

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
1st February 2018

Agenda item 8

Application Ref. 17/00906/FUL

58, Abbot Way, Westlands

Since the preparation of the agenda report, a further letter of representation has been received from the owners of 54, Abbots Way. A summary of the comments made in addition to those already reported is as follows:

- No agreement is given to anything being done to harm the hedge and mature trees adjacent to the boundary between numbers 58 and 54. Any ground or other work which would put them at risk is strongly opposed.
- The issue of a restrictive covenant has not been properly addressed. If the Council grants the application without taking the covenant into account, they are taking an unnecessary risk.
- The issue of bat preservation has not been properly addressed.

A letter has been received from the applicant's representative in response to the objections reported in the agenda report. A summary of the points made is as follows:

- The application does not have errors and had that been the case, the Council would not have registered the application.
- The garage is a standard single-storey double garage and does not appear cramped on site.
- Seepage of car fumes is not a valid planning issue but nevertheless the garage will be used in an appropriate way.
- The garage is proposed to be used as an ancillary domestic building and alternative uses are likely to require planning permission.
- The applicant commits to using only obscure glass in the rear of the garage.
- There is no intention of incorporating the proposed garage into the dwelling.
- The dimensions and construction of the access and drive are not dangerous.
- The site is considered to be stable and the development will be carried out in full compliance with Building Regulations.
- The applicant commits the stair window facing No. 54 to be obscure glazed.
- The applicant is not aware of a restrictive covenant on the property and the matter is not a planning issue.
- The proposal will not set a precedent as future proposals elsewhere on the Westlands estate will need to show that they comply with Council policy.
- The proposal is in full compliance with the NPPF.
- The proposal does not have an adverse impact on wildlife and trees and there is no need for a bat survey.
- Both proposed and existing dwellings will provide 4 on-site car parking spaces and this exceeds the Council's parking standards.

Your Officer's comments

The matter of a restrictive covenant is not material to the determination of a planning application. Planning permission does not override the validity of a covenant but issues of planning and restrictive covenants are separate matters.

The garage to be demolished is a flat-roofed structure and given the age, design and location of the building and is not the type of building that is identified (within the list of local validation requirements and by guidance produced by Natural England) as requiring a bat survey. The objector makes reference to another outbuilding but that does not form part of the application.

The recommendation remains as set out in the main agenda.