OFFICER REPORT

Case No: 25/00515/HHFUL Householder (Full)

Proposal: Retrospective outdoor wooden gazebo with roof

Location: 30 Caernarvon Road Eynesbury St Neots

Applicant: Mr Vince Fowles

Grid Ref: 518542 258404

DESCRIPTION OF SITE AND APPLICATION

The site comprises of a two-storey detached dwellinghouse located in a well-established residential area in St Neots. There are no constraints relevant to the site.

The application seeks retrospective planning permission for an outdoor wooden gazebo with roof.

During the course of the application, the applicant submitted an amended plan to show the structure moved in from the shared boundary to the west by approx. 0.78 metres to address comments made regarding water runoff. A 14-day re-consultation was issued to the Parish Council and neighbouring sites.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). .'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* achieving well-designed places;
* conserving and enhancing the natural environment;
* conserving and enhancing the historic environment.

Planning Practice Guidance and the National Design Guide 2019 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

LP 11: Design Context
LP 12: Design Implementation

LP 14: Amenity

Huntingdonshire Design Guide Supplementary Planning Document (2017):
* Place Making Principles - Part 3.7 Building Form

Local policies are viewable at https://www.huntingdonshire.gov.uk

RELEVANT PLANNING HISTORY

None.

CONSULTATIONS

St Neots Town Council had concerns that the gazebo appears overbearing and is located close to adjacent properties. The council did not feel able to make a resolution on supporting or objections to the gazebo based on the images and information available.

REPRESENTATIONS

Two objections were received initially from No6 Richmond Close and No8 Richmond Close which raised the below concerns:
- The gazebo is in excess of the allowed 2.5 metres in height and the roof overhangs the boundary line so the rain water runs off into our property
- Gazebo sited outside of garage window and due to the excessive height, there is a significant loss of light in the garage
- If the structure is allowed to remain then the height needs to be reduced to the maximum allowed (2.5 metres) or less by means of a new lower roof and the new roof must not overhang our property
- The plan shows the structure to be 10 feet 10 inches high (3.3 metres) but this is shown to be from the decking base and this is shown to be 0.29 metres from the ground hence the total height is actually 3.59 metres.
- The pagoda next to our boundary exceed the height of the plans and is higher than our conservatory. It is ugly in appearance and when our conservatory is taken down and replaced with a patio it will be an eyesore.
- The noise is more noticeable with the high structure and is extremely loud when they are entertaining as it is basically inches from our boundary

Officer comment: Following these comments, a new plan and photos were submitted to show the gazebo has been stepped in from the western boundary by 0.78mm so that the structure is fully within the boundary of the application site and water run off is within the site. A 14-day re-consultation was issued and the below comments from No6 and No8 Richmond Close have been received:

- The gazebo has now been moved further along our boundary so this unsightly structure is even more visible, it is far too close to our fence and well in excess of the standard height. It either needs to be moved away from our boundary, or the height needs to be reduced significantly to make it less of a monstrosity. We have planning regulations for a reason and I cannot understand why you have not asked the owners to reduce the height as regulations clearly state.
- I notice that the construction has been moved away from our boundary but the height is still more than the building regulations permit and the construction still reduces the light as it is directly outside of my window. I do not understand why the retrospective planning permission for the construction has not been refused already. If the roof is lowered to equal to or below the maximum allows then I would have no objection but whilst it remains as it is then I still object to the construction.
- I have sent photos of the gazebo to show how high this structure is and how close it is to our boundary

Officer comment: Comments made are noted. It has been highlighted that the gazebo exceeds the 2.5 metre height limit often referred to in permitted development rights for garden structures. It is important to clarify that this 2.5 metre threshold applies specifically to structures that do not require planning permission. Where a structure exceeds this height, it is not automatically deemed unacceptable but the requirement for planning permission arises to allow for a thorough assessment of its impact.

SUMMARY OF ISSUES

The main issues to consider in the determination of this application are:
- Design and Visual Amenity
- Residential amenity

Design and Visual Amenity

Policy LP 11 of the adopted Local Plan to 2036 states that a proposal will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings and has regard for the guidance contained within the Design SPD (2017).

Caernarvon Road is part of a modern residential estate and hosts a number of two-storey detached dwellings of varying styles and designs. No 30 is a two-storey detached dwellinghouse of brick and tile construction with render to the front elevation and an attached double garage to the front of the site.

The application seeks retrospective planning permission for an outdoor wooden gazebo with roof. The gazebo is sited in the rear garden and sits on top of the decking area. It measures approx. 3.57 metres in height and is constructed from timber with a grey metal roof.

The design of the gazebo is typical of garden structures, with natural timber materials that are sympathetic to the domestic garden setting. The scale and traditional materials ensure that it integrates reasonably well within the rear garden and does not appear overly dominant. Although the structure exceeds the height limit typically permitted under permitted development rights, the gazebo remains subordinate to the main dwelling and by virtue of its siting, scale, size and design would not cause any detrimental impact to the character and appearance of the host dwelling or the surrounding area.

Overall, it is considered the proposed development is acceptable with regard to design and visual amenity and therefore accords with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036.

Residential Amenity

Policy LP14 states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings in terms of light, outlook, privacy and noise.

In terms of neighbouring amenity, the gazebo is an open structure sited in the rear garden and sits in from the southern boundary shared with No6 Richmond Close by approx. 0.31mm and 0.78mm from the western boundary shared with No8 Richmond Close, ensuring the structure sits entirely within the application site.

The neighbour at No8 Richmond Close has stated that the structure significantly blocks light to a window. This window is located on a garage and is not part of a habitable room. Given the

east-to-west travel of the sun, the gazebo does not unacceptably affect natural light to this window nor does it cause any significant overshadowing.

It is acknowledged that the structure is close to the conservatory of No6 Richmond Close. Due to the travel of the sun in relation to the conservatory, and the open nature of the walls to the structure it is considered that the structure does not cause any significant overshadowing or affect natural light to the conservatory to such an extent that a refusal of planning permission could be justified.

In this instance, the retrospective application allows for full consideration of the gazebo's effect on neighbouring amenity. Officers have carefully assessed the structure in terms of potential overbearing impact, overshadowing and visual intrusion. It is concluded that, despite exceeding the permitted development height limit, the gazebo's scale, design, and siting within the rear garden do not result in unacceptable harm to neighbouring properties. The structure is an open structure which is set in from the southern boundary by approx. 0.31mm and 0.78mm from the western boundary, ensuring the structure sits entirely within the application site.

Despite exceeding the permitted development height limit, the gazebo's scale, design, and siting within the rear garden do not result in unacceptable harm to neighbouring properties. Given the east-to-west travel of the sun, the gazebo does not unacceptably affect natural light to either neighbouring property, nor does it cause any significant overshadowing. Therefore, while the concerns regarding height, proximity, and light obstruction are acknowledged, they are not considered sufficient to warrant refusal of the application.

Therefore, given the siting, scale and design of the proposal, there would be no significant detrimental impact to neighbouring amenity and the proposal accords with Policy LP14 of Huntingdonshire's Local Plan to 2036 in this regard.

Conclusion
The proposed development is considered to be compliant with the relevant national and local policy as it:
* Is of an appropriate scale and design
* Would not have a significantly detrimental impact upon the amenity of neighbours;

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:
Enquiries about this report to **Robyn Kerrigan**