

Briefing Note

Meeting/Issue: Cycle Storage in Residential Property

Date: 19 November 2012

Key Message	<p>This note explains the planning position regarding cycle storage in residential property.</p> <p>New Development</p> <p>The Council's Parking Standards require cycle storage provision in new developments. For residential property, this is one space per studio flat, then two spaces per flat rising to three spaces for flats with four or more rooms. There are similar requirements for other types of use.</p> <p>Existing Buildings</p> <p>In many cases, cycles can be stored within the property. A range of racked internal systems for storing cycles tidily in entrance halls is available. Storage within the property does not require planning permission.</p> <p>Existing outhouses such as garages and sheds may also be used and, again, planning permission is not required.</p> <p>The erection of a new garden shed is development requiring planning permission in terms of the national Planning legislation. The legislation does not differentiate between the use of a shed – there is no separate categorisation for a structure used for the storage of a cycle.</p> <p>National legislation provides that, within the curtilage of a single dwelling house (not a flatted property), the erection of a garden shed is permitted development (i.e work that does not require planning permission) subject to certain location and size restrictions. These restrictions are detailed in bold italics in Appendix 2.</p> <p>However planning permission is required for the erection of a shed <u>in all cases</u> within the curtilage of flatted properties. The reason for the stricter control on flatted property relates to the greater potential for issues such as visual clutter and overshadowing.</p> <p>Where planning permission is required, the impact on the appearance and amenity of the street will be a material consideration. A small shed capable of accommodating a cycle will normally be considered acceptable and granted planning permission in cases where the shed is not located forward of a street elevation.</p>
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In the current year, there have been 27 applications for planning permission which refer to sheds, all of which have been approved

Enforcement Action

The erection of structures (some of which appear to be for the storage of cycles) in the front gardens of properties has resulted in a number of complaints being made by members of the public. All such enquiries have to be considered for potential enforcement action as the Council has a duty to protect the amenity of all residential areas and the character and appearance of conservation areas in particular. Each enforcement action is based on the merits and circumstances of the individual case.

Some recent examples of unauthorised sheds in front gardens are shown in Appendix 1. When enforcement notices have been appealed, Scottish Government Reporters have supported enforcement action requiring their removal (Annexe 1)

Consultation Responses

Responses to two recent consultations, on the consolidated Householder Guidance and the Colonies proposed conservation areas, have also raised the issue of cycle parking. Relevant extracts of the proposed final text are included in Appendix 2.

Solutions to Cycle Storage

The Council has worked with Spokes to produce guidance (Annexe 2) which provides advice on the storage of cycles for tenement and flat dwellers. A search of other local authorities' web sites has confirmed that no other authority provides such detailed guidance to householders.

In addition, the Council is proposing to pilot on-street secure cycle parking in six locations around the city. This is action C33 in the Active Travel Action Plan and a progress report was considered by TIE Committee on 21/02/12. The proposals involve various types of storage including covered racks, uncovered racks and lockers. They have been discussed recently by the Streetscape Working Group. TROs are currently being prepared and the pilot is due to start on-site in late Summer/Autumn 2013. The trial will last for two years (Annex 3).

Other Local Authorities

A search was undertaken to identify any best practice in other Council areas.

