

CONSENT CONSIDERED UNDER DELEGATED AUTHORITY

Section 34 of the RMA

Applicant: Stanley Cotter

23-Jul-02

File ID: lrc02/46

Type of Consent: Landuse

Property Address: 3 Frome Street, Oamaru

Legal Description: Lot 4 DP6363

Description of Activity: To extend the existing dwelling to incorporate a conservatory that will intrude into the 4.5m road boundary setback requirement.

Activity Status: This application was considered to be a Discretionary Activity in the Residential Zone of the Oamaru Borough section of the Waitaki Transitional District Plan and the Residential Zone of the Waitaki Proposed District Plan.

Written Consent: It was not considered necessary to notify the application as written consent was received from those persons considered as affected by the application, these being:

Noeline Carter of 5 Frome Street
Martha Cooper of 4 Frome Street (owner)
L Cooper of 4 Frome Street (occupier)

Assessment: Proposal:
This application is for the erection of a conservatory that will intrude into the 4.5m road boundary setback in the Residential Zone.

Will any adverse effect on the environment of the activity for which consent is sought be minor? [Section 94(2)(a)]

The proposed conservatory is to be located on the north-facing side of the house adjacent to the living area. The existing dwelling is very small (65m²) and the erection of a 7.5m² conservatory will greatly increase the existing living area currently available. The existing dwelling is located 6 metres from the road boundary. The intrusion of the proposed conservatory into the road boundary setback is 600mm. Therefore, the proposed structure will be located 3.9m from the road boundary.

The proposed conservatory is designed to complement the existing dwelling. The property is well landscaped and I do not consider that the proposal will affect the residential character of the streetscape.

To the east of the property is an open space (Roberts Park) designated for recreation purposes and has an underlying zone of Business 2.

Given the northern aspect of the existing living area of the dwelling, the applicant has no alternative in the choice of location of the proposed conservatory. Furthermore, to comply with the setback requirement, the resulting conservatory would be only 1.5m wide which is inadequate to serve the purpose for which it is designed.

I am satisfied that any adverse effects from the proposal will be no more than minor. The residential character and amenity of the street will not be affected by the proposal.

How do any relevant objectives, policies, rules or other provisions of the Transitional or Proposed Plan relate to the proposal?

Transitional Plan

Oamaru Borough

Objectives

11.6 Design and Appearance of Buildings

Good design is largely a matter of opinion. While accepting this Council is conscious of the need to relate new buildings to existing developments, especially the "white stone" buildings. The principal objective is to encourage developers to consider the wider environment by relating new buildings to the surrounding area rather than being solely concerned with the individual site under consideration.

Rules

5.5 Buildings

(b) Requirements for Permitted Activities:

(i) Minimum front yard 4.5m (applied only to units closest to the road)

Proposed Plan

13.5, ISSUE 3 - Diverse Living Environments

Satisfy a demand for diversity in living environments.

13.5.2, Objective 3

A diverse range of living environments expressed in built form, density of development and housing types.

13.5.3, Policies

1, To enable a mixture of housing and lifestyles in urban areas by avoiding the distinction between, and restrictions on, various residential types.

2, To provide for low to medium density development residential housing to satisfy the needs of the community while restricting building coverage to ensure open space and planting maintains the character and amenity of the residential neighbourhood.

3, ...

4, To encourage individual and community expression in building design whilst protecting the residential amenities of neighbours.

13.6, ISSUE 4 - Amenity

The location, nature and design of buildings and activities within residential areas can result in adverse effects on the amenity of those areas.

13.6.2, Objectives 4 (a) & (b)

a, The location of appropriate activities within residential or rural-residential areas which benefit local communities or constitute an appropriate interim use of residential land, but do not detract from the amenities of the area.

b, Individual and community expression in built form, while otherwise controlling development in order to achieve a pleasant residential or rural-residential environment.

13.6.3, Policies

1 ...

2 ..

3 ..

4 To ensure the design and siting of development - building height, building coverage, recession lines and setbacks, provision of outdoor living and service areas - is such that:

? development will not unreasonably deny neighbouring properties of privacy, outlook, sunlight or daylight;

? ample on-site provision of outdoor living space oriented to the sun;

? an open and attractive street scene; and

? maintenance of a character and scale of buildings and open space which is compatible with the anticipated residential environment.

5 To ensure an essentially low density, low scale residential environment within the District's settlements, with a dominance of open space and planting over buildings, in order to retain the pleasantness and amenity of the residential areas.

11, In assessing resource consent applications, to avoid or mitigate development which would detract from the predominant character, scale and amenity of the particular residential or rural-residential environment

Rules

2.4.5 Setback from Road and Neighbours

Minimum setback of buildings for an activity shall be as follows:

1 All Sites Other Than Corner Sites

a) Front yard – 4.5m

Greater weight has been given to the Proposed District Plan in my consideration of this application, given the stage to which the Plan has progressed in the public notification process.

Conditions:

1. That the activity be in general accordance with the application and plans lodged by the applicant.

Reasons for Decision:

1. Having considered that the effects of the activity on the environment would be minor, Council is satisfied that the activity will not have any adverse effect on the surrounding environment provided that the recommended conditions are complied with.

2. The granting of the consent will not be contrary to the intent of the policies and objectives contained within the Transitional and Proposed District Plans.

3. Written consent has been forwarded from all affected persons, as part of the application.

4. The proposal will not affect the residential character of the street.

Additional Information:


Regulatory Services Unit Manager