

# PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Liz Payne

**Parish:** Sparkwell

**Ward:** Newton and Yealmpton

**Application No:** 2556/22/HHO

**Agent:**

Mr Nigel Rockley - Nigel Rockley Architect  
1 Furnells Close  
Raunds  
NN9 6LJ

**Applicant:**

Mr Daniel Langdon  
18 New Park Road  
Lee Mill Bridge  
PL21 9EB

**Site Address:** 18 New Park Road, Lee Mill Bridge, PL21 9EB



**Development:** Householder application for proposed rear garden store

**Reason item is before Committee:** Cllr Thomas and Cllr Baldry has referred the application to committee for the following reasons:

1. Loss of parking; and
2. Concerns in regards to drainage.

**Recommendation:** Conditional Approval

**Conditions:**

Standard time limit  
Adherence to plans

Surface water discharge to an existing sewer within the application site  
Not to be implemented until parking space approved by 2555/22/HHO is provided  
Removal of Class E PD rights

**Key issues for consideration:**

Parking; Design, scale and massing; Neighbour Amenity; Drainage.

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**Site Description:**

The application site is within the built form of Lee Mill Bridge and hosts a mid-terrace house within a row of 4 terraced dwellings on New Park Road. To the front, facing south, the property has a small area of gravelled garden and low fences in between each neighbour to either side. To the rear the property has a small garden on split levels and fencing along all boundaries. The boundary with number 20 to the west is slightly higher to reflect differing ground levels. Beyond the garden fence, allocated parking spaces for numbers 18 and 16 run almost perpendicular to the gardens along the rear boundary of number 18 and are partially laid to lawn and partially finished with tarmac. An existing shed and tools are stored on the parking space for number 16.

**Proposal:**

The applicant wishes to build a single storey detached outbuilding within the garden and existing parking space to the rear of the property. The parking space is set an angle to the garden area and as such the outbuilding would be an unusual shape; the largest dimensions of the proposal would be approximately 4m wide by 4.8m long and 2.6m high.

Revised plans have been submitted during the life of the application and this report is based on plan number 02c.

**Consultations:**

- Sparkwell Parish Council: object, see comments

**PUBLIC CONSULTATIONS**

**Representations:**

Representations from Residents

Comments have been received and cover the following points:

- The proposal would block access to the rear of properties and neighbouring garages;
- The shed would take up the parking space resulting in the occupiers having to park in the shared access area for neighbouring properties;
- A plan showing the shared access has been submitted;
- The garden shed is outside of the curtilage of the property;
- Construction will be difficult as vehicles will be parked next to it;
- Plans showing parking area for number 18 are incorrect;
- Applicants have laid decking in the rear garden which is of concern;
- The shed is too close to boundary fence and is a fire hazard;
- Plans do not show foundations;
- More information on where water run-off will go is required;
- Will lead to neighbour disputes as parking is already very difficult in the area;
- Shed is too close to neighbour's boundary fence and will block ability to maintain the fence;

- Shed will block neighbour's parking space;
- Plans show water being discharged to waste water drain and not storm water drain.

### Representations from Statutory Consultees

Sparkwell Parish Council objected to the application on car parking grounds and made the following comments: The proposed rear garden store will partially be outside the current garden fence, which would remove existing parking space. The remaining driveway is shared access and a vehicle parked would remove access to the neighbour's gate and/or their garage. This area has significant parking issues and it is not appropriate for further development which would reduce parking.

### **Relevant Planning History**

49/0121/82/3 - 09/03/1982 - Conditional Approval

Erection of nine pairs of extendable semi-detached houses and three blocks of four terraced houses

1417/22/HHO – 19/07/2022 – Withdrawn

Householder application for proposed hardstanding for off road parking to front of dwelling & proposed rear garden store

2555/22/HHO – 21 November 2022 – Conditional Approval

Householder application for proposed hardstanding for off road parking for one vehicle (resubmission of 1417/22/HHO)

### **ANALYSIS**

#### 1. Principle of Development/Sustainability

1.1. The site is located within the built form of Lee Mill Bridge and hosts a residential dwelling. Therefore the principle of development is established.

#### 2. Parking

2.1. The applicant proposes to build over an area of land to the rear of their property which was identified as a parking space in the original planning permission for the dwelling. In a separate application, the applicant has gained planning permission to create a parking space to the front of their property which would offset the loss of the parking space.

