
Site Address: 31 Rosemary Way, Cowplain, Waterloooville, PO8 9DG
Proposal: Retrospective application for 2No. outbuildings to rear garden to be used for personal office space and temporary business purposes relating to an eye lash studio for one year on raised platform with dwarf wall and associated boundary treatment.
Application Type: Full Planning Permission
Application No: APP/22/01161 Expiry Date: 07/03/2023
Applicant: Mr C Cole
Agent: Mr D Treagus Case Officer: Joseph Toole
Derek Treagus Associates
Ward: Cowplain

Recommendation: **GRANT TEMPORARY PERMISSION**

1 Site Description

31 Rosemary Way, Cowplain, Waterloooville, is a detached bungalow located to the west side of Rosemary Way. The bungalow comprises brickwork and concrete roof tiles. Vehicular access is from Rosemary Way with parking to the front.

The bungalow is located within a residential area with surrounding properties differing in style and design.

2 Planning History

No relevant planning history.

3 Proposal

The proposal is for retrospective permission for 2No. outbuildings to rear garden to be used for personal office space and temporary business purposes relating to an eye lash studio for one year on raised platform with dwarf wall with associated boundary treatment.

In terms of the eye lash studio business the applicant's agent has confirmed the following:

1. Hours of operation - 10:00 - 15:30 Tuesday to Friday with some Saturday morning work
2. Number of staff - one (owner)
3. Number of expected customers per day - 4-5
4. Access - ideally via side access

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)
CS17 (Concentration and Distribution of Development within the Urban Areas)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor D Keast - Cowplain

No Comment.

Councillor Andrew Briggs - Cowplain

No Comment.

Councillor Neil Bowdell - Cowplain

No Comment.

Environmental Health Manager, Community Group Original Comments

I recommend that this application be refused on noise and odour grounds. We are aware that this application is retrospective, however we have noted a level of discrepancies in the proposed hours of operation. The site is with the rear garden of a residents within a locality that is predominantly residential. We are concerned that granting planning permission for the uses as a beauty venue could potentially harm the amenity of the residents. There is a possibility of noise coming from patrons' comings and goings during unsocial hours and potentially use of nail varnish which are often known to compliment eye lashes business.

The applicant has not demonstrated clarity on the proposed business in a carefully design and access statement. There are discrepancies in the proposed hours of operation and indeed, the proposal lacks any detail of measures to ensure any impact of its use is properly mitigated in the long term. However, should the applicant address these concerns and provide clarity of the proposed hours of operation and measure to offset the impact of the business on the local residents, I will be happy to review my comments and provide a revised consultation response as necessary.

Officer Comment

Let the EH Officer aware they are now applying for temporary position and if approved a condition limiting the operational hours would be added along with a condition limiting the studio to one customer at a time. Furthermore, it was mentioned the Applicant confirmed that there would be no chemical/fumes associated with the use.

Environmental Health Manager, Community Group Revised Comments

I can confirm that I am happy with the proposed condition wording proposed by the applicant. However, It is further suggested that the condition be slightly amended to incorporate the restriction to one customer at a time during the hours of operation.

Officer Comment

If permission is forthcoming there would be another condition which restricts one customer at a time.

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: 27

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
Original Plans	
Two separate outbuildings is incorrect it is one outbuilding	The outbuildings are separate whilst connected together by the roof
Clients for the eye lash business call at all times of the day/evening	Conditions have been recommended to restrict the operational hours to normal working times
Increase traffic in the area, parking issues and noise	A car parking plan has been provided
Height of the outbuilding unacceptable creating an eyesore	Please see Section 7.
Drainage issues	These issues would be covered by Building Control
Contrary to covenants	Covenants are not material planning considerations
Two businesses operating are unacceptable	One outbuilding is used as an eye lash studio and the other for personal use
Would encourage others to run businesses from their bungalows changing the area to a busy industrial estate	Each planning application must be considered on its own merits
Currently using the buildings	Noted

Revised Plans Concerns with Parking Plan - as limited space for parking on site Concerns with traffic, air pollution and noise during unsociable hours which will affect all neighbours in the vicinity	Please see Section 7. A condition would control the hours of operation and number of clients at one time
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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
- (iv) Parking matters

(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.

7.3 Many types of businesses operate from home, some of which are incidental or ancillary to the lawful use of the residential property and not subject to planning control. Other uses, because of their nature and scale, as a matter of fact and degree, amount to a material change of use, subject to planning control. In this case as one of the outbuildings would be primarily used as a business therefore formal planning permission is required.

