

Minute 174 - ABG/19058/2 – Retrospective application for a summerhouse/games room and raising ground level. (Re-submission). 5 Norman Ave, Abingdon

The Committee's attention was drawn to paragraph 4.2 of the report and it was explained that objections had also been raised regarding the effect of the proposal on the neighbour's trees. Also, it had been requested by neighbours that if the Committee was minded to grant planning permission conditions should be attached removing permitted development rights; requiring that the material used to raise the garden be removed from the site; landscaping be provided and that the proposed building should not be used as a dwelling, for entertainment or for business uses.

It was clarified that planning permission would be required for use of the building for any other use than that which would be ancillary to a dwelling. Furthermore, the Officers considered that a condition requiring the removal of the material was reasonable.

Further to the report the Committee was advised of the distances of the proposal from the boundary and the differences between this application and one previously refused.

Charlotte Riggs speaking on behalf of ~~the neighbour~~ **not only on her own account but that of her husband David Sellors and Mrs Jane Luker** made a statement objecting to the application raising concerns relating to matters already covered in the report. She explained that she disagreed that the building was single storey pointing out that there would be an internal staircase. She commented that the door would be replaced by a window which in her view would not address concerns regarding overlooking. She expressed concerns regarding mass emphasising that the building had not reduced in size from that previously refused, highlighting that the eaves and ridge height were the same. She referred to the raising of the garden level reporting that ~~some 95 lorry loads of material had been delivered.~~ **approximately 95 tons, (5 lorry loads each with a 19 ton payload) of material had been delivered.** She considered that raising the garden level was in her opinion presumably to give an impression that ground levels were lower and to lessen impact. She also raised concerns regarding visual impact and dominance explaining that the building was visible from other dwellings in the vicinity. She expressed concern regarding its intended use and particularly concerns regarding noise commenting that whilst there were powers available to the Council under Environmental Health legislation, the Council should pre-empt the possibility of disturbance now by refusing permission.

~~Jane Luker had given notice that she wished to speak objecting to the application but she declined to do so.~~ Charlotte Riggs was speaking on behalf of Mrs Jane Luker (who was present at the meeting).

In response to a question raised the Officers advised that the proposal was 0.6 metre higher than what could have been built under permitted development rights.

Members spoke against the proposal making the following comments: -

- It could not be seen how removal of the balcony had reduced the size and bulk of the building.
- The building was higher than that allowed under permitted development rights.
- It was thought that there had been considerable engineering works to raise the garden and there were some concerns regarding the purpose and impact of this.
- The building was dominant and out of keeping.
- There was concern regarding impact and over looking of the property in Radley Road.
- There was concern regarding the buildings overall height relative to that of the main property it being commented that the difference of 0.6 metres in height would have an impact in this location.
- There was concern regarding the building's intended use and an assurance was sought that there were measures in place to control this.
- The dwelling was overbearing and at odds with the main dwelling.
- There had been no reduction in the overall mass of the building from that previously refused.
- The siting seemed odd for a summerhouse given its positioning between high trees and hedges.

The Officers reported that the building would not overshadow the neighbouring property ~~105 Bradley Road,~~ **105b Radley Road** as it abutted a flank wall.

In response to concerns raised that Officers advised that they could seek more details on the garden levels to ascertain impact on the neighbouring gardens.

It was commented that a domestic dwelling could be used for business purposes without planning permission depending on its scale. It was clarified that if the overall use of the site remained residential then planning permission might not be necessary but each case needed to be considered on its merits.

The Officers asked Members to note that the applicant had argued that the engineering works raised the garden to the same level as the neighbour's garden. It was explained that raising the ground level might not in itself be harmful. However, the Officers considered that the work was more than would be reasonable for ordinary garden works and might require planning permission.

One Member suggested that an organised site visit would be beneficial.

By 13 votes to nil it was

*RESOLVED*

*that consideration of application ABG/19058/2 be deferred to enable the Officers to obtain further information regarding ground levels with a view to determining possible impact and to enable an organised site visit for Members."*