

**DC/2017/01256**

**RETROSPECTIVE APPLICATION TO RELOCATE GARDEN BUILDING AND REVISED PLANTING SCHEME**

**TAWELFAN, 22A PEN Y POUND, ABERGAVENNY, NP7 7RN**

**RECOMMENDATION: APPROVE**

Case Officer: Elizabeth Bennett

Date registered: 31/10/2017

**1.0 APPLICATION DETAILS**

1.1 This application relates to a retrospective application for landscaping works and the moving of a garden building (timber pavilion) from one part of the front garden of no. 22a Pen-y-Pound to another. The landscaping works were approved under planning permission DC/2017/00772.

1.2 The property is a recently constructed modern detached property at 22a Pen-y-Pound, Abergavenny. It is outside but adjacent to the Conservation Area. Due to the orientation of the property, the main garden area is located to the principal elevation of the property, this being the key factor in why the proposal needs planning permission. The main issue regarding the application is the relocation of the pavilion. The pavilion is a single storey timber structure that has a footprint that is approximately 4.9m x 3.2m and it would measure 3.18m to the ridge of the roof. The structure is outlined on Drg No 150715 W1. The application also includes a site plan that alters the proposed landscaping of the site that is outlined on Drg. No 2017/01.

**2.0 RELEVANT PLANNING HISTORY**

DC/ 2016/00772 – Pool Building – 22a Pen Y Pound – Approved 10/11/2016.

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

3.1 Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

3.2 Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

HE1 - Development in Conservation Area

**4.0 REPRESENTATIONS**

4.1 Consultation Responses

Councillor Paul Jordan – requests that this application is considered by Planning Committee due to the effect of the development on the amenity value of the adjoining properties.

Abergavenny Town Council – recommends refusal. The application flouted the original approval conditions and they should be upheld.

#### 4.2 Neighbour Consultation Responses

Five objections have been received from neighbouring households.

##### 4.2.1 Objection Letters

- Breaches of planning permission to the detriment of neighbours whose gardens adjoin the plot and is contrary to the local plan (policies S13 & S17)
- The diminishing greenery of this plot
- The landscaping plan has been cast aside
- The garden building has already been moved
- The garden building is very large and has been placed on a permanent concrete base
- Prior to this the garden building was not in the direct line of sight of neighbours
- In the new position the garden building has a dominating and overbearing impact on a much reduced garden
- This once verdant and well stocked garden has been stripped bare except for a few small trees
- We urge that the re-siting of the garden building should be refused
- The probability of noise and light pollution is significantly increased
- This is an area that was previously prone to flooding
- The building had been previously situated in an inconspicuous part of the garden where it caused no hindrance, has now been moved very close to the boundary line with our property, with power and lighting having recently been added
- Light pollution during the evening
- Loss of green space
- The planning officers' consent said that 'for the avoidance of doubt' the very clear replanting plans has to be obeyed
- The size of the garden had been greatly reduced
- Loss of green space, the landscaping plan was to mitigate against the destruction of the green space
- Planning permission for landscaping has been brazenly ignored.

## 5.0 **EVALUATION**

### 5.1 Visual Amenity

5.1.1 This retrospective application has been submitted to supersede the previous landscaping plan as approved under permission DC/2016/00772 that included the siting of the pavilion. The main issue for this application is the relocation of the domestic structure generally being known as – garden building/hut/pergola/pavilion. For the purposes of this report, this structure will be known as the Pavilion.

5.1.2 The Pavilion structure is a timber structure that has been relocated within the garden area of the property and faces the front elevation of the dwelling. The structure itself measures 3.18m in total height to the ridge, 4.9m in length and 3.2m wide. It has been relocated from the originally approved location (adjacent to the drive) to an area of the garden closer to the recently constructed swimming pool with an access footpath leading from the pool patio to the timber pavilion.

