

Report No:	REP11-08-09
File No:	L204
Date:	11 August 2011
<b>Decision Required</b>	

## REPORT SUMMARY

**Report to:** Environment & Planning Committee  
**Meeting Date:** 25 August 2011  
**Report Author:** Neil Jackson  
**Subject:** Residential Building - Wall Offset Rule

### EXECUTIVE SUMMARY

The wall offset rule for the Residential Zone is ambiguous. A more strict interpretation has generated several resource consent applications. All have been granted, and none have been contested.

The purpose of the rule has been reviewed. Alternative forms of the rule have been considered.

The conclusion is that the rule is not necessary.

### RECOMMENDATION/S

The recommendation is that Council delete the wall offset condition (I) from the permitted activity (building) rule 17.1.3.1 for the Residential Zone.

### DRAFT RESOLUTION

**THAT the Environment & Planning Committee receives the report "Residential building - wall offset rule" REP11-08-09 and instructs staff to draft and notify a plan change to delete condition 17.1.3.1 (I), which requires an offset in walls longer than 15 metres.**

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## 1. Purpose

1.1 The purpose of this report is to review the purpose and effectiveness of the wall offset rule.

## 2. Background

2.1 The rule says:

“An offset of at least 2.5 metres is required at intervals no greater than 15 metres along any wall.”

2.2 The rule is deficient. It needs to specify both a depth of indent or projection from the dominant wall line, and a length over which that indent or projection applies. It also needs to say whether the offset is to be within any 15 metre section of wall, or after any 15 metre section. For example:

“Where any wall is longer than 15 metres, an offset of at least 1 metre into or out of the wall line and at least 2.5 metres long, is provided after each 15 metre section of wall.”

2.3 The ambiguity of the present rule allows different interpretations of the rule. This has led to cost implications for some developments, and different expectations among property owners about what they can build.

2.4 A meeting was held with a small group from building companies, who expressed concern about:

- Shifting interpretations of the rule.
- Added costs for clients of the more stringent interpretation of the rule (an indent or projection of 2.5 metres), through amending standard plans, added roofing costs, and the costs and delays of a resource consent for a non-complying design.

- 2.5 For some time, an offset 2.5 metres long that could be accommodated within an unaltered eave line had been accepted as complying with the rule. Since January 2011, the more stringent requirement for the offset to have a depth of 2.5 metres was applied. This has resulted in 29 consents for dwellings granted to date for exemptions from the requirement. Wall length ranged from 16 metres to 25 metres.
- All have been non-notified
  - Nine had no offset
  - Seven had an offset of up to 450 mm
  - Six had an offset of 450 - 1200 mm
  - One had an offset of 2 metres
  - The remaining six recorded “small breaks”, or nothing was recorded.

### **3. Present Situation/Matters to be Considered**

- 3.1 The reason for the rule is given in TRMP as:

“In residential areas, long buildings parallel to boundaries can be visually unattractive and affect the visual amenity enjoyed on adjoining properties and from streets. Breaks between buildings or changes in building orientation with associated change in roof line, can improve the pleasantness and openness of outlook from adjoining streets and sites by avoiding the dominance of continuous lengthy building form.”

- 3.2 There is a range of views among building, consents, and policy staff about the benefits and costs of this rule:

- The rule applies regardless of the distance of a building from a boundary (in comparison with building height, where the limit is related to distance from boundary).
- Where there is a 1.8 metre high fence on a boundary, a neighbour will generally see more roof than wall. The rule does not require a change in roof line, and a roof line change is not an automatic consequence of a wall offset.
- Common residential section sizes limit the scale of building.
- Multi-unit buildings require resource consent, where amenity effects can be considered.
- Doors, windows, or a change in materials or colour, can achieve visual relief, without a wall offset or roof line alteration.
- A 500 mm offset can be accommodated under normal eave width without requiring any change in roof line.

