

Application Recommended for Approve with Conditions
Lanehead Ward

HOU/2022/0186

Town and Country Planning Act 1990

Retrospective application to retain detached timber shed in rear garden.
6 Rochester Drive, Burnley, Lancashire, BB10 2BH

Background:

This retrospective application is submitted following a conversation with an Officer and the applicant on 17th March 2022. The application form states that pre-application advice was sought, and advice given was that planning permission is necessary. This is the case on two grounds, firstly that permitted development rights do not exist for buildings within the curtilage of this dwelling and secondly that the highest point of the shed exceeds 2.5m within 2.0m of a boundary.

This wooden shed is located within the rear garden of a detached house, on a development of similar houses. The site is that of the former Marsden Hospital. Planning permission for the development was granted under Application No. 95/0348, which contained a Condition that permitted development rights be removed from certain of the Plots, including this one (Plot 3).

The rear garden backs onto Marsden Road. The boundary between the rear garden and the road is the old hospital boundary wall, a stone structure of considerable height.

Relevant Policies:

Burnley`s Local Plan July 2018.

HS5 – House extensions and alterations

HS4 – Housing Development

SP1 – Achieving sustainable development

SP4 – Development Strategy

SP5 – Development quality and sustainability

National Planning Policy Framework 2019

Site History:

| App Number | Proposal | Status | Received Date | Decision Date |
|-------------------|--|--------|---------------|---------------|
| HOU/2021/07 56 | Convert existing garage to sitting room with extension to front of 1.2m. | APP | 14/12/2021 | 10/06/2022 |

| | | | | |
|-------------------|---|-----|--|------------|
| TPO/2021/02 61 | Application to fell one Ash tree | APP | | 27.09.2021 |
| APP/2016/03 94 | Application to remove 1 tree and crown reduce 2 trees | APP | | 16.11.2016 |
| 95/0348 | 50 dwellings | APP | | 17.10.1995 |

Consultation Responses:

None received.

Representations:

Main points being:

Aesthetics – the shed is visible from properties on the opposite side of Marsden Road, particularly during winter when there is no leaf cover.

The shed will be placing pressure upon the boundary wall, leading to a possible collapse and subsequent hazard to passing children and cars.

Shrubs have been removed and a tree adjacent to the shed has failed to leaf this year.

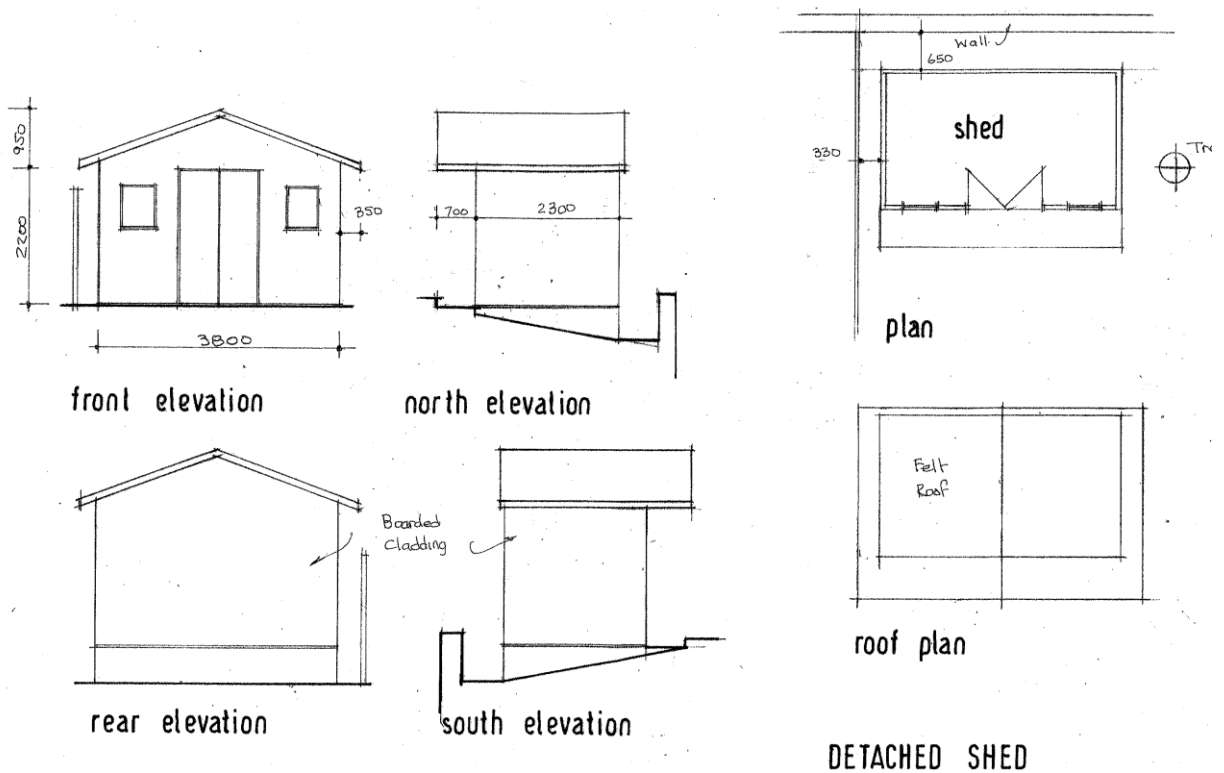
Uncertainty about whether the strip of land containing the shed formed part of the 1995 residential consent, or whether it was deliberately excluded to provide a 'buffer' between curtilages and Marsden Road.