- 5.1.3 The applicants have submitted details of the revised landscaping plan in support of their application, including layout and planting details. The planting detail includes a proposed beech hedge for screening along with planting borders D1 & D2.

Plant border D1 will include:

- A) Pumila Cortaderia Selloana – Pampas Grass;
- B) Carex Evergold - A grassy, evergreen sedge;
- C) Carex Everest - A grass-like plant, mostly preferring sites with moist, rich soil;
- D) Festuca Glauca Intense Blue - Herbaceous or evergreen grass
- E) Festuca Glauca Golden - Herbaceous or evergreen grass
- F) Hebe Armstrongil Mix - Compact evergreen shrubs
- G) Unicinia Firedance - Tufted perennial

Plant border D2 is to remain as was original proposed and approved. The landscape area is proposed to be laid to lawn in the middle with small footpath leading from the pool patio area to the pavilion structure.

- 5.1.4 The proposed relatively small timber structural does not have an adverse visual impact on the area. It is contained from view within the residential curtilage of the property and its impact on the wider area is limited. It is not noticeable within the street scene and does not harm the character and appearance of the area. This type of structure is typical of a residential garden and is acceptable. The relocation of the timber structure is acceptable, it would preserve the setting of the adjacent Conservation Area and the development is in accordance with Policies DES1 and HE1 of the Local Development Plan.

## 5.2 Residential amenity

- 5.2.1 The relocation of the single storey timber structure does not harm any party's residential amenity. The pavilion is still well away from any neighbouring boundary and owing to its scale and mass, it would not appear as an overbearing element to adjacent householders. The structure does not result in an unacceptable level of overlooking or obstruct any party's light. The development would be in accordance with Policy EP1 of the LDP.

## 5.2 Response to third party objections

- 5.2.1 Neighbour objections have been raised concerning this application relating to: breach of approved plan, light pollution, diminishing greenery, location of the pavilion, noise related problems and possible flooding issues. Having assessed the application, and taking account of comments received from objectors, it is considered that the overall impact of relocating the timber structure will have little or no effect upon the area and it would not harm any party's residential amenity. It is contained from view of the highway and cannot be viewed from any vantage points other than first floor windows of immediate neighbours, which in itself is not significant in planning terms. The applicants have taken consideration to their neighbours into account and have themselves included in the landscaping plan evergreen screening borders, which have yet to be planted. The applicants have submitted a landscaping plan of how they intend to plant their garden and this is considered acceptable to soften and green-up the garden area.
- 5.2.3 The pavilion is considered an ancillary domestic building to serve the dwelling house and does not have an unacceptable impact on any other party to warrant a refusal of the application. The pavilion has been measured to be located approximately 17m

away from the joint rear boundary of 20 & 22 Pen-y-Pound and 11m from the rear boundary of Avenue Court. These are acceptable intervening distances and the structure does not have an unacceptable impact on any party's privacy or amenity. There is no reason why normal use of the (existing) garden including the revised pavilion should give rise to unacceptable levels of noise or light pollution.

## 6.0 Conclusion

6.1 It is quite clear that the applicant has inadvertently altered the plans without the understanding of the implications of the requirement to gain planning consent for the relocation of the timber structure. That being said, the pavilion building is an ancillary domestic building and is to be used for 'purposes incidental to the enjoyment of the dwelling-house'. The pavilion does not adversely affect any neighbour's enjoyment of their garden or house; it does not cause any overshadowing, overlooking or overbearing impact to any neighbour's property and does not harm the visual appearance of the area. The development does not have an unacceptable impact on any neighbouring party's residential amenity. The development is therefore considered to be in accordance with the relevant policies held within the adopted LDP, namely policies S13, S17, DES1 (c, d, e, f & l), HE1 and EP1.

## 7.0 **RECOMMENDATION: APPROVE**

### 7.1 Conditions:

- The development shall be carried out in accordance with the list of approved plans set out in the table below.
- All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of this planning permission and any trees or plants which within a period of 5 years from the date of this permission, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.