control should residents wish to utilise this. The applicant confirms that the lane is overgrown towards Doncaster Road and is currently not used as an access, and he has no intention of doing this.

8.5 Highways Development Control raise concern that whilst this application is for the erection of a detached garage to the rear of the property, which by its very nature will require vehicle access. It is implied that the applicant currently has vehicular access to the rear of his property and similarly the neighbouring property "Dremcray" also, however from the site photos and photographic evidence provided by the applicant there is no evidence that vehicle access has been taken across this stretch of the adjoining lane in recent times.

8.6 St Martin's Avenue and the access lane forming part of this application are un-adopted and whilst technically outside of the Highways Officer's remit for consideration, they feel it would be remiss of them not to raise their concerns at this stage. Should this application be granted it could set a precedent for the other properties along this lane to apply for vehicular access also and with that, clear any overgrowth that is currently in place and create a vehicular link between St Martin's Avenue and Doncaster Road which raises very serious road safety concerns. Furthermore, having read the associated representations, it is clear that there are ownership and right of access issues and it begs the question that if the applicants neighbouring land owners are refusing access over their land, how is this being used currently.

8.7 It is noted that the Highways Officer initially raised concerns with regards to manoeuvrability within the site and the garage has now been reduced to 6.75 m in length from 10.5m which is a reduction of over 3.5m. In addition the garage door height has been reduced which has brought down the eaves height slightly and the roof pitch has been reduced from 15 degrees to 12.5 degrees which has lowered the ridge line from 2.85m to 2.65m. The reduction in the length of the garage means that there is now an increased area to manoeuvre a vehicle in and out of the garage. Whilst Highways Development Control agree that this has improved manoeuvrability, their concerns relating to the promotion of this lane by vehicles remains.

8.8 Whilst the concerns of the Highways Officer are noted, the fundamental point here is that given that the formation of an access would not require planning permission, the local planning authority has no control over its use. The lane and access is already in existence and should the applicant wish to merely utilise the access, without constructing a garage, planning permission would not be required.

8.9 The matters raised by local residents in relation to rights of access are civil matters and not material planning considerations. The applicant maintains that they have a right of access stated within their deeds, however this is not a consideration for the Planning Committee.

Impact on character of the area

8.10 The Council's SPD states that residential extensions and alterations (which includes outbuildings) will be supported which complement and enhance existing buildings and their settings, avoiding negative impacts on neighbours and the quality of the local environment in line with the in line with a number of design principles. Policy CS 14 of the Core Strategy requires proposals to respond positively to existing site features and integrates well with its immediate and surrounding local area.

8.11 The proposed garage is 5m in width and 6.75m in length. A double garage is normally 6m by 6m, as set out in the SPD when advising developers of parking requirements to enable parking for 2 cars. The footprint is therefore of reasonable proportions for the intended use. The height is 2m to eaves level and 2.7m to ridge

height. It is therefore considered that a development of this limited scale will have little impact on the character of the surrounding area, especially when sat behind a boundary fence.

8.12 The garage will be constructed from pebble dashed precast concrete panels, with profiled roofing sheets. The development is to be located down an access road and will not be in a highly prominent location, as such it is not considered to detract from the character of the surrounding area, in accordance with policy CS 14 and the SPD.

Impact on residential amenity

8.13 It is not considered that the proposal will detrimentally affect residential amenity given the scale of the development and its intended use. Whilst the comments of occupiers of The Laurels, situated to the west of the application site, are noted in that the site plan does not accurately show the proximity of the garage from this property as a result of a large rear extension, considering the approved development, there still remains 20.5m from the rear terrace shown on the approved plans for The Laurels to the application site. Therefore, given this limited scale of the proposal, this is a sufficient distance away from The Laurels. It is also located alongside an outbuilding/garage to Demcrary to the east of the site.

Other matters

8.14 Matters relating to rights of access and the maintenance of St Martins Avenue and the track, and any legal covenant restricting the use of the site to an allotment are civil matters and are not material planning considerations.

9.0 Summary and Conclusion

9.1 In summary, the proposed erection of a garage in this location is acceptable. The garage is of a use, scale and design which is appropriate to the residential area and will not compromise residential amenity or the character of the surrounding area. Whilst the concerns of the Highways team are noted, the formation of the access is outside of the local planning authority's control.