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

7.4 The retrospective outbuildings would have cream coloured cladding boards with a flat roof. This is considered to be of appropriate design. The outbuildings would be lowered from its current position having a height of approximately 2.7 metres on the raised ground to the rear, an overall width of approximately 9.8 metres with a maximum depth of approximately 5.2 metres. The outbuildings are not readily visible from the street scene therefore the building themselves are not considered to have a negative impact upon the character of the area. Although the proposed outbuilding is deemed to be of a large size it is considered to be subservient to the host dwelling and the retained amenity space. It must be noted that the proposed works would reduce the garden space of the property falling well below the 10m guideline for garden depths set out in the Design Guide SPD. However, in assessing an appeal which raised similar issues under Application APP/15/01209 an Inspector commented that the 10 metre garden depth is "a general guideline rather than any statutory minimum and there should be some flexibility to allow residents an element of choice." Therefore, on balance, the outbuildings are considered to be in keeping with the character of the area and would not result in an unacceptable overdevelopment of the site.

7.5 As previously mentioned one of the outbuildings would be used for personal office use by the Applicant's. This is considered to be an appropriate use within the context of a residential area and as such deemed acceptable. A condition regarding its use to remain incidental to the main dwellinghouse has been recommended.

7.6 In terms of the other outbuilding the intended use would be for an eye lash studio with details of its use outlined in Section 3. In order to reduce its impact on the character of the area a condition for operational hours to be limited to 9:00 hours to 18:00 hours Monday to Friday and 9:00 hours to 13:00 hours on Saturdays and closed on Sundays and any recognised Public Holiday. Also, a condition limiting to the use of the studio to one customer at a time would be recommended. Furthermore, Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. Following a full assessment, the local planning authority believe a temporary permission for the business use would be appropriate here to fully assess its impact on the locality over a one year period. It is worth noting the outbuildings themselves are deemed appropriate and would not be subject to temporary permission, this would only relate to the business use. This was supported by the Council's Environmental Health Officer.

7.7 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 Policies CS16 and DM10 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

7.8 On the south side facing No.29 Rosemary Way there would be no side windows within the outbuildings. There would be windows to the front of the outbuildings facing out on the rear garden. Due to the revised boundary treatment incorporating a trellis, on top of a 1.8 metre high fence it is not considered to cause harmful overlooking to the neighbouring occupiers at No.29. Furthermore, due to the position and height of the outbuildings they are not considered to appear harmfully overbearing or result in the harmful loss of light to No.29.

7.9 On the north side facing No.33 Rosemary Way there would be no side windows within the outbuildings. There would be windows to the front of the outbuildings facing out on the rear garden. Due to the revised boundary treatment incorporating a trellis, on top of a 1.8 metre high fence it is not considered to cause harmful overlooking to the neighbouring occupiers at No.33. Furthermore, due to the position and height of the outbuildings' they are not considered to appear harmfully overbearing or result in the harmful loss of light to No.33.

7.10 To the rear of the outbuildings facing No.10 Thistledown there would be no windows. Due to the outbuildings' low roof height and that the fact the ground drops it is not considered to have an adverse impact on the occupiers of No.10 Thistledown.

7.11 Due to the suggested conditions listed above and the permission being temporary for a year to fully assess the impact of the commercial use, it is not considered to have an adverse impact on the neighbouring properties to warrant a refusal.

- 7.12 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy, noise and disturbance 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).

(iv) Parking matters

- 7.13 A car parking plan was provided showing 4 car parking spaces on site. As such, the proposal is considered to have appropriate parking. This is supported by the fact a condition has been recommend for only one customer at a time to use the eye lash studio.

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, with an adequate level of on-site parking provided. On this basis it is recommended for temporary approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT TEMPORARY PERMISSION** for application APP/22/01161 subject to the following conditions

- 1 The eye lash studio in only one of the outbuildings shall be for a limited period expiring one year from the date of this permission in which time the outbuilding shall be used for incidental purposes to the main dwelling unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: To fully assess the impact the business use would have within the locality having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Amended Location Plan, Block Plan and Existing Floor Plan - 22/281/01
Amended Proposed Floor Plans and Elevations - 22/281/02
Car Parking Plan
Emails from Applicant confirming levels of activity for the business use

Reason: To ensure provision of a satisfactory development.

- 3 The eye lash studio business hereby permitted shall not open to the public before 9:00 hours or remain open after 18:00 hours Monday to Friday and before 9:00 hours or remain open after 13:00 hours on Saturday and at any time on Sunday or any recognised Public Holiday.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The eye lash studio business shall be limited to one customer at a time unless otherwise agreed by the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The personal office in one of the outbuildings hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse and shall not be used as a separate dwellinghouse.

Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The works involving the reduction of the outbuildings height by approximately 65mm and the erection of trellis on the north and south boundary as shown on 'Proposed Floor Plans and Elevations' No. 22/281/02 shall be carried out within three months of the permission date unless otherwise agreed by the Local Planning Authority.

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.

- 7 No chemical/fumes shall be associated with the use of the eye lash studio at any time unless otherwise agreed by the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.