	<p>The City of Cambridge Council has advised that enclosed cycle storage in front gardens is not an issue, as, in most cases, cycles are left chained outside. York Council also does not have any significant demand for front garden cycle storage, as most properties have access to the rear.</p> <p>The Hackney Residential Cycle Parking Trial (Annexe 4) considered ways of storing cycles in residential property. Options included racked internal systems and external “bike bunkers”. There was only one example of a bike bunker in a front garden of a terraced house but this was a similar size and shape to the sheds in Edinburgh that were the subject of enforcement action.</p> <p>In summary, there does not appear to be any examples of best practice that this Council could use to support cycle storage in front gardens.</p> <p>Conclusions</p> <p>The Council supports and encourages cycling and appreciates the need for secure storage of cycles. Cycle storage will not need planning permission in many cases. However, storage facilities in front gardens will require planning permission, and this is the main area of contention. Enforcement action has been taken in a number of cases recently to remove sheds in front gardens which have been considered to affect the amenity and character of the local areas. The Notices have also been supported in appeal decisions by Scottish Government Reporters.</p> <p>The Council will always work with residents to find appropriate methods of storing cycles. However, the retention of residential amenity and the character and appearance of conservation areas remains a priority. For this reason, it is unlikely that cycle storage could be supported in the front gardens of most flats and terraced housing.</p> <p>The best solution would appear to be some form of on-street storage and a scheme is due to be piloted next year.</p>
Who	SPOKES/Councillors/members of the public
What	SPOKES/councillor enquiries on use of structures for storage of cycles in gardens
Why	A number of enforcement notices have been served requiring the removal of structures from the front gardens of properties following complaints from members of the public.
	Various areas of terraced housing and tenements throughout the

Where	city.
When	The issue has become increasingly common in the last two years.
Supporting Officer	Jack Gillon, 4-3634 (Planning and conservation issues) Chris Brace, 4-3602 (On-street storage pilot)
Attached documents	<p>Appendix 1: Unauthorised Sheds</p> <p>Appendix 2: Householder and Colonies Guidance</p> <p>Annexe 1: Appeal Decisions</p> <p>a 16 East Preston Street</p> <p>b 6 Hartington Gardens</p> <p>c 13 Hartington Gardens</p> <p>Annexe 2: Spokes How to be a Cycling Flat Dweller</p> <p>Annexe 3: Cycle Parking Storage Briefing Note & Map</p> <p>Annexe 4: Hackney Residential Cycle Parking Trial</p>
Follow-Up Action Required	There is potential to consider a trial of both internal and external storage systems for cycles in flatted properties as part of the Active Travel Action Plan.

APPENDIX 1: Unauthorised Sheds

10 Grange Terrace

Unauthorised 'bike store' in the front garden of a C listed flat in the Grange Conservation Area



3 St Ninian's Terrace – Enforcement Notice Notice served 06.11.2012



5 St Ninian's Terrace - Enforcement Notice Notice served 06.11.2012



16 East Preston Street

Enforcement Notice served, appeal made and decision from the Reporter received – appeal dismissed.



Reporter's Comments on Appeal

On balance, I find that the wooden shed does adversely affect the character of the conservation area, although to a limited degree since it is relatively small and the front garden enclosures in the area are varied in style.

There is a further difficulty in that allowing this shed to remain could set a precedent for others to follow suit, and multiple sheds within these small front garden enclosures would adversely affect the character of the conservation area to a significant degree. I therefore find that the wooden storage shed does not preserve the character of the conservation area. I have taken into account the policies of the local plan and the character appraisal which have been drawn to my attention by the council.

I consider that the aim of the appellant in seeking to promote travel by bicycle is commendable. I recognise that the council seeks to encourage and increase the use of bicycles in the city. I also acknowledge the difficulty of providing secure storage for bicycles. It is not ideal to leave bicycles exposed to the elements or in areas with easy public access, such as the front gardens of these tenements. Furthermore, I note that the appellant occupies the ground floor flat, and that there is direct access to the flat from the front garden. I am also conscious that there is no direct access to a road from the rear courtyards of these tenements, and I am unaware as to whether

or not access to East Preston Street is readily available from the rear courtyard through the entrance (which I assume is for the other flats in the tenement) to the east. However, I note the appellant's statement that it is extremely difficult to manoeuvre bicycles from the back to the front through the flat. I recognise that even the back court may not be completely secure, and that this is shared with other flat occupiers. I also note the letters of support that have been submitted by the appellant.

