



# DEVELOPMENT AND SITE ALLOCATIONS LOCAL PLAN

PROPOSED SUBMISSION

## RESIDENTIAL GARDEN SIZES

BACKGROUND PAPER

November 2017

**This information can be available in large print, Braille, audiotape/CD or in another language upon request.**

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## Introduction

1. Rother District Council's Development and Site Allocations Local Plan – Options and Preferred Options (December 2016) (“the DaSA”) included a draft policy, DHG3, on external residential areas. The policy highlighted three specific issues for consideration in planning applications: private usable space, car parking, and waste and recycling. The draft policy is shown in Figure 1 below.

### Policy DHG3: External Residential Areas

*An integrated approach to the provision, layout and treatment of external areas of dwellings should be taken in accordance with relevant Core Strategy policies and with specific regard to the following:*

*(i) Private External Space. Appropriate and proportionate levels of private usable external space will be expected. For dwellings with three or more bedrooms, private rear garden spaces of at least 10 metres in length will normally be expected. In relation to flat developments and complexes, an appropriate level of usable communal amenity space should be provided.*

*(ii) Car Parking. Car parking provision should be made in accordance with Core Strategy Policy TR4 and should be appropriate to the location, layout and design approach of the development.*

*(iii) Waste and Recycling. Sufficient bin storage and collection points must be provided on all new residential developments and changes of use. Their siting and design should be considered at the outset, be integral to the development, respect the visual amenities and streetscape character of the dwelling and the area, and be fully accessible for collection vehicles/ operatives as well as occupants.*

Figure 1: Draft Policy DHG3, DaSA Options and Preferred Options (December 2016)

2. The public consultation on the DaSA resulted in a mixture of comments on Policy DHG3, particularly in relation to part (i) (private external space) and the expectation for schemes involving dwellings with 3 or more bedrooms to include private rear gardens of a minimum of 10 metres in length. Some respondents considered the requirement too strict and could stifle development. Others considered the requirement too lenient and that it should apply to smaller dwellings (i.e. those with 2 bedrooms) as well. Some respondents considered the minimum garden space should be expressed in area rather than length.
3. This background paper has been prepared to inform the further development of part (i) of the policy in the DaSA.

## Methodology

4. The research has encompassed a number of parts. First and most significantly, a sample of residential schemes planning permission by the Council between 2013 and 2017 has been analysed in respect of the size of rear garden areas in relation to the number of bedrooms in each dwelling. The purpose of this analysis is to determine the average length of rear gardens, and specifically, whether developments are already meeting the requirement of the policy, and what bearing (if any) the number of bedrooms has. This will indicate whether the requirement of the policy as it stands is reasonable and whether the number of bedrooms chosen is correct. The area of the gardens will also be considered. Secondly, a selection of relevant policies/ guidance adopted by other planning authorities relating to the topic has been examined. Thirdly, a number of appeal decisions on planning applications determined by the Council where amenity space was considered have been examined.

## Analysis of permitted schemes

5. A random sample of 11 housing schemes granted planning permission by the District Council between 2013 and 2017 and subsequently constructed has been analysed: 5 major schemes (10+ dwellings) and 6 minor schemes (2 - 9 dwellings). See Appendix 1 for further details. The total number of houses in the major schemes is 237 and the total number in the minor schemes is 25. The rear gardens have been measured in terms of length and area, and the size of the corresponding house considered (in terms of no. of bedrooms). All measurements are approximate, and flats and maisonettes have been excluded. The lengths measured were taken from the centre of each dwelling, in a straight line to the rear boundary, usually ignoring small rear wall projections such as conservatories where these didn't occupy the whole rear wall. The areas measured generally also included side gardens where these formed part of the overall rear garden.

*Garden length:*

6. **For all sized dwellings across the major and minor schemes, the average length of rear gardens (11.4m and 12.1m respectively) exceeds 10 metres.**
7. **For the major and minor schemes, the average garden length for 2, 3, 4 and 5 bedroom houses all exceeded 10m.**

8. Furthermore, for the major schemes, there was not a significant difference between the average length of the gardens of 2, 3 and 4 bedroom houses (see graph at Figure 2). The results for minor schemes, where 4 bedroom dwellings were found to have considerably longer rear gardens than other dwellings (including those with 5 bedrooms) should be treated with some caution, given the small number of houses involved in the sample.

