

PLANNING APPLICATION NUMBER:P12/1437

Type of approval sought	Full Planning Permission
Ward	Castle and Priory
Applicant	Mr I. Williams
Location:	2, BLACKTHORNE CLOSE, DUDLEY, WEST MIDLANDS, DY1 3TH
Proposal	ERECTION OF WOODEN GAZEBO IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	APPROVE

SITE AND SURROUNDINGS

1. This is a former local authority semi-detached building located within a street of similar. There is off-street parking to the frontage.
2. The levels along Blackthorne Close fall gradually from a north to south direction, with 4 Blackthorne Close slightly lower than the application site.
3. The site is set perpendicular to the rear gardens of dwellings located in Blackthorne Road. The levels along Blackthorne Road fall gradually from east to west, with the rear garden of 4 Blackthorne Road at 0.2m lower ground level than the site.
4. The rear of the site is adjacent to a pair of detached garages.

PROPOSAL

5. Retrospective permission is sought for a gazebo in the rear garden which is used as a rear sheltered sitting out area. This measures 3.2m high (maximum) and 2.3m (to the eaves).

6. A 0.6m high section of feather edge fence top has been added to the rear boundary fence for a length of 3 fence panels, which results in an overall fence height of 2.4m high. The application proposal has been amended to include this increase in height.

7. The gazebo is on a decked area, which is on the natural ground level. A retaining wall has been erected to the front of the decked area, however, it did not include an increase in ground levels significant enough to warrant inclusion in this planning application.

HISTORY

8.

<u>Application No.</u>	<u>Proposal</u>	<u>Decision</u>	<u>Decision Date</u>
P11/1527	Rear conservatory	Approved with conditions	23/01/12

PUBLIC CONSULTATION

9. A site notice was displayed and direct notification was carried out to 5 adjoining and adjacent premises, as a result of which, one letter of objection was received on the following grounds:
 - The structure dominates the view from the rear habitable room windows of the adjacent neighbouring dwelling.

OTHER CONSULTATION

10. None required

RELEVANT PLANNING POLICY

11. Saved UDP Policies (2011)

DD4 – Development in Residential Areas

12. Supplementary Planning Guidance

Planning Guidance Note 17 – House Extension Design Guide

ASSESSMENT

13. The key issues in determination of this application are;

- the character and appearance of the area
- residential amenities of adjacent occupiers

Character and appearance

14. The gazebo is located within the curtilage of a dwelling house and for a use ancillary to the dwelling house. It would be possible, under of the General Permitted Development Order 1995 (as amended) Part 1, Class E, Development within the Curtilage of a Dwelling House, to build a structure of a similar size or even larger in terms of footprint (i.e. up to 50% of the total area of the curtilage) for ancillary accommodation. However, this is restricted to 2.5m in overall height where within 2m of the boundary.

15. The gazebo is a timber structure with pitched roof and roof tiles. It is single storey in scale, and therefore is in keeping with the area. The eaves height is 2.3m (i.e. that allowed under permitted development), where the roof slopes up to the ridge at an overall height of 3.2m, resulting in the highest point being well away from neighbouring properties. Bearing in mind what could be constructed under permitted development, the proposal is not considered to be unduly large, with a garden some 14m long still retained. Consequently it is considered that there is no materially damaging impact on the character and appearance of the area, in accordance with Saved UDP Policy DD4.

Residential amenity.

16. In respect of the nearest habitable room windows to neighbouring properties, there is a distance of 12m from the rear elevation to the gazebo. There is an existing trellis addition to the fencing, which provides a degree of screening to the development and helps to obscure any direct views from the gazebo into rear ground floor habitable room windows of neighbouring dwellings. The addition of the gazebo, however, has not altered the ground level from the previous situation and a degree of overlooking to the neighbouring dwellings would have been possible without the structure being erected.
17. Given that the relatively low roof slopes away from the boundary at a distance of 12 metres from the neighbouring property and only a 14m separation is required for a two storey building, the structure is not considered to have a detrimental impact upon the outlook from or daylight to neighbouring properties.
18. The rear boundary is adjoined by detached garages, which are not affected by the gazebo. The increased height of the rear fence to a total of 2.4m is lower than the permitted 2.5m height for outbuildings located adjacent to a boundary.
19. This development is not considered to have an adverse impact upon neighbouring properties in accordance with Saved UDP Policy DD4 and PGN17.

CONCLUSION

20. The ancillary gazebo is an acceptable structure in a residential context which has been designed to avoid any harm upon the character of the area or impact upon the residential amenities of adjoining neighbours due to an appropriate separation distance. The development therefore accords with Saved UDP Policy DD4 – Development in Residential Areas and Planning Guidance Note 17 – House Extension Design Guide.

