Cranbrook Properties Limited
**HIGHLAND PARK PROTECTIVE COVENANT AND RESIDENTIAL DESIGN STANDARDS**

**Rulings and Determinations of the Design Review Panel**

The following are principles adopted by the Design Review Panel in the course of its consideration of Design Approval Applications for House and Landscape approvals at Highland Park Mosgiel. These principles are published as indicative of the approach taken by the Design Review Panel.

**Glasshouses and Garden Sheds**

The Panel has had to consider the meaning of the words “garden shed”. The point arose because under the District Plan and for purposes of building consents a glasshouse would also be considered as a building or a shed. The District Plan (with restrictions as to height and placement) allows moveable sheds under 10 m2 to be erected without need of Building Consent.
The Panel however has elected to take the words to mean only a regular garden shed as in ordinary usage of the language and not to include a glasshouse.

The definition is material because clause 13.0 (e) of the Protective Covenant and Residential Design Standards allows one garden shed only up to 10 m2 per lot. The Covenants are silent on the question of whether a glasshouse is allowed. If a glasshouse is required, the plan for this should be included in the landscape plan and be part of the general landscape approval process.

In the same manner as a garden shed is interpreted in its ordinary meaning, the Panel regards a glasshouse as that word is ordinary understood. It is not a garden shed. Where the application includes a single small glasshouse this will normally be approved by the Panel as an outbuilding.

**Outbuildings and Road Visibility**

The Panelhas been required to consider the wording of the Covenants where, on a strict and literal interpretation two discrete provisions may have appeared inconsistent. The point arose between the requirement in Covenant 7.01 that outbuildings “must be located to the rear of the property and must not be visible from the street” and the requirement of Covenant 13.0 (e) that moveable garden sheds (among other placement requirements) be “screened from road visibility.”

The Panel has taken the view that Covenant 7.01 should be interpreted as requiring placement of outbuildings at the rear of the property and that this placement should be chosen to minimise, so far as is reasonable, the visibility of the outbuilding from the road. The requirement not to be visible from the road must be reasonably complied with so far as is practicable.

The approval of placement is part of a landscape plan in which live planting may in some cases be reasonably planned as screening from road visibility to take effect over time.

The Panel regards this interpretation as reasonable and congruent with the intention of the Covenants. An alternative literal interpretation would impose a lower requirement for invisibility on garden sheds than on other outbuildings, even where the other outbuildings were of more ornamental character than a utility shed.