
Site Address: 6A Glebe Park Avenue, Havant, PO9 3JR
Proposal: Retrospective application for construction of garden room with canopy.
Application Type: Retrospective Planning Permission
Application No: APP/23/00826 Expiry Date: 27/11/2023
Applicant: Mr Chandler
Agent: Mr Ralph Case Officer: Ikrame Essalih
JM Ralph Associates
Ward: Bedhampton

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

- 1.1 6A Glebe Park Avenue, Havant is a large two storey detached dwellinghouse with an integral garage. The property is constructed in beige multi brick with brown tile hanging at first floor level all built under a brown tiled gable roof. The property benefits from a single storey side extension on the south side and a rear first floor extension to the north side. To the front of the property, there is a large, paved area with potentially six car parking spaces, and a maintained grass area to the south.
- 1.2 The main road is characterised by a sharp north to south decline, though the application site is mainly levelled. The boundary treatment at the front area comprises a short brick wall to the south, short stone wall boundary coupled with hedging to the north front and a front brick boundary wall with metal top railing changing in height due to the slopped main road.
- 1.3 The rear garden of the property is accessible via a side corridor extending to the north side of the residence and is enclosed by wood fencing of approximately 2 metres and changing following the ground floor level. It comprises a raised patio area, a sunken sitting area and the built garden room to the rear both designed with timber. It is noted that the property is sitting on higher level compared to the adjacent property at No.6 and lower level to the adjacent property at No.8 Glebe Park Avenue.
- 1.4 The surrounding area is mainly residential comprising two storey detached housing and bungalows of different design, style and form. To the rear of the application site, a green area with mature thick vegetation serving as a green buffer zone from the adjacent A3 motorway.

2 Planning History

02/64296/001 - Conservatory to rear., PERM,28/10/2002
99/64296/000 - Single storey extension to south side of existing dwellinghouse and extension at first floor level to its north side (i.e above existing garage, kitchen and utility room), PERM,02/08/1999
APP/17/00628 - Single storey rear extension and extension of existing patio area., PERM,07/08/2017

GEN/17/00754 - Is planning permission required for CCTV cameras., ,27/06/2017
14:03:30

APP/17/00895 - Application for non-material change to Planning Permission

APP/17/00628 relating to change to size of roof light (850mm bigger).,

PERM,01/09/2017

GEN/17/01064 - Side window query., UNK,

GEN/22/00274 - Regulation 5 notification for the installation of fixed-line broadband
apparatus.

, ,01/04/2022 09:41:16

3 Proposal

This planning application is for the retention of an outbuilding constructed in timber with a canopy. The outbuilding, currently used as a garden room, has a total height of approximately 2.57 metres. It is noted that the proposal is subject of a retrospective application.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

CS19 (Effective Provision of Infrastructure)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Summary:

The reduction of the levels is a serious concern to the future health and condition of the neighbouring trees and would not have been recommended.

Since the works are complete, any future complaints about the condition of the trees would be a civil matter.

The works would not be supported due to the detrimental impact on the neighbouring trees and appropriate tree protection measures with alternative foundation designs should have been proposed.

Officer comment: The trees are not protected with a TPO, therefore, planning consent is not required for any works to the trees or their felling. As such, any negative impact of the proposed development on the trees cannot give grounds in itself to refuse this application. As the works have already taken place, it is not possible to assess 'future' impact on the existing trees and take protection measures including the choice of foundation and the reduction of ground levels. Therefore, possible future impact on the existing trees would not be a justifiable reason to refuse planning permission at this stage. It is noted that no objection or complaint has been received in regard to this planning application from the adjacent neighbouring property at No.8 considering the closest neighbouring tree is on that side.

Councillor D Guest

No comments received.

Councillor Liz Fairhurst - Bedhampton

No comments received.

Councillor Phillipa Gray

No comments received.

Hampshire Highways

No comments.

