

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **25th May 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **SIDE SPACE POLICY (H9)**

Contact Officer: Tony Stewart, Development Control Manager
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Chief Officer: Bob McQuillan

Ward: Boroughwide

1. Reason for report

- 1.1 At the Chairman's request, this report has been included in the agenda to provide an update on side space policy issues and decisions since the previous report on this topic in 2008.
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2. RECOMMENDATION(S)

- 2.1 Members are asked to note the report and confirm that such side space applications shall be determined in accordance with the usual delegation procedures i.e. decided under delegated powers unless called in to Committee by a Ward Member or referred to Committee by the Chief Planner.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division
 4. Total current budget for this head: £3.2m
 5. Source of funding: N/A
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Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Boroughwide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 At the meeting of this Committee on 26th August, 2008, Members considered a report on side space policy (H9) and were concerned at the difficulties and ambiguities that exist in relation to elements of the policy e.g. the impact of tall single storey buildings adjacent to the boundary. It was considered that the normal requirement of one metre for development of two or more storeys was a quantitative measure and should be given particular attention in the interests of consistency. In addition, Members felt that the wording of the policy should be reviewed at the appropriate time in the development plan process.
- 3.2 While the one metre side space policy is applicable in most parts of the Borough there are instances, e.g. where development is in Conservation Areas or Areas of Special Residential Character, where exceptions should be made with flexibility to exceed the normal requirement. It is also always the case that particular site circumstances must be taken into account in the decision-making process and so a rigid interpretation of the policy could be seen as unreasonable at any future appeal, exposing the Council to potential cost claims.
- 3.3 Since the meeting all applications involving a breach of side space policy have been reported to Committee. In total, 47 applications were considered and of these 31 (66%) were permitted (including 4 that were allowed on appeal).
- 3.4 The particular issues and circumstances varied from case to case but it is possible to identify certain common problems and approaches. In cases where there were minor breaches of the policy (i.e. provision of a side space marginally less than the metre requirement) 83% of applications were permitted. Similarly, where the side space requirement could not be met but the side boundary adjoined rear gardens, open land or accesses (thus preventing terracing) 83% of applications were permitted.
- 3.5 In contrast, where there was no side space but applicants proposed an inset at first floor, 87.5% of applications were refused permission. This is primarily because the works would appear cramped and could give the effect of terracing. Those cases that were permitted generally included a significant inset at first floor level, were well set back from the front elevation of the property and were accordingly less cramped in relation to neighbouring dwellings.
- 3.6 The majority of cases (64%) in Conservation Areas and Areas of Special Residential Character which proposed side spaces at the minimum one metre or slightly above were refused primarily on the basis that they caused harm to spatial standards of the area. Members will be aware that in both designations generous gaps between buildings are usually an integral part of the character of the area and are central to the original designation. Similarly, greater side space can be required on corner plots where Council guidance generally suggests the retention of a 3 metre separation to the side boundary.
- 3.7 Other cases which contravened side space policy involved development sites with angled boundaries resulting in part being in excess of the 1m and part being less than the minimum requirement (permission), development with catslide roof designs to overcome the lack of a full side space (permission) and development marginally less than the suggested 3m side space on corner sites (permission).
- 3.8 During the period, 6 cases were determined at appeal and of these, 4 were allowed and 2 dismissed. Two cases involved side spaces slightly below a metre and one was allowed and the other dismissed. Similarly, one Inspector dismissed an application which involved development at the boundary with an inset at first floor level and another allowed such a scheme. In the case that was allowed, the Inspector noted other examples in the immediate area.

- 3.9 Most of the applications reported to Committee would normally have been dealt with by officers under delegated powers and it is worthy of note that of the 47 cases handled over the period, 92% were determined in accordance with the officers' recommendation. Whilst individual site circumstances must always be taken into account, the results of the cases considered over the period give a clear indication of the general parameters for determining such applications. In the circumstances, Members may consider that it would be appropriate to revert to the usual 'call-in' procedure whereby cases will be dealt with under delegated powers unless they are called in by a Ward Member or are deemed by officers to warrant consideration by the Planning Committee.

Non-Applicable Sections:	4.5,6,7.
Background Documents: (Access via Contact Officer)	Previous report to Development Control Committee dated 26th August, 2008.