RECOMMENDATION

21. It is recommended that this application be approved.

REASON FOR THE GRANT OF PLANNING PERMISSION

The ancillary gazebo is an acceptable structure in a residential context which has been designed to avoid any harm upon the character of the area or impact upon the residential amenities of adjoining neighbours due to an appropriate separation distance. The development therefore accords with Saved UDP Policy DD4 – Development in Residential Areas and Planning Guidance Note 17 – House Extension Design Guide.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Black Country Core Strategy (2011), the Saved UDP (2011) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

APPROVAL STATEMENT INFORMATIVE

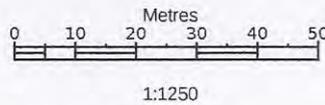
In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.



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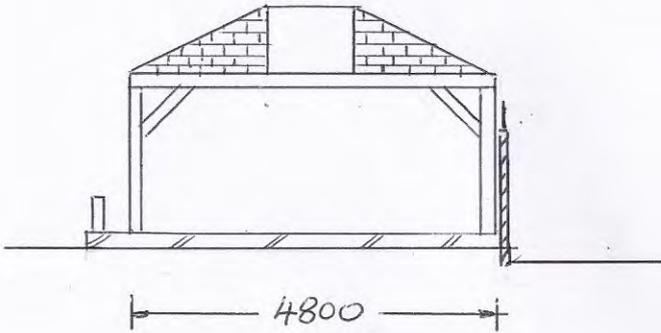
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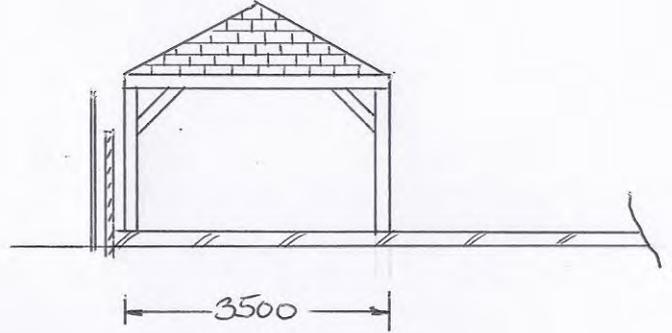


2 BLACKTHORNE CLOSE
DUDLEY
DY1 3TH

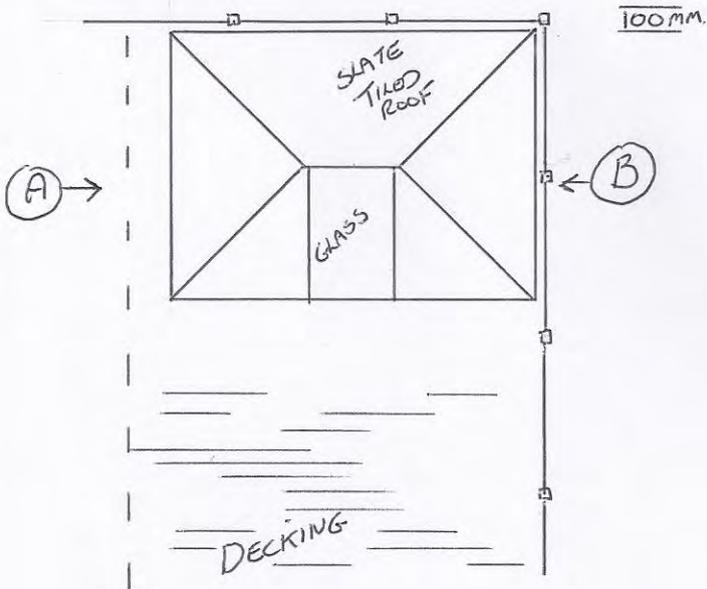
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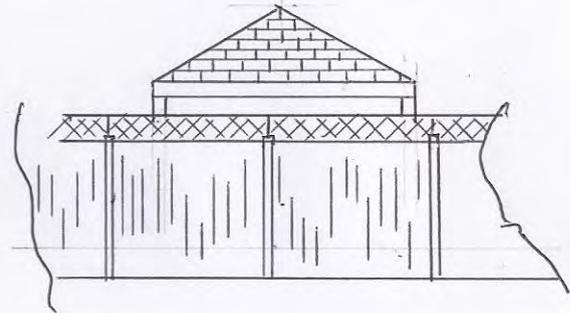
FRONT ELEVATION



SIDE ELEVATION (A)



PLAN



SIDE ELEVATION (B)

SCALE 1:100

A4

DRAWN BY T.FARRINGTON
 C/O Your Home Improvement Company
 West Midlands House
 Gipsy Lane
 Willenhall WV13 2HA

Ref. WILLIAMS

AS EXISTING

2 BLACKTHORNE CLOSE

DUDLEY

WEST MIDS

DY1 3TH