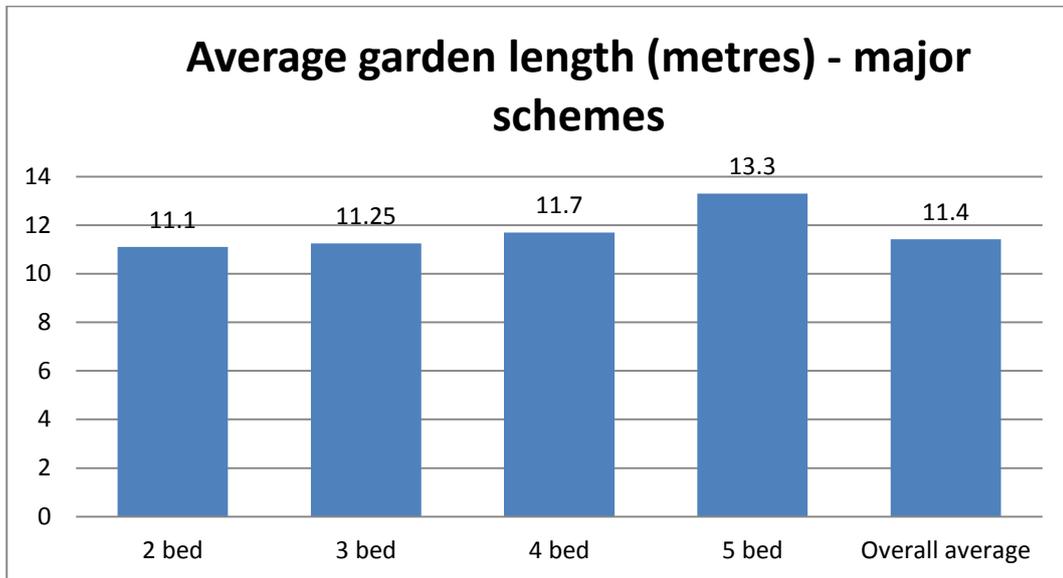


Figure 2: Graph showing the average garden length across the major schemes analysed.

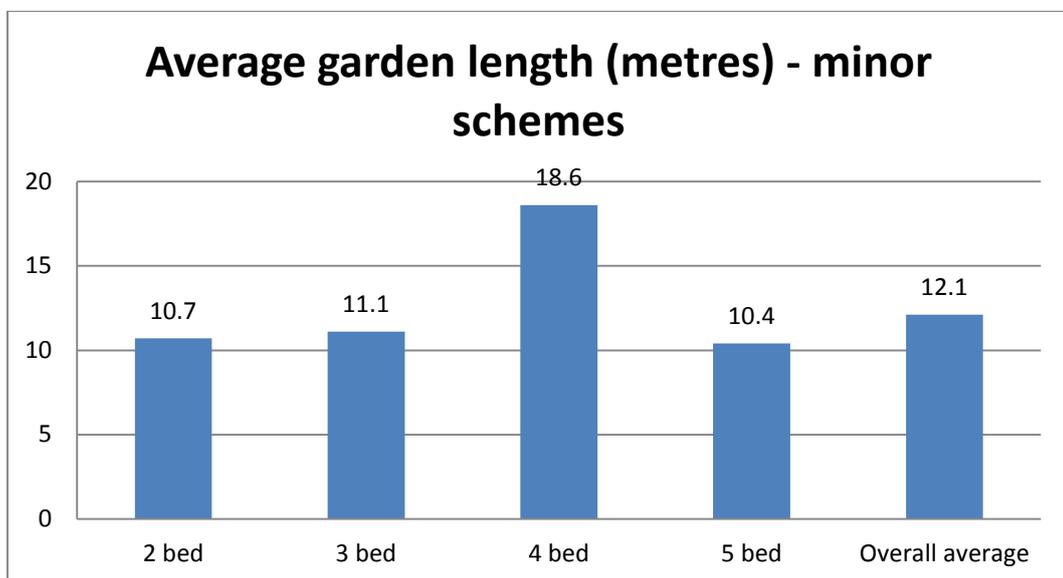


Figure 3: Graph showing the average garden length across the minor schemes analysed.

