1. **Background**

1.1 The application was registered on 28 August 2019 and an extension of time for the determination of the application has been agreed until 24 January 2020 to allow determination by the Planning Committee.

1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation, at the discretion of the Deputy Director – Economic Development & Planning.

2. **The site and surrounding area**

2.1 This application relates to a semi-detached property located on the north side of Wordsworth Avenue within the St Stephen Ward.

2.2 The applicant is applying for retrospective planning permission to retain a combined shed/summer house in the rear garden which has been constructed on a raised platform of approximately 0.5 metres.

2.3 The original ground level of the garden would have been naturally sloping up towards the rear.
Therefore to make the garden more usable, the garden is stepped from the patio at the lowest point, then up to a astro-turfed seating area and then the summer house is on a raised platform closest to the rear boundary. The siting of the building on the raised platform results in it requiring planning permission. There are other summerhouses and sheds along this run of properties in their rear gardens in the same position.

3. The proposals

3.1 The applicant is applying for retrospective planning permission to retain a combined shed/summer house in the rear garden which has been constructed on a raised platform of approximately 0.5 metres. The structure stands 2.4m in width x 2.05m to the eaves and 2.34m to the ridge. The summerhouse is constructed from timber with single glazed windows and a felt roof and is split into two parts internally; half being used for storage and half as a summerhouse.

3.3 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

Location Plan
Floor plans
Elevations
Photographs
3.4 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council’s website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

4.1 The Town and Country Planning Act 1990 (‘the Act’) establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.

4.2 The Development Plan for Worcester now comprises:

- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
- The Worcestershire Waste Core Strategy, which was adopted on December 2012.

**South Worcestershire Development Plan**

4.3 The following policies of the SWDP are considered to be relevant to the proposal:

- SWDP 1 Overarching Sustainability Principles
- SWDP 21 Design

**The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027**

4.4 The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027. The following policies are relevant to this application:

- WCS1 (Presumption in favour of sustainable development)

**Material Considerations**

1. National Planning Policy Framework

4.5 The revised National Planning Policy Framework was updated on 19 February 2019 and sets out the government’s planning policies for England and how these are expected to be applied and is a material planning consideration in determining planning applications.
All the policies in the NPPF constitute Government's view of what sustainable development in England means in practice: an economic role, contributing to a strong, responsive, competitive economy; a social role, supporting vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services that reflect the community’s needs; and an environmental role, protecting and enhancing our natural, built and historic environment. Economic, social and environmental improvement should be sought jointly and simultaneously.

4.6 Paragraph 38 of the NPPF encourages Local Planning Authorities to approach decision taking in a positive way and to foster the delivery of sustainable development.

Local Planning Authorities are advised to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Chapter 12: Achieving well-designed places – provides general advice about the need for good design. Paragraph 127 (f) states that planning policies and decisions should ensure that developments:

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

2. National Planning Practice Guidance

4.7 On 6th March 2014 the Government also published National Planning Practice Guidance (NPPG) that has been updated in the meantime and comprises, amongst other matters: Design, Determining a planning application and Use of Planning Conditions.

3. Supplementary Planning Documents

4.8 The following Supplementary Planning Documents are relevant to the application proposals:-

- Design Quality SPD

The Design Quality SPD was adopted on 5th March 2018 and replaces the previous Supplementary Planning Guidance Note 3: Design (SPG3). Both documents encourage high standards of design for development proposals in accordance with the aims and interests that the NPPF seeks to protect and promote in this regard. The Design Quality SPD is consistent with the planning policies in the SWDP.
5. **Planning History**

5.1 The site has been the subject of the following planning application: 81/0857 - Provision of a car port. Approved Aug 21 1981

**Pre-application Engagement**

None.

6. **Consultations**

6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

**Neighbours and other third party comments:** One letter of support received from the neighbour at number 7 Wordsworth Avenue.

(Confidential objections received cannot be considered in this case).

**Worcester City Council Landscape and Biodiversity Adviser:** No objection

**Contaminated Land Officer:** No comments received.

6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.

6.3 In assessing the proposal due regard has been given to local residents comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7. **Comments of Deputy Director - Economic Development and Planning**

7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, establishing whether what is proposed is sustainable development. Taking the above matters into account I consider the main issues raised by the proposal relate to whether the development would be sustainable, having regard to the 3 dimensions of sustainability set out in the Framework: economic, social and environmental, in particular with regard to:

1. The economic role;
2. The social role:
- residential amenity;
3. The environmental role:
    - design and appearance;

These issues will now each be considered in turn.

**Sustainable Development**

1. The economic role

7.2 In the short term, the proposal would have required the need for local goods and services during the construction period of the project, which would have added financial benefit to the local economy.

2. The social role

7.3 The key aim is to provide an additional space that the family can enjoy. As a consequence, it has important social roles which weigh in favour of granting planning permission. However, one must also consider the impact of the development on nearby residents.

**Residential Amenity**

7.4 The site lies adjacent to residential properties located within an established housing estate within the St Stephens Ward. Policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with paragraph 127 of the NPPF that requires planning policies and decisions, amongst other matters, to ensure a high standard of amenity for existing and future users of land and buildings.

7.5 Although the development would be visible from adjacent properties and their garden areas, the test is not whether there will be any loss of amenity but, rather, whether the loss will reduce neighbouring residents’ amenity below a reasonable level such that it justifies a refusal of consent. In this case, it is not considered that the proposed development would equate to an unacceptable degree of harm to justify planning permission being refused on these grounds or that could be successfully defended if challenged by the applicant on appeal.

3. The environmental role

**Design and appearance**

7.6 Although the building has been constructed on a raised platform and is therefore highly visible, it has been constructed to a very high standard and other outbuildings including sheds and summerhouses have been constructed in similar locations in the rear gardens of the neighbouring properties. The building is not untypical of one of this nature being found in a domestic garden. Although substantial, the building does not have a detrimental impact on the visual amenity of the area.

8. Conclusion and planning balance
8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan and material considerations relevant to the determination of the application.

8.2 The following material planning issues are relevant to this application:

- Principle of the development
- Design
- Visual impact
- Residential amenity

8.3 Whilst the assessment is not an exhaustive list of all policies that are potentially applicable to this site, it seeks to address how the proposals respond to the key planning criteria in the planning policy framework against which the planning

8.4 I acknowledge all comments received as part of the consultation process and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, I consider that the proposed development is sustainable when looking at its social, economic and environmental credentials in the round. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits.

Overall it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole.

9. **Recommended conditions**

9.1 In the event that members resolve to grant planning permission the following conditions are recommended:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To conform with the requirements of 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 permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission:

   Location Plan
   Floor plans
   Elevations
   Photographs

   Reason: To ensure compliance with the approved scheme.