

E/0027/38/12

**SMOKING SHELTER ERECTED AT BLAGDON RETIREMENT VILLAGE,
TAUNTON**

OCCUPIER:

OWNER: MS C CROWTHER
BLAGDON RETIREMENT VILLAGE, MIDDLEWAY, TAUNTON
TA1 3RR

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the smoking shelter comprising of a lean to structure sited on the end of a garage block within the grounds of Blagdon Retirement Village.

RECOMMENDATION

No further action be taken

SITE DESCRIPTION

Blagdon Retirement Village is accessed from Middleway and is built on the former Princess Margaret School site. It is a purpose built residential development for the over 55s and managed by the a management company who have an office within the retirement complex. The smoking shelter has been erected on the end of a block of garages in an open grass area. The shelter is constructed of trellis fencing panels and a green coloured corrugated roof. It is positioned away from the main complex and adjoins the rear gardens of the properties in Wilton Orchard.

BACKGROUND

An enquiry was received from the manager of the Retirement Village stating that they had received complaints that persons using the smoking shelter was causing a nuisance to some of the residents in Wilton Orchard. Smoke would drift across from the shelter and linger in the rear gardens of the properties. They did not think that any Planning approval was needed but one of the complainant's told them that they did. The Manager asked if a meeting could be held to discuss the matter and what the best course of action would be.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The structure has volume as it has a solid roof but is open on all sides apart from the rear wall of the garage block. The structure requires Planning permission as the facility is for the management company and not residents of the Retirement Village. No permitted development rights exist for the erection of such a structure. The unit is made up mostly of trellis fencing panels and with the addition of some planting and the removal of the roof, it is likely that planning permission would not be required.

RELEVANT PLANNING HISTORY

38/03/0549 – Planning permission granted for the demolition of Blagdon Lodge and erection of retirement village comprising 72 apartments, 11 bungalows and 12 houses (including 1 dwelling in coach house to be extended) at former Princess Margaret School site, Middleway, Taunton

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

National Planning Policy Framework

Taunton Deane Local Plan 2004

S2 – Design

DETERMINING ISSUES AND CONSIDERATIONS

The shelter is positioned at the end of a garage block and is small and discreet in its appearance. It is erected on the side elevation of a block of single storey garages which are on slightly elevated land from the neighbouring properties. It is approximately 4.5 metres from the hedge and fence boundary and 20 metres from the neighbouring dwelling. It is not considered to have any adverse visual impact from either within the site or from neighbouring properties.

With regard to the use of the smoking shelter and any harm to residential amenity, it is acknowledged that the smell of cigarette smoke can drift across neighbouring gardens and this could cause complaint. However, this is not uncommon and can happen in any residential area without being caused by purpose built shelters. It is considered that the smell of cigarette smoke does not cause sufficient harm to warrant the serving of an enforcement notice to remove the structure.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER: Mr B Kitching
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

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