

DISTRICT PLAN DEFINITION OF MINIMUM YARD REQUIREMENTS

This information sheet explains the District Plan Rules in relation to yard requirements, and how these should be measured to ensure that they comply with the City of Lower Hutt District Plan, or with an approved Resource Consent.

Yard requirements should be measured from the property boundary to the closest part of the building, to include any cladding. It is therefore necessary to site the building slab and frame to ensure that cladding does not encroach upon the yard requirement.

District Plan Interpretation

What this means is that no building, **inclusive of its cladding**, can be closer than 1.0 metre from the side and rear property boundaries, or 3.0 metres from the front property boundary. This means that no part of a building (except those listed in the exceptions above in the definition of building, or in the exceptions listed in the yard rule above) can be closer.

Architectural drawings sometimes show measurements from the slab edge or building frame. However, in the case of resource consent drawings the dimensions need to be shown from the cladding, if they are not, the yard requirements may be breached.

Hutt City Council rules versus other Councils' rules

Planning staff have checked with other councils in the Wellington region (being Wellington City Council, Upper Hutt City Council, Porirua City Council and Kapiti Coast District Council) and planning staff in all these councils have confirmed that the yard requirement in each of their District Plans is measured from the cladding to the property boundary.

Regardless of the fact that the cladding cannot be within the yard in any part of the Wellington region, the rules in District Plans differ from place to place. The way that a rule is interpreted in Wellington City, Porirua City, Upper Hutt City or Kapiti may not relate to the way that a rule is interpreted in Lower Hutt City

Reason for yard rule in the City of Lower Hutt District Plan

The reason quoted in the District Plan for the yard rule is as follows:

The yard spaces provide space around dwellings and accessory buildings to ensure the visual amenity values of the residential environment are maintained or enhanced, to allow for maintenance of the exterior of buildings, and provide a break between building frontages.

The front yard space is to ensure a setback is provided to enhance the amenity values of the streetscape, and to provide a reasonable degree of privacy for residents.

Relevant Definitions

The definition of a yard in the District Plan is as follows:

Yard: any part of a net site area which is unoccupied and unobstructed by buildings except as otherwise provided by this Plan. Yards shall be measured from the boundaries of the net site area.

The yard requirement in the General Residential Activity Area is:

(b) Minimum Yard Requirements:

For all buildings on the net site area:

Front Yard 3.0m

All Other Yards 1.0m

Provided that:

- (i) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site any garage or carport (whether it be part of the dwelling, attached to the dwelling or separate from the dwelling) must be a minimum distance of 5 metres from the front boundary if it has vehicular access directly from the street.
- (ii) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site where a garage or carport (whether it be part of the dwelling, attached to the dwelling or separate from the dwelling) is parallel to the street, and the vehicle has the ability to turn on the site and drive off the site in a forward direction, such a set back is not required, and the normal front yard restriction shall apply.
- (iii) In all cases, for Through Sites and Corner Sites all road frontages shall be treated as front yards.
- (iv) For all yards an eave, chimney or exterior hot water cylinder may extend into any yard space by up to 0.6 metres.
- (v) One accessory building may be located in one yard except the front yard, provided that it does not extend more than 6m along the length of the boundary
- (c) satellite dishes with a diameter not exceeding 0.6m and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 - Utilities.
- (d) decks less than 500mm in height
- (e) all structures less than 1.2 metres in height
- (f) all signs, as defined in this Plan.

The definition of a **building** in the District Plan is as follows:

Building: means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

- (a) any fence not exceeding 2 metres in height;
- (b) any retaining wall not exceeding 1.2 metres in height;