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Objection to proposal: On grounds of: – Failure to notify all neighbours regarding the planning application. – The purpose and intended use of the outbuilding needs clarification – Ambiguity regarding the subject of the planning application; an existing structure or a newly proposed one. – The need for an additional garden room (the erected structure) and	Further to receiving the planning application, all neighbours sharing a boundary with the application site have been notified through letters. The intended purpose of the outbuilding is incidental/enjoyment use. To address this concern, a relevant condition is recommended. This planning application is retrospective;

use of it. – Unclear site map in regard to the position of garden room to the adjacent properties and to the rear fence therefore possible infringements of height and separating distance to adjacent properties. – Removal of important old trees and environmental concerns over trees and hedges acting as noise barrier.	therefore, it is for the retention of the constructed outbuilding (garden room). This has also been clarified in correspondence. The points raised in the comment in relation to the height and proximity to adjacent properties are addressed in planning considerations section. Regarding the concerns over felling of trees, further to a search in planning history, it has been confirmed that the trees are not protected and no work damaging TPO trees have taken place. The removed trees were dead or dying. Therefore, there was no breach. In regard to impact of the outbuilding on currently existing trees, the Council's Arboriculturist has been consulted and the response is summarised in section 5. Other concerns raised in the comments including the need for an additional garden room, are not material consideration in planning. This application is being assessed on its planning merits. It is noted that previous works were all within the curtilage of the property and there is no other buildings or permanent structures at the rear of the property which are related to this planning application.
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7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

- 7.3 The outbuilding is constructed in timber with powder coated aluminium doors and windows and comprising a flat roof and canopy. The building, currently used as a garden room, is located at the rear of the property, and accessed via a wooden pathway leading from a levelled patio area to a lower decking by approximately 1.2 metres on which the garden room is sited. It is noted that the outbuilding has a total height of approximately 2.57 metres, with 3.35 metres of width and 5.33 metres of length and is positioned at approximately 1.1 metres from the north side boundary while being mainly screened by the main dwellinghouse at the front. By dint of its position at the rear of the property, on a higher ground than the (A3) motorway in addition to the presence of the wooden fence at the rear boundary on the west side, it is considered that the outbuilding would not be visible from the streetscene or public realm. Therefore, it is considered that the design and size of the garden room are appropriate, and the proposal is not resulting in an adverse impact on the character of the area and the streetscene.
- 7.4 In regard to the construction materials, it is noted that the rear area of the property is comprising similar materials and shades which are incorporated into the overall design of the rear garden's sitting and patio areas as well as the boundary fencing, therefore the outbuilding design is deemed acceptable and in keeping with the context of the main dwellinghouse.
- 7.5 It should be noted that the height of the erected garden room is over the permitted development allowance for outbuildings by only 70 mm. Therefore, this planning application is being assessed considering this difference of height, while having regard to the permitted development fallback position.
- 7.6 The design, the mass and appearance of the outbuilding is deemed appropriate in context to the main house and the character of the area and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.7 The outbuilding is constructed on the north rear side of the site. The adjacent property at No.8 is the closest to the erected building which is set back by approximately 1.1 metres from the shared boundary line. The outbuilding is a single storey structure and sits on a lower ground level compared to the rear garden of the adjacent property, while the existing fence of approximately 1.7 metres is sitting on the higher ground resulting in an additional 600 mm to the height of the screen. Furthermore, by dint of the outbuilding height of 2.5 metres on the north side and its flat roof, it is considered that the building is mainly screened and is not overbearing or resulting in a harmful impact to this neighbouring property.
- 7.8 To the south side, property at No.6 is sited on a lower ground level in comparison to the application site. By dint of the erected high fence, the disparity in ground levels and being positioned at approximately 11 metres from the south boundary line, the outbuilding appears to be mainly screened from the adjacent property. Where it would be possible to partially view the top part of the erected outbuilding from the upper floor of the neighbouring property, it is considered that the construction is located at a sufficient distance to result in any harmful impact of overbearing, loss of view or daylight to this neighbouring property.

- 7.9 On the west and east sides, the built garden room is mainly screened from the properties located on the other side of Glebe Park Avenue, while there are no properties close to the application site from the east side. Therefore, the garden room design is deemed acceptable and resulting in no impact on these sides.
- 7.10 Considering all the above, it is considered that the garden room does not appear overbearing or leading to overshadowing, loss of privacy or overlooking and has a limited and acceptable impact on the immediately adjacent amenities and the neighbouring properties, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 Conclusion

- 8.1 The constructed outbuilding is considered appropriate in terms of design, scale and position and has a limited and acceptable impact on the character of the area and the neighbouring amenities and is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/23/00826, subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

001 P4 PROPOSED PLANS, ELEVATIONS, LOCATION & BLOCK

Reason: To ensure provision of a satisfactory development.

- 2 The outbuilding (garden room with canopy) hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation, for any business, commercial or industrial purposes whatsoever.

Reason: In the interests of the residential amenity of the area and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.