
Site Address: 23 Shaftesbury Avenue, Waterloooville, PO7 5HW
Proposal: Replacement of multi-level patio/flowerbed with a single level patio (part retrospective).
Application Type: Retrospective Planning Permission
Application No: APP/23/00737 Expiry Date: 27/10/2023
Applicant: Mr. Dickinson
Agent: Mr Perry Case Officer: Denise Sheath
C H Planning & sales
Ward: Stakes

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

23 Shaftesbury Avenue, Waterloooville is a two storey end of terrace property, constructed with red brick to the ground floor elevations, with white painted render to the first floor elevations, the roof tiles are grey slate roof tiles, the property benefits from a single storey rear extension and a single storey rear conservatory. There is a two storey detached garage/workshop located to the rear north eastern boundary with a single storey pitched roof storage shed adjacent the rear side western boundary. The rear garden is partially laid to lawn with a drop in garden floor level with the lower level being hardsurfaced. The boundary treatment consists of wooden fencing to the rear and rear western side boundary elevation, there is high hedging along the rear eastern side boundary elevation.

2 Planning History

91/56047/000 - Front porch with canopy link over existing driveway. PERM

03/56047/001 - Detached garage and workshop at rear following demolition of existing. PERM - 19/11/2003

09/56047/002 - Rear and side conservatory and change roof on rear extension from flat to mono-pitched. PERM - 11/08/2009

09/56047/003 - Discharge of Condition No. 3 of Planning Permission 09/56047/002. PERM - 27/11/2009

APP/22/00347 - Proposed single storey detached outbuilding with pitched roof to be used for storage purposes replacing existing wooden sheds. Replacement of damaged/ dangerous fence and block plinth on the south west boundary, maintaining original dimensions and appearance. (Retrospective Application). PERM - 19/08/2022

3 Proposal

Replacement of multi-level patio/flowerbed with a single level patio (part retrospective).

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)

Havant Borough Local Plan (Allocations) July 2014
AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Developer Services, Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing surface water sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 300 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing,

West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

Property Services Manager

No comments received.

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: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I do have concerns in reference to the structure of the raised Patio and [redacted], the raised patio which began construction for the footings in January of this year[redacted] and extension the later which has been in place since 1991. The concerns I have are this construction causing damage such as subsidence, this probably requires a surveyor report (which I did not see in the planning documents)	This is not a planning consideration and is a civil issue between the parties involved.
I have been advised when excavations are carried out within close proximity to a neighbours building structure within 1-3 metres, a written request must be agreed with said neighbour prior to any work being carried out . (No communication at all from [redacted] at 23 Shaftesbury Avenue). Very disappointing as he has dug foundations and constructed a wall actually on the boundary line.	This is not a planning consideration and is a civil issue between the parties involved
I was expecting a response from yourselves on how the planning breach was to be resolved, is there any news ?	The submission of the planning application is the proposed regularisation of the alleged breach.

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 proposed raised platform area will be situated to the rear of the property attached to the existing rear extension and conservatory, it will protrude 4m from the rear eastern protruding elevation of the conservatory, spanning approximately 3.5m to the west, before a reduction in depth by 2m before spanning the rest of the width to the west attaching to the rear western existing extension with a depth of 4m. A step is proposed to the centre of the reduced element which will lead to the rear garden area. The raised platform has a height of approximately 0.4m from the ground floor level. It is noted that permitted development for a raised platform is 0.3m in height from the ground floor level. The proposal is only 0.10m higher than the permitted development allowance. The raised platform will be constructed with a brick boundary with paving slabs across the top of the platform area. The raised platform structure is not visible from the public realm and would therefore not have a harmful effect on the visual amenity of the character of the area.

7.4 The design and appearance of the proposal is deemed appropriate in context to the main building 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

7.5 When conducting a site visit, the planning officer stood on the partially constructed raised platform and noted that the existing boundary treatment of fencing along the shared boundary to the north west elevation would still maintain an approximate 1.74m screening height along this boundary from the platform level. It was not considered that the proposal would directly overlook the immediate private amenity space of No.21 Shaftesbury Avenue.

7.6 The proposed raised platform would have a distance of 23m to the shared boundary with the neighboring properties to the rear (No.2 & 4 Queens Grove), these neighbouring properties would be screened by the large outbuildings within the rear garden of the application site as well as the boundary treatment which consists of 2m high fencing to the rear boundary. It is therefore considered that the proposal would not have a harmful impact upon these neighbouring properties and any impact would be considered minimal and acceptable.

- 7.7 The proposal would not be visible to the neighbouring properties to the front or to the neighbouring properties to the east.
- 7.8 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/23/00737 subject to the following conditions

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

Location Plan - Received 25 September 2023
Existing Block Plan - Received 25 September 2023
Existing Rear (North West) Elevations - Received 25 September 2023
Existing North East and South West Elevations - Received 25th September 2023
Proposed Block Plan - Received 25 September 2023
Proposed Rear (North West) Elevations - Received 25 September 2023
Proposed North East and South West Elevations - Received 25 September 2023
Photo of Rear of Property - Received 25 September 2023

Reason: To ensure provision of a satisfactory development.

- 2 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

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