- The rule encourages more hips and valleys in roofs, with added costs and weather-tightness risks.
  - A neighbour's approval clause could be added to reduce the need for and costs of resource consent to depart from the rule.
  - The Nelson version limits the total length of all buildings within 1.5 metres of a boundary on any site to 12 metres. It does not regulate building length beyond 1.5 metres from a boundary.
  - A greater offset is needed at first floor level than at ground floor.
- 3.3 Houses typically have a “front” where living rooms are oriented to the street, a view, or the sun. These rooms are likely to have broken wall and roof lines, as rooms are oriented for outlook or sun. Service rooms are likely to be along the side of the property with the least amenity - narrow side yard and least sun - where offsetting those rooms has little benefit for the house occupants. The outlook from some rooms on one property is likely to be to the service rooms on another.
- 3.4 A drive-by among recent housing shows fences approximately 1.8 metres high are prevalent. How much of one house can be seen over the fence from another depends on relative ground levels, cut-and-fill for building platforms, and whether the houses are on slab or pile foundations. From street level, roofs are more prominent than the upper section of walls. Discouraging fires as a means of home heating means roof lines of new houses are not broken by chimneys.
- 3.5 The drive-by also showed few roofs with a single ridge. Multiple hips and valleys are common. There are some instances where a roof has a long unbroken roof slope along one wall.
- 3.6 An internal offset of 2.5 metres is equivalent to small room depth. If that is coupled to a minimum offset length of 1, 2, or 4 metres, say, that is equivalent to a toilet, laundry, or small bedroom - space for which must be found elsewhere. It would not necessarily result in a break in roof line - the space could be a porch, or covered storage area.
- 3.7 An offset of 450-500 mm could be an outward projection within the standard eave, gaining building space, rather than losing the same amount with an internal offset, unless the projection conflicts with the minimum side-yard requirement of 1.5 metres.
- 3.8 There have been 29 consents granted since January 2011, for offsets less than 2.5 metres deep. The wall lengths varied from 16 metres to 25 metres; the offsets varied from zero to 2 metres. All were assessed as having effects not more than minor. Neighbour's approval was given where sought. None of the applications were notified.

- 3.9 Prior to January 2011, offsets of 500 mm within eave lines had been accepted as complying with the rule, with no challenges from adjoining property owners that the offset should be 2.5 metres. Since January, there have been no challenges to the consents granted without notification. It is reasonable to conclude that neighbour-to-neighbour amenity does not require a building offset to be 2.5 metres deep. It is questionable whether an offset of 500 mm within the eave line achieves any necessary or worthwhile neighbour-to-neighbour amenity benefit.
- 3.10 Planting can provide screening of buildings. Its permanence can not be guaranteed. Adding a screen planting condition would create an on-going compliance and enforcement issue that is not regarded as practical for residential development. Neighbours have opportunity to provide their own screen and amenity planting, although not all elements of adjoining development can be shut out.

#### **4. Financial/Budgetary Considerations**

- 4.1 Rules that require consent to be obtained generate costs to Council unless full cost recovery is achieved in consent processing and any subsequent monitoring of conditions.

#### **5. Options**

- 5.1 Delete the wall offset rule.
- 5.2 Clarify whether the offset is required within each 15 metres section of wall, or after each 15 metres section.
- 5.3 Clarify whether the wall offset is to be reflected in a change of roof line also.
- 5.4 Revise the rule to revert to a small offset of 450 - 500 mm, over a minimum length of 2.5 metres.
- 5.5 Revise the rule to revert to a moderate offset of 1 metres, over a minimum length of 2.5 metres.
- 5.6 Revise the rule to clarify that the offset is to be a minimum of 2.5 metres deep, for a minimum 2.5 metres length.
- 5.7 Replace the rule with one that relates building length to distance from boundary.
- 5.8 Adopt the Nelson version: total length of all buildings within 1.5 metres of a boundary must not exceed 12 metres. (No limit on length of building at greater than 1.5 metres from a boundary.)
- 5.9 Rely on design guidelines to achieve good outcomes.