9. Hidden by the averages are the facts that over a quarter of all houses within the major schemes, and 8% of all houses within the minor schemes, have

gardens measuring less than 10m long. However, of the major schemes, only around 7% of gardens measured less than 9 metres long.

#### *Garden size (area)*

10. The graph at Figure 4 shows the average garden area (in square metres) for the major schemes, by number of bedrooms. Unlike the results for garden length, the graph shows a clear correlation between garden size and no. of bedrooms, with the larger houses having larger gardens, often due to having wider plots. The analysis of minor schemes also indicate that 3 bedroom houses have larger gardens on average (in area terms) than 2 bedroom houses, but did not show the same correlation between garden size and number of bedrooms as the major schemes. It is difficult to draw conclusions from the minor schemes results, however, due to the low number of houses involved in the sample and the wide variety of plot types, which ranged from a small backland urban plot to more spacious rural sites.

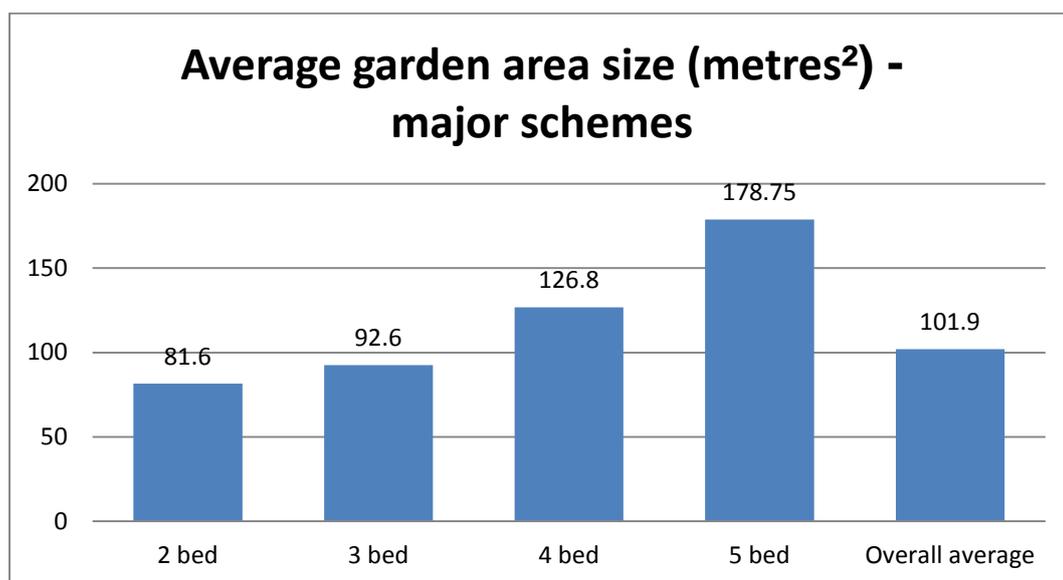


Figure 4: Graph showing the average garden area size across the major schemes analysed