2.2. Objectors have raised concerns that building over this space would result in a loss of parking within an area where parking is already difficult.

2.3. In considering the proposal Officers have referred to the original planning permission for the property and the surrounding area ref: 49/0121/82/3. This scheme provided each property along New Park Road with a parking space within the rear garden area. To the rear of numbers 18 and 16 New Park Road four parking spaces in total were identified and an area annotated as access was indicated to the rear of numbers 20 and 22. To ensure that only one parking space is affected by the proposal the applicant has reduced the external length of the outbuilding to 4.8m so that it does not extend beyond the single parking space. The width of the outbuilding is also such that the neighbour's parking space to the side is not reduced. In addition, planning approval for the shed will be conditioned on the implementation of planning approval 2555/22/HHO to ensure a parking space to the front of the property is provided before

the shed is erected and as such the development will not result in a net loss of parking spaces.

2.4. Officers note that some comments are in relation to the parking and access areas outside of numbers 20 and 22. The plans show a car parked in this area, which is in accordance with plans granted permission by application 49/0121/82/3. It is also the Officer's understanding that cars currently park there. As the proposal will not impact on this area and the plans do not show this area being used in a manner which conflicts with previous permissions, Officers' do not consider that this aspect is a reason to refuse the proposal for the shed. Any discussion in regards to who should park in this space is a civil matter and is beyond the remit of planning.

### 3. Design, scale and massing

3.1. The proposed outbuilding is a timber construction with a functional design typical of a domestic outbuilding or shed. The outbuilding would be sited adjacent to the neighbour's fence but this is not considered to cause an unacceptable fire hazard and in itself, the lack of space to maintain the fence is not considered a substantiate reason for refusal.

### 4. Neighbour Amenity

4.1. Owing to the fall in ground levels the proposed outbuilding will be higher along the boundary of number 16, however this will be for a short distance at the end of the garden furthest from the neighbour's house. Along this boundary the proposed outbuilding would be comparable in height to existing outbuildings within the neighbour's garden and as such it is not considered the development would result in an overbearing impact on the neighbour.

### 5. Drainage

5.1. The applicant has not provided information on how the incorporation of sustainable water management strategies have been considered, nor how the drainage hierarchy has been applied. However, the site is small and could not accommodate a soakaway and the applicant has secured support in principal to discharge the additional surface water runoff from the additional impermeable surfaces to a public surface water sewer. Letters of representation have raised concerns that the applicant would be connecting to a foul sewer rather than surface water sewer. The Officer has sought further clarification from South West Water who have confirmed that, owing to the small scale of the proposal, a connection to either a surface water sewer or combined sewer will be acceptable. On this basis, the proposal is considered to accord with the provisions of DEV35 'Managing flood risk and water quality impacts' and this does not form a substantive reason for refusal.

### 6. Other matters

6.1. Other matters raised by objectors include questioning whether the land is domestic curtilage. The area is very small, adjacent to the property and is associated with the main house and as such is considered curtilage. An objector questioned the need for foundations to be shown on the plans; there is no requirement for the plans to show the proposed foundations and as such this issue is not a matter of concern. One letter suggested that the construction of the outbuilding would be blocked by neighbouring vehicles. Although the viability and the likelihood of proposals being delivered can be a material consideration, it is not considered to be the case for this proposal given the small scale of the proposal.

6.2. Planning permission for the proposal is required as the original permission for the dwelling, 49/0121/82/3, restricted permitted development rights to prevent outbuildings being built without express planning consent. A condition will be applied to ensure the outbuilding is still subject to the restriction on permitted development and could not be able to be extended or altered without express planning consent.

## 7. Summary

7.1. The proposal is considered to be of an acceptable design and scale for the site that will not result in a loss of parking provision or an overbearing impact on the neighbour.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004***

## **Planning Policy**

### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan**

The application site does not lie within a Designated Neighbourhood Plan Area.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: **Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.**

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

**Proposed Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number 02 rev.C received by the Local Planning Authority on 21 November 2022 and existing Site Location Plan on drawing number 01 received on 12 September 2022.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. No development shall take place until the parking space approved by planning permission 1417/22/HHO has been properly surfaced and constructed.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all carriageways in the interests of road safety and amenity.

4. Surface water from the development will be discharged to an existing sewer within the application site, in accordance with the approved plans and maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas).

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.