## 6. Pros and Cons of Options

- 6.1 The rule is aimed at the visual amenity of buildings as seen from streets or adjoining properties. The drive-by showed most houses have varied wall shapes and roof lines facing the street. Between properties, fences erected for privacy screen all but the top section of walls of neighbouring houses. The “not more than minor” effects assessments by consents staff, the written approvals given by neighbours, and the absence of notified applications or contested decisions, all suggest wall length is not a significant issue between neighbours for buildings at a typical residential scale.
- 6.2 Fences mean neighbours see more of roofs than of walls. The rule neither requires nor ensures any change in roofline. The absence of notified applications or contested decisions suggests a rule requiring a wall offset of a scale that would need a change in roof line is not needed.
- 6.3 The absence of concern by neighbours suggests if any wall offset is required, it can be after a 15 m section of wall length, not within any 15 metres section.
- 6.4 The offset rule does not limit total wall length; nor does any other general rule. The “daylight around’ rule achieves this, but it only applies to buildings on south-facing slopes greater than  $10^{\circ}$ . Buildings must fit within an angle of  $110^{\circ}$  drawn at  $35^{\circ}$  from the boundary. This equates to a 4 metres wall length at 1.5 metres from the boundary. There has been no investigation of appropriate dimensions for a rule relating building length to distance from boundary, or building length to boundary length, as alternatives to the offset rule. Nor is there evidence that neighbours’ perceptions of total wall length are mitigated by one or more offsets along a wall.
- 6.5 For a building at 1.5 metres from a boundary, the Nelson option is more severe than Tasman. The 12 metres length is a total of all buildings. The Nelson definition of ‘building’ includes eaves, so with eaves of 500 mm the rule effectively limits wall length to 11 metres at 2 metres from a boundary. Immediately further into the site, e.g. a wall at 2.1 metres from a boundary, there is no limit on building length.
- 6.6 Reliance on design guides is most effective when applied through a consent process. Requiring consent for all residential buildings, so that design guides can be applied, is not efficient. As a supplement to a permitted activity rule, their application is at the discretion of the home owner/builder. A design guide for Tasman is likely to have little immediate impact on the house designs of national franchise builders.

## **7. Evaluation of Options**

- 7.1 It is my understanding that during the period when a lenient interpretation of the rule was applied and wall offsets within the eave line were accepted as complying with the rule, there were no complaints from neighbours claiming to be adversely affected by buildings that did not have a wall offset 2.5 metres deep. Since the more restrictive interpretation has been applied, neighbour's approval has not been withheld where sought, and no application has needed notification. For these reasons, I see no need to redraft the rule to require a wall offset to be 2.5 metres deep, nor to require a change in roof line.
- 7.2 For the same reasons, I see no benefit in drafting a rule requiring an offset, but which could be waived if neighbours gave written approval.
- 7.3 The absence of reaction to walls > 15 metres long, with or without offsets, suggests removal of the rule would not be opposed. The tops of windows and doors would be seen above fence height, giving some break to wall cladding and colour.
- 7.4 Amending the rule to require an offset of 500 mm would mean slight visual relief without the cost of altering roof line. A minimum length would need to be stated. A projecting offset within the eave line would need to comply with the yard requirement. For example:
- “Where any wall is longer than 15 metres, an offset of at least 500 mm at a right angle to the wall line and at least 2.5 metres long, is provided after each 15 metre section of wall.”
- 7.5 Industrial and commercial activities, community activities (with > 30 vehicle movements per day), and more than one dwelling on a site, are not permitted activities in the Residential Zone. All require consent, where amenity effects on adjoining properties can be considered.
- 7.6 Note that any amendment to the rule will not have legal effect until the Council has notified decisions on any submissions.

## **8. Significance**

- 8.1 This is not a significant decision according to the Council's Significance Policy because it is a minor amendment to an existing plan and will be subject to the statutory public notification process under the Resource Management Act.

## **9. Recommendation**

- 9.1 The recommendation is that Council delete the wall offset condition (l) from the permitted activity (building) rule 17.1.3.1 for the Residential Zone.

The reasons for this recommendation are that:

- 9.1.1 The existing rule is arbitrary in its effect and is ambiguous.
- 9.1.2 In the administration of the rule, there is evidence that the visual amenity effects of a variety of wall offsets for residential buildings on side boundaries (both those apparently compliant, and consented) are generally less than minor adverse effects.
- 9.1.3 The general constraints on residential sites (modal size and shape of sites and so of dwellings, plus building envelope restrictions), and the practice of fences on side boundaries, combine to limit such visual amenity effects of unbroken wall lengths in most circumstances.

## 10. Timeline/Next Steps

- 10.1 The next step is to draft and notify a plan change to delete condition 17.1.3.1 (I).

## 11. Draft Resolution

**THAT the Environment & Planning Committee receives the report “Residential building - wall offset rule” REP11-08-09 and instructs staff to draft and notify a plan change to delete condition 17.1.3.1 (I), which requires an offset in walls longer than 15 metres.**

Neil Jackson  
**Policy Planner**