10.0 RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

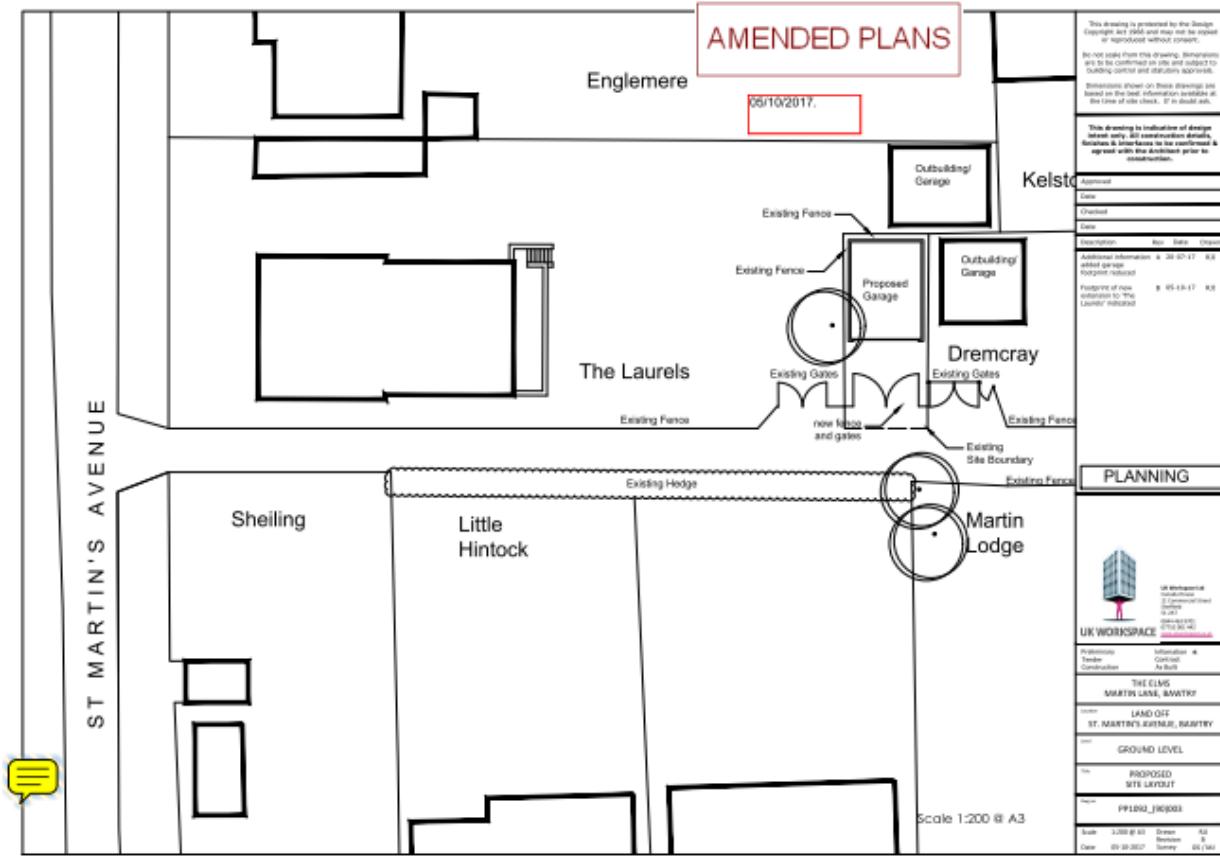
01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. ACC1	<p>The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.</p>
REASON	
	<p>To ensure that the development is carried out in accordance with the application as approved.</p>
03. U55708	<p>The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows;</p>
PP1092 - (90)003 Rev A - Amended 24.07.2017	
PP1092 - (20)004 Rev A - Amended 24.07.2017	
PP1092 - (90)003 Rev C – Dated 12.10.2017	
REASON	
	<p>To ensure that the development is carried out in accordance with the application as approved.</p>
01. U11444	INFORMATIVE
<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.</p>	
<p>Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>	
<p>Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com</p>	
<p>The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.</p>	