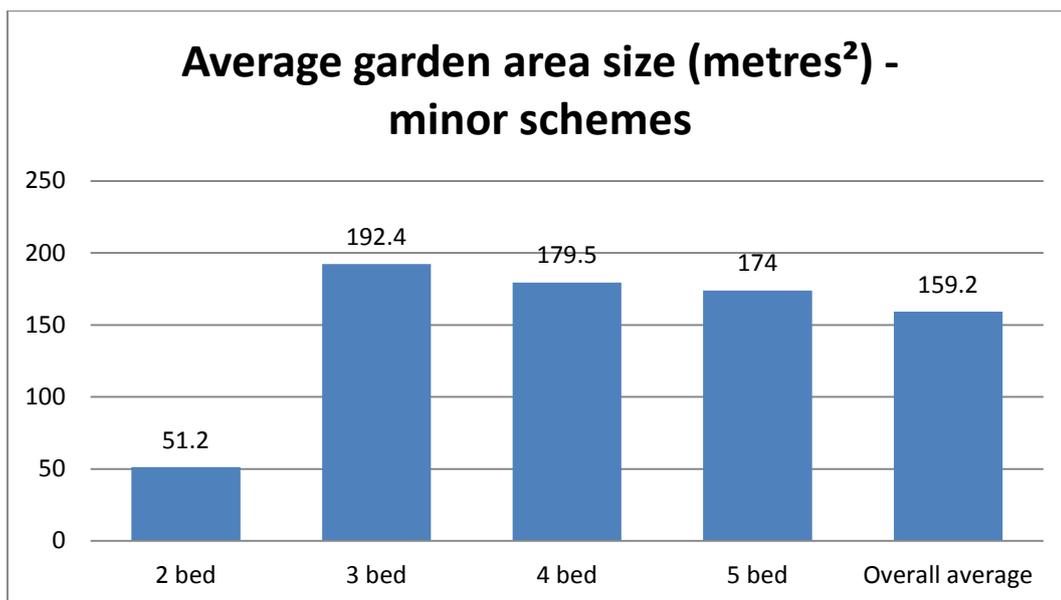


Figure 5: Graph showing the average garden area size across the minor schemes analysed.

11. In looking at the difference between the largest and the smallest average garden size in the samples (the range), the garden area showed a much wider variation over the different major schemes, compared to garden lengths. This is shown by the tables at Figures 6 and 7. Five bedroom houses have not been included as these were present in only one scheme (Barnhorn Road). While the results are not directly comparable, it is clear that garden lengths are more consistent than garden areas. Tables have not been prepared for the minor schemes results as these schemes tended to include only one house-size.

	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Donsmead	87.5	100	169.2
Pebsham Lane	48.8	74.9	67.7
Chitcombe Road	136.7	137.3	
Udimore	97.2	138.2	156.25
Barnhorn Road	72.5	98.3	141.4
Range (m <sup>2</sup> )	87.9	63.3	101.5

Figure 6: Table showing the average area size of gardens across the major schemes analysed (metres<sup>2</sup>)

	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Donsmead	10.88	10.58	13.47
Pebsham Lane	9.5	10.77	10.05
Chitcombe Road	14.31	14.83	
Udimore	12.78	11.89	12.37
Barnhorn Road	10.2	12.53	11.85
Range (m)	4.813	4.26	3.41

Figure 7: Table showing the average length of gardens across the major schemes analysed (metres)

### **Consideration of other Authorities' policies/ guidance**

12. Six other authorities have been considered. See Appendix 2 for further details. One authority (Hastings Borough Council) has an adopted policy with a similar requirement to draft policy DHG3 (i). Four other authorities have an adopted Supplementary Planning Document (SPD) and/ or design guidance which addresses garden size/ amenity space. The remaining authority (Newham) has recently published research on the topic as part of its Local Plan review evidence base.
13. The Hastings Development Management Plan (2015) policy includes specific reference to garden length, as follows:

*Policy DM3 – General amenity*

*In order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:*

*(g) Appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length.*

14. Two of the SPDs/ guidance documents specify a minimum rear garden depth of 10/ 11 metres and four of the documents include minimum separation distances between houses of 20-22m. All of the documents also include minimum garden area sizes. This emphasises the dual purpose of requiring a minimum rear garden length: to provide appropriate amenity space and to achieve appropriate separation between dwellings. Furthermore, it suggests that garden area is a product of garden length, i.e. a garden of an appropriate length is also likely to be of a reasonable area, having regard to the fact that the width of a garden is likely to correlate with the width (and overall size) of the house.
15. Turning to the adopted policy at Hastings Borough Council, it is understood that the policy is long-standing, and is considered successful by officers in achieving good levels of amenity space and appropriate layout. It may be applied flexibly: for example, a particularly large side garden or additional width may sometimes be acceptable if the length cannot be achieved, and this is discussed with developers on a case-by-case basis where appropriate.