I therefore have considerable sympathy with the appellant's intentions, and the need for secure storage for the bicycles. Nevertheless, I find that the difficulties described by the appellant are insufficient to outweigh my finding that the wooden storage shed does not preserve the character of the conservation area. Whilst I of course fully accept the appellant's intention to use the storage shed for bicycles, there is nothing to prevent the shed from being used for other purposes in the future. I therefore conclude that the steps required by the enforcement notice are necessary to remedy the injury to amenity caused by the breach of planning control.

6 Hartington Gardens

Enforcement Notice served, appeal made and decision from the Reporter received – appeal dismissed.



Reporter's Comments on Appeal

The storage container is not preserving or enhancing the character or appearance of the surrounding conservation area. As a result, it is in breach of relevant adopted local plan policies and sections of the Listed Buildings Act. Further, removing the storage container, as the enforcement notice requires, is the most effective way to overcome the disruption that it is causing to the soft, green, open character of the front gardens, which is an important identifying feature of this particular conservation area.

13 Hartington Gardens

Enforcement Notice served, appeal made and decision from the Reporter received – appeal dismissed.



Reporter's Comments on Appeal

From my inspection, I note that most of the houses in Hartington Gardens still retain cultivated front gardens. Only one front garden has been converted to a parking area. I find that the continuity of the front gardens along the length of the street makes an important contribution to the attractiveness of the street. Although not noticeable from a distance, the storage structure has prominence when seen close at closer quarters, and detracts from the appearance of the street in the vicinity of numbers 12 and 13. For this reason, I find that the storage structure does not accord with those parts of policies Des1 and Env6 mentioned above.

APPENDIX 2: Householder and Colonies Guidance

The **Householder Guidance** includes the following relevant text:

Garages and outbuildings

Buildings within the residential curtilage – such as garages, sheds or greenhouses – should be subordinate in scale and floor area to the main house. In many cases, they will be “permitted development” if:

- ***they are not in front of the principal or side elevation which faces a road;***
- ***they are not more than 3m at the eaves and 4m overall;***
- ***no part of them within 1m of the boundary is more than 2.5m high;***
- ***they do not take the total coverage of development (extensions, sheds etc, but excluding the original house and any hard surface or deck) to more than 50% of the front or rear curtilage area; and***
- ***in a conservation area or within the curtilage of a listed building, they would not have a footprint exceeding 4sq.m.***

If they don't fit these criteria, or if they are within the curtilage of a flatted property, planning permission will be required. Proposals will be assessed for their impact on the amenity of the area and on neighbouring property (eg loss of daylight) in the same way as extensions. Some points to note when planning your development:

- the use must be ancillary to the “enjoyment of the dwelling house”; for instance, gardening, maintenance or hobbies, and not for a commercial business (see our [business guidance](#) for advice in these cases);
- in [flatted properties](#), the way that the garden ground is allocated and the position of neighbouring windows may restrain the size or position of any outbuildings;
- buildings in front gardens will not usually be acceptable, because of the damaging impact on the appearance and amenity of the street and the surrounding area;
- there may be additional considerations for [listed buildings and conservation areas](#).

Sheds for cycle storage are subject to the same principles as sheds for any other purpose. The Council has worked with Spokes to produce guidance on the storage of cycles for tenement and flat dwellers. A Spokes [factsheet](#) sets out useful practical advice.

Links:

[business guidance](#) – link to Guidance for Businesses

[flatted properties](#) – link to page: “House or Flat?” (p.3?)

[listed buildings](#) – link to Guidance for Listed Buildings and Conservation Areas

factsheet – link to <http://www.spokes.org.uk/wordpress/wp-content/uploads/2010/06/Fact-sheet-v10-231210.pdf>

The **Colonies Guidance** previously specified that:

The height of garden sheds is limited to 1.5 metres and the volume to 2.25 cubic metres.

This has been amended to:

Proposals for garden sheds will be considered on their merits. They should be of an appropriate scale in relation to the small gardens of the Colonies.

JKG
19.11.12