

<b>APPLICATION NO.</b>	<a href="#">P12/V2687/RET</a>
<b>APPLICATION TYPE</b>	RETROSPECTIVE
<b>REGISTERED</b>	9 January 2013
<b>PARISH</b>	ABINGDON
<b>WARD MEMBER(S)</b>	Pat Lonergan Vacancy
<b>APPLICANT</b>	Mr Philip Rudman
<b>SITE</b>	213 Radley Road Abingdon OX14 3SQ
<b>PROPOSAL</b>	Erection of outbuilding for use as gym/hobbies room (retrospective).
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	450976/198235
<b>OFFICER</b>	Ian Severn

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## 1.0 INTRODUCTION

- 1.1 This planning application has been submitted further to planning enforcement investigation reference no. VE12/173, in which it has been determined that the development does not meet the requirements of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and so requires planning permission.
- 1.2 213 Radley Road is a two storey three bedroom semi-detached property with a long rectangular shaped garden.
- 1.3 Planning permission was granted on 15 April 2009 for the erection of a two storey rear extension (reference no. P09/V0225).
- 1.4 The application is retrospective as the walls, windows and roof beams have been put into place. Retrospective planning applications must be assessed in the same way as applications for proposed development.
- 1.5 The application comes to committee because Abingdon Town Council objects.

## 2.0 PROPOSAL

- 2.1 The application seeks retrospective planning permission for the retention of the single storey outbuilding described in the application as a gym / hobbies room.
- 2.2 The building is concrete block with a rendered finish, UPVC windows and wooden double doors. Although the roof was originally dual pitched, it is proposed to be modified to a short tiled pitch with a flat roof measuring an overall height of three metres rather than the original height of four metres. It measures 7.5 metres across and 4.6 metres deep.
- 2.3 The building is positioned at the end of a long narrow garden and is situated abutting the boundaries of numbers 211 and 215 Radley Road and numbers 16 and 18 Hamble Drive.
- 2.4 A copy of the site plan and application drawings are **attached** at appendix 1.

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

**3.1 Abingdon Town Council:**

‘The committee objected to this application. Members considered that the proposal would unacceptably harm the amenities of neighbouring properties due to noise from the outbuilding and therefore objected to the application on the grounds that it is contrary to Policy DC9 (Impact on Neighbouring Uses) of the Vale of White Horse Adopted Local Plan 2011.’

3.2 Three letters of objection have been received from neighbours on the grounds that the building’s height makes it appear overbearing to properties to the rear due to an immediate drop in land levels between the properties. The objections also relate to the distance to neighbouring boundaries and the potential number of people using the building as a gym.

3.3 Two letters of no strong objection have also been received from neighbours

3.4 Environmental Protection Team – No strong views

**4.0 RELEVANT PLANNING HISTORY**

4.1 [VE12/173](#) – Enforcement investigation  
Unauthorised outbuilding in garden

4.2 [P09/V0225](#) – Approved (15/04/2009)  
Erection of a two storey extension

**5.0 POLICY & GUIDANCE**

5.1 Vale of White Horse Local Plan 2011 policies:

DC1 - Design

DC9 - Impact of development on neighbouring uses

5.2 National Planning Policy Framework 2012 (NPPF)

**6.0 PLANNING CONSIDERATIONS**

6.1 The main planning issue raised by this application is the height of the building in relation to the neighbouring boundaries and the sharp drop in ground levels to the properties to the rear of the site.

6.2 To help to address the concerns of neighbours, the applicant has submitted amended plans marked which show a more sympathetic roofline to that originally proposed. The new height and flat roof finish is also more in keeping with an existing shed at number 211 Radley Road which is immediately adjacent to the proposed building.

6.3 The height of the roof shown on the amended plans is now only 0.5m above that permitted under the Town and Country (General Planning Development) Order 1995 (as amended). If the structure as originally proposed and built had been located so that it was not within two metres of a boundary, despite being considerably higher, it would have constituted permitted development.

6.4 Although concerns regarding potential noise can be a planning consideration under policy DC9, the proposal is to use the building for purposes ancillary to the main dwelling and, therefore, any noise emanating from the building would be in keeping with such residential use and so could not be considered unduly harmful.

6.5 It should also be noted that as part of the consultation process on the application, the following response was received from the council's environmental protection team: 'Should any noise problems arise from the use of a domestic outbuilding, these would be better dealt with using the nuisance provisions of the Environmental Protection Act 1990'.

7.0 **CONCLUSION**

7.1 Based on the relevant supporting evidence from the applicant, comments from interested parties, and relevant policies and planning guidance, it is considered that the amended plans have satisfactorily overcome the objections raised and the proposal as amended does not have an adverse effect on the character of the local area or the amenity of neighbouring properties. Therefore, the application complies with local plan policies and so planning permission should be granted.

7.2 In accordance with paragraphs 186 and 187 of the NPPF the council takes a positive and proactive approach to development proposals. The planning service works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and by advising applicants/agents of issues that arise during the processing of their application and, where possible, suggesting solutions to problems.

8.0 **RECOMMENDATION**

8.1 **That planning permission be granted subject to the following conditions:**

1. **That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 'Amended Plans 20-02-2013 1, 2 and 3', except as controlled or modified by conditions of this permission.**
2. **The building hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse within the application site and for no other purpose.**

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