### **Appeal decisions**

16. Appendix 3 details a number of appeal decisions which considered amenity space amongst other factors. They illustrate that the quality of private external amenity space is an important factor in determining the acceptability of residential schemes. The size of external space was also considered in a number of the appeals, although more frequently, its usability was given greater significance. This is covered in the draft policy by the expectation of “appropriate and proportionate levels of private usable external space”. One decision referred to the Council having a lack of standards in relation to the quantity of amenity space and another noted that a dwelling with 2 double bedrooms would effectively be a family dwelling.

### **Conclusion**

17. The analysis of permitted schemes has shown that the average garden length for all sizes of dwellings exceeds 10 metres. This means that in the majority of cases, the requirement of the draft policy is already being met for houses with 2, 3, 4 and 5 bedrooms.
18. With respect to those houses approved by the Council which have gardens measuring less than 10m long, the analysis found that the majority of these only fell short by 1 or 2 metres. It may be that on some sites, the layout could have been amended to meet the 10m requirement. In other cases, a shorter length may have been accepted if the garden had appropriate width, for example, and the site layout was otherwise acceptable (including appropriate separation distances between dwellings, etc). The wording of the draft policy

allowed for flexibility by the inclusion of the wording “will normally be expected”. It would be for developers to demonstrate why a shorter length should be accepted if the 10m requirement is not to be met. It is recommended that the supporting text of the policy is amended to give further clarification to those cases where a shorter garden may be acceptable.

19. The results of the analysis of permitted major schemes also indicate that in terms of area, developers tend to provide larger gardens for larger houses. This practice is to be expected and the proposed policy would allow it to continue. A wide variation in garden sizes (in terms of area) was found. The size of gardens is likely to depend on the location and site characteristics as well as the target market and cost. However, despite this, garden lengths remained reasonably consistent across the different schemes and different sized houses. This suggests that a minimum length requirement in the policy would be less onerous and easier to achieve on all types of site than a minimum area. A minimum length requirement would also offer benefits in assisting the achievement of appropriate separation distances, providing space for potential future extensions to dwellings, and avoiding an unacceptably cramped form of development for future residents.
20. Minimum garden sizes and separation distances between dwellings are frequently considered in SPDs/ design guidance in other authorities. The accepted minimum garden length appears to be between 10 and 11 metres, which corresponds to the widely accepted minimum separation distance of 20- 22m between the windows of habitable rooms on houses. The minimum garden lengths did not appear to be dependent on the size of the dwelling, although one authority referred to 2 storey dwellings, and the Hastings policy refers to larger homes designed for family use as meaning dwellings with two or more bedrooms.
21. It is not intended to produce an SPD on this topic at this time, and consequently, it is appropriate to retain the requirement within the policy of the DaSA. A minimum 10 metre length appears to be reasonable and consistent with other authorities. It will also have a dual purpose in assisting in achieving acceptable separation distances between dwellings without the need for a separate policy or further guidance on this.
22. No evidence has been found to suggest that applying the minimum length requirement to 2 bedroom dwellings would be unreasonable. There are very few proposals for 1-bed houses. Therefore, it is recommended that the requirement should be changed to apply to all dwellings, excluding flats.

23. It is recommended that part (i) of the Policy is changed to require all dwellings (excluding flats) to meet the 10 metres minimum garden length. The proposed change is shown in Figure 8. In addition to ensuring appropriate levels of amenity space for smaller houses this change will also help to ensure that appropriate site layout (including separation distances) is achieved throughout a development. Proposed changes to the supporting text to the policy are shown in Figure 9.