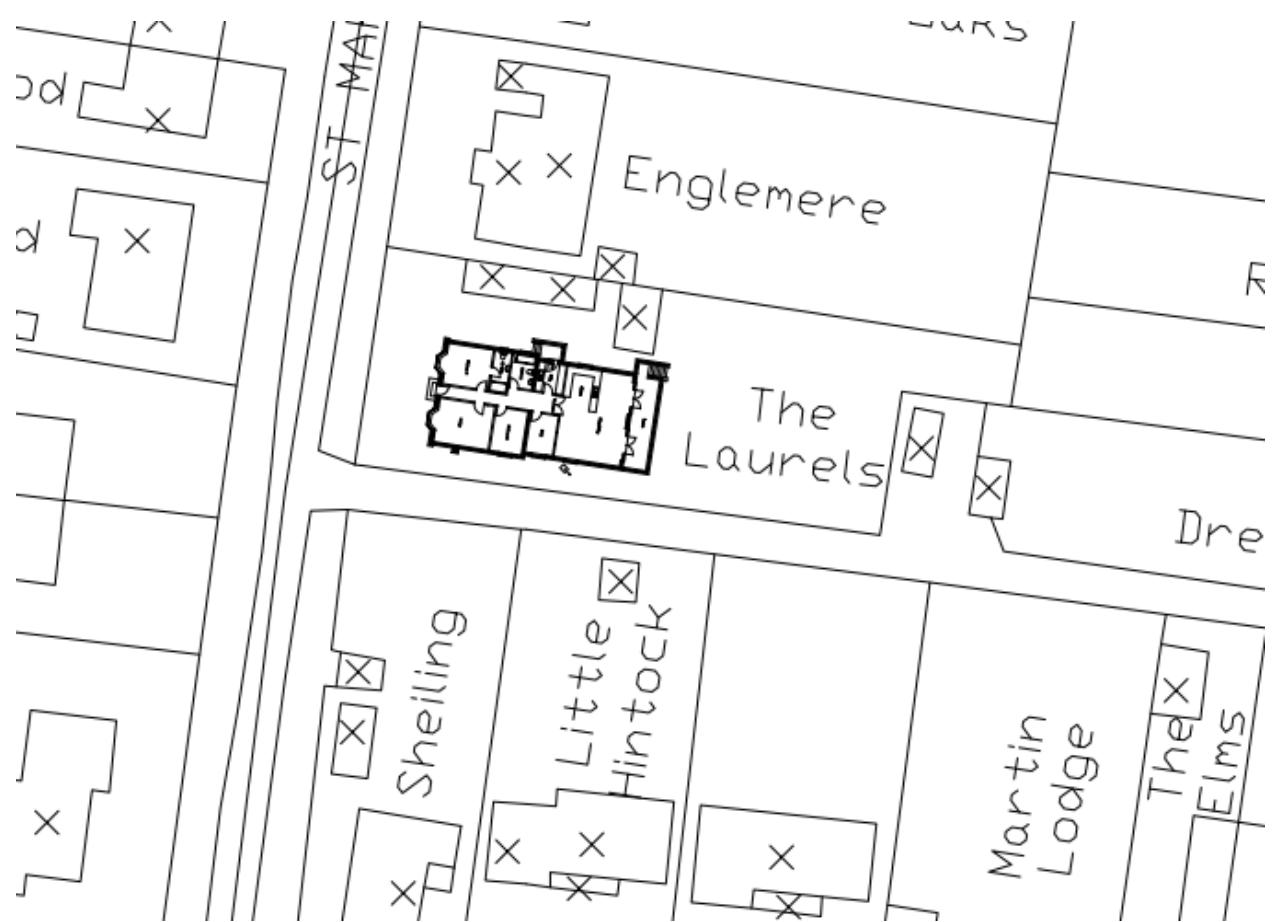
APPENDIX 1 - Location Plan



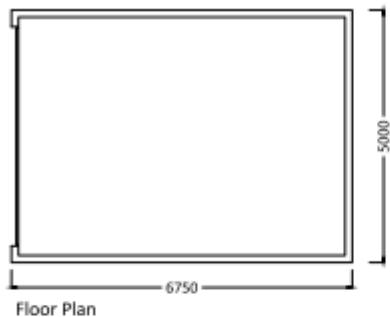
APPENDIX 2 - Proposed Site Plan



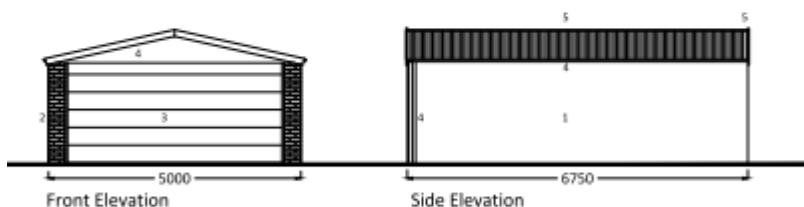
APPENDIX 3 - Approved extension to The Laurels



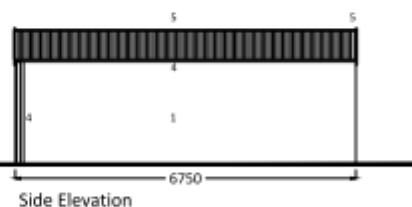
APPENDIX 4 - Proposed Floor and proposed elevation plans



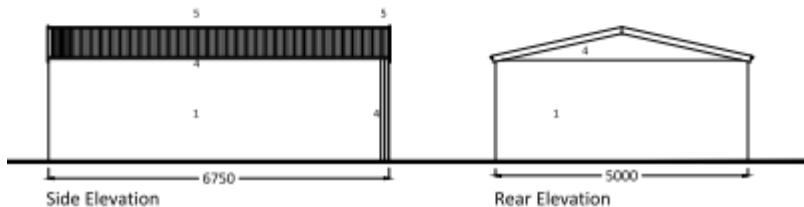
Floor Plan



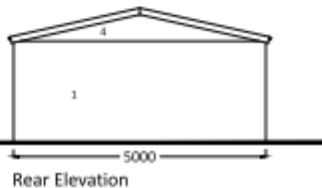
Front Elevation



Side Elevation



Side Elevation



Rear Elevation