Visuals:

Views from Marsden Road



Elevations



Block and Location Plans



Consideration:

Principle

The property is within the Development Boundary of a Principal Town (i.e. Burnley) as identified within the Adopted Burnley Local Plan. Subject to compliance with other Local Plan Policies, the principle of alterations to dwellings is acceptable if 'of an appropriate type and scale' in this area under Policy SP4. A shed in the rear garden can reasonably be considered an 'alteration' for these purposes.

Design

Policy SP5 requires 'high standards of design, construction and sustainability in all types of development.' This is reiterated in Policy HS5, which states 'Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5'

The proposal is for a timber, pitch-roofed shed with the appearance of a 'garden room'. 3800mm wide, 3000mm deep by 3150mm to the ridge. It is considered this design and size of shed is ordinarily appropriate for the rear garden of a detached house. The juxtaposition of shed to boundary wall and the fact that the garden is elevated above Marsden Road needs to be taken into consideration, and the top of the shed is clearly visible from public vistas. This is not considered sufficient reason to refuse the application however as harm has to be demonstrable, and the applicant has agreed to mitigate the visual impact by painting/staining the shed in a dark, neutral colour and to screen and break up its outline by use of appropriate additional planting between it and the wall. On balance therefore it would be difficult to

substantiate a refusal on SP4 and SP5 grounds subject to Conditions requiring the above.

Neighbouring Amenity

With regard to the amenity of the adjoining neighbours it is considered that the shed does not cause any issues of over-looking, loss of light or loss of privacy. It is located at the rear of a rear garden and isn't considered a habitable room for purposes of Policy HS4. Gardens to either side have fences as boundary treatment, which obscure views.

Impact upon Trees

An objector has expressed concern about the condition of a tree adjacent to the shed. As the objector rightly points out, the tree does appear to be in poor condition and hasn't come into leaf this year. This tree was subject to a TPO application in 2021 (TPO/21/0261), and consent was granted to fell it due to its condition (ash die-back) on 27th September 2021. The approval contained a Condition requiring a replacement tree, and this will have to be planted in the first season following felling. It would be logical if the replacement tree were located away from any structure such as the shed or the wall.

Impact Upon Stability of the Wall

An objector has expressed concern about the potential implication of having a shed so close to a retaining wall that abuts a highway. No evidence has been submitted by either the objector or the applicant to demonstrate whether the wall is under undue pressure from siting of the shed, however it is anticipated that should damage occur, it will be noticeable from the highway and reported appropriately.

Conclusion

The proposal is acceptable on balance subject to Conditions containing measures to reduce its visual impact.

Recommendation:

That planning permission be granted subject to Conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawings:

Drawing described as Detached Shed, scale 1:50 Received 1st April 2022
Drawing described as Site Plan 1:500 and Location Plan 1:1250 Received 1st April 2022

3. Notwithstanding details shown within the application, within 28 days of the date of this approval the shed shall be painted or stained a dark neutral colour, to be agreed in writing by the Local Planning Authority and so retained.
4. Notwithstanding details shown within the application, within 28 days of the date of this approval details of a scheme of planting (and maintenance thereof) shall

be submitted to and approved in writing by the Local Planning Authority. This planting scheme shall have the effect of breaking up the outline of the shed when viewed from public vistas. The planting scheme shall be implemented during the next available planting season and retained/maintained for the lifetime of the shed.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. In the interests of visual amenity and to ensure compliance with Local Plan Policies SP4 and SP5.
4. In the interests of visual amenity and to ensure compliance with Local Plan Policies SP4 and SP5.