## Recommended changes to Policy and supporting text

### Policy DHG3: External Residential Areas

**An integrated approach to the provision, layout and treatment of external areas of dwellings should be taken in accordance with relevant Core Strategy policies and with specific regard to the following:**

**Private External Space: Appropriate and proportionate levels of private usable external space will be expected. For dwellings with three or more bedrooms, private rear garden spaces of at least 10 metres in length will normally be expected **required**. In relation to flat developments and complexes, an appropriate level of usable communal amenity space should be provided.**

Figure 8: Proposed changes to Policy DHG3 (i).

Gardens should be of an appropriate size to provide sufficient, useable amenity space. ~~For family dwellings,~~ This will normally mean a minimum rear garden depth of 10 metres. **This requirement has a dual purpose as it also aids the achievement of appropriate separation distances between dwellings to maintain levels of privacy and to prevent a cramped form of development that could otherwise adversely affect the amenity of existing and future residents.** Garden space for apartment complexes may benefit from individual design solutions to the provision of external amenity space, such as providing courtyards or communal spaces of appropriate and usable size.

~~In practice,~~ **A** number of considerations may affect garden size, including the relationship with adjacent properties and land uses. Where ~~the~~ usability of external space is constrained, such as by sloping ground, orientation, ~~or~~ the presence of large trees, or where there is a strong, well-established spacious character, larger gardens ~~will be~~ **are** more appropriate. Overlooking of **towards** and from neighbouring properties must also be considered.

**In a limited number of cases, a rear garden of slightly less than 10m in depth may be accepted where either an appropriate and proportionate level of private amenity space is provided to the side or front of the dwelling or there are particular reasons why the future occupiers of the dwelling(s) will have a lesser requirement for amenity space. In such cases, the overall layout of the site and separation distances between dwellings must be acceptable and not result in a cramped form of development.**

Figure 9: Proposed changes to supporting text to Policy DHG3.



## **Appendix 1: Existing schemes analysed**

### Major schemes

1. Donsmead, Northiam (RR/2015/545/P) – 60 houses
2. Pebsham Lane, Bexhill (RR/2014/1223/P)– 86 houses
3. Chitcombe Road, Brede (RR/2014/2005/P)– 11 houses
4. Udimore (RR/2014/3074/P) – 22 houses
5. Land north of Barnhorn Road, Bexhill (RR/2015/3115/P) – 58 houses

### Minor schemes

1. RR/2014/1293/P (4 x 4 bed houses in Burwash)
2. RR/2013/860/P (5 x 2 bed houses in Dorset Road, Bexhill)
3. RR/2014/723/P (2 x 3 bed houses in Northiam)
4. RR/2014/1171/P (6 x 3 bed houses/ bungalows in Little Common Road, Bexhill)
5. RR/2014/331/P (4 x 5 bed houses in Doleham)
6. RR/2013/841/P (4 x 3 bed houses in Etchingham).

## **Appendix 2: Other Local Planning Authorities policy/ guidance**

- Hertsmere Planning and Design Guide – Supplementary Planning Document (June 2013)
- Wrexham County Borough Council - Local Planning Guidance Notes No 21 - Space Around Dwellings (Jan 2007)
- Basingstoke & Dean Residential Amenity Design Guidance (March 2012)
- Newham Council: Research on Private Outdoor Amenity Space and Family Housing as part of its Local Plan Evidence Base (Feb 2017)
- Adur District Council Development Control Standard no. 2 – Space around new dwellings and flats (date unknown).

### **Appendix 3: Details of appeal decisions**

<b>Details</b>	<b>Relevant Issues</b>	<b>Policies</b>	<b>Application of Policy</b>
<p>RR/2016/1163/P Meads Cottage, Meads Avenue, Bexhill</p> <p>Erection of bungalow together with access drive.</p> <p>Dismissed 12/4/17.</p>	<p>Effect on the character and appearance of the area; and on the living conditions of the occupiers of the adjacent properties and the occupiers of the proposed bungalow in relation to outlook, privacy and the provision of satisfactory outdoor amenity space.</p>	<p>OSS4, EN3</p>	<p>Inspector found that partly due to the siting of the proposed bungalow there would be little usable garden space available for the occupiers. The largest area would only be a strip a few metres wide and would be overshadowed by trees for much of the day as well as overlooked by the adjacent property. The result would be an unsatisfactory outdoor amenity space providing relatively poor living conditions for the residents of the bungalow.</p>
<p>RR/2016/2057/P 33 Buckhurst Road, Bexhill</p> <p>2 storey detached house (outline)</p> <p>Dismissed 22/6/17.</p>	<p>Effect on the character and appearance of the area, the living conditions of future occupiers with regards to outdoor amenity space provision and highway safety</p>	<p>OSS4, CO6.</p>	<p>The proposed dwelling would have very little frontage area or rear garden. Its positioning and the removal of some of the frontage landscaping would increase its prominence and detract significantly from the character and appearance of the area. The lack of garden means that the resultant living environment for future occupiers of what would be a 2 storey dwelling would be notably poor.</p>
<p>RR/2016/272/P Skyscape, Channel Way, Fairlight</p> <p>New dwelling (chalet style 3 bed, full pp. 6.7m long rear garden)</p> <p>Dismissed 7/10/16 but Inspector disagreed with the Council on lack of private amenity space.</p>	<p>Effect on living conditions of neighbouring occupiers, effect on character and appearance of area, effect on amenity of future residents with regard to private amenity space.</p>	<p>OSS4, EN3.</p>	<p>Inspector noted that while the proposal would provide only a limited amount of private amenity space, she found that there would be sufficient room for future occupiers to hang washing and sit outside. She noted that the Council did not refer to specific standards in relation to the quantity of amenity space that it considers would be appropriate, and she considered that it would be for potential future occupants to assess whether or not it would meet their needs.</p>

<p>RR/2014/2019/P 11 Ellerslie Lane, Bexhill</p> <p>Redevelopment of the site for 35 residential dwellings, associated parking, access and amenity space</p> <p>Dismissed 17/7/15.</p>	<p>The effects on the character and appearance of the area and effect on the living conditions of prospective occupiers with regard to space, access, refuse and recycling facilities.</p>	<p>OSS4, EN3. NPPF.</p>	<p>The Inspector considered that the site appears suitable for the amount of development proposed but there are shortcomings in the design and disposition of the terraced properties. The size and utility of some rear gardens is a cause for concerns and this is added to by the proximity of trees which contribute to the character and appearance of the area.</p>
<p>RR/2013/121/P 1 Mill View Road, Bexhill</p> <p>Erection of a single storey residential dwelling with parking for two cars (outline)</p> <p>Dismissed 10/1/14.</p>	<p>Whether the proposed development would provide satisfactory living conditions for the future occupiers of the new dwelling and the occupiers of No 1 Mill View Road, with particular regard to amenity space.</p>	<p>GD1 of the Local Plan (2006) and Policy OSS5 (now OSS4) of the Local Plan Core Strategy.</p>	<p>The siting of the new dwelling and its relationship with the existing property (no. 1) would be unsatisfactory in terms of their respective curtilages and amount of garden area available. Much of the remaining garden for no. 1 would be overshadowed and rather oppressive. The main part of the new dwelling's garden space would be north facing. Two double bedrooms are proposed, and the amenity space would be inadequate for what would effectively be a family dwelling. It is not necessarily the amount of garden space that is the issue, but the arrangement of such areas relative to the dwellings they serve and their usability.</p>
<p>RR/2013/2614/P 9 Watermill Lane, Bexhill</p> <p>Erection of two dwellings</p> <p>Dismissed 9/6/14.</p>	<p>Effect on the character and appearance of the area; and whether it would provide satisfactory living conditions for future occupiers, particularly in respect of the proximity of a mature oak tree to the rear garden areas.</p>	<p>GD1 of the Local Plan (2006).</p>	<p>Due to existing trees, nearly all of the garden for Plot 2 would be in shadow during the late afternoon, which would result in the garden being dark during the times when many people would most want to use it. Furthermore, both dwellings would have gardens which slope steeply away from the buildings such that they would be difficult to use and would not be compatible with providing good living conditions.</p>

