
Site Address:	2 St Peters Avenue, Hayling Island, PO11 0SA		
Proposal:	Conversion of covered swimming pool to residential annexe.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00385	Expiry Date:	17/07/2023
Applicant:	Mr Ball		
Agent:	Mr Pike	Case Officer:	Tina Pickup
	Pike Planning		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a substantial detached two storey dwelling located on the south side of St Peters Avenue, which is a private road. The existing dwelling is mock Georgian style constructed of red brick with buff quoining detail, beneath a dark hipped roof. The dwelling is sited approximately centrally within a large flat site, bounded largely by a low brick wall and high evergreen hedges. Vehicular access is via a gated entrance with large graveled frontage turning area with double garage set against the southern boundary.
- 1.2 There is an existing, matching brick and pitched roofed, single storey building sited between the northern boundary and the house, which is a covered swimming pool outbuilding. This building is some 7.4m wide and some 18.3m long. At its eastern end, facing the rear garden, it is curved and glazed to match the conservatory on the main house.
- 1.3 There are several TPO trees on the site, both within the rear garden and some Group Orders including a line of Corsican pines to the front. The site lies outside the current day flood zones, but within the future flood zone.
- 1.4 The site lies beyond the identified urban areas of Hayling Island by policy AL2 and therefore in the 'non urban' area. Beyond the site to the west are paddocks. The northern side of St Peters Road is characterised by modest bungalows and chalet bungalows.

2 Planning History

02/56360/009 - Erection of new chalet bungalow and associated parking with access onto St Peters Avenue., REF, 15/05/2002
00/56360/008 - Enlargement of garage, previously approved 98/56360/5 but not yet constructed, PERM, 21/12/2000
00/56360/007 - Construction of freestanding enclosed swimming pool adjacent to north side of new dwellinghouse under construction pursuant to planning permission 98/56260/5, PERM, 28/07/2000
99/56360/006 - Revised siting (retrospective) of new dwellinghouse authorised by planning permission 98/56360/5 and construction on its east side of an attached conservatory, PERM, 29/10/1999

98/56360/004 - Crown reduction of Bay tree (T1) by 20%: Crown raise up to 2 metres Silver Birch trees (T2, T13, T14, T15, T16, T17, T18 & T22), Scots Pine (T6), Larch (T5), Eucalyptus (T20), 4 Silver Birch (Group 3): Crown raise on western side only 21 Corsican Pines (Group 1). All trees subject to TPO 1513., PERM,07/04/1998

98/56360/005 - Demolition of existing buildings and construction of a 4 bedroom detached house and double garage, PERM,21/01/1999

96/56360/003 - To demolish existing bungalow and ancillary building and erect dwelling house with new vehicular access, NPW,13/03/2003

93/56360/002 - Demolish existing bungalow and ancillary buildings and erect 2 storey dwelling. , PERM,14/04/1994

91/56360/000 - New vicarage, PERM,09/01/1992

92/56360/001 - Demolish existing bungalow and ancillary buildings and erection of new parsonage house, WD,25/02/1993

03/56360/010 - Application to crown reduce a bay (T1) by 20%, to crown raise to 2m 2 Oaks (T2 & T3), 7 Birch trees (T13,14,15,16,17,18 and 22), a Eucalyptus (T20) and cedar (T21), 6 Monterey Cypress trees (within G2) and 22 Pines (within G1), and to shorten limbs growing into T21 of a Eucalyptus (T20) and fell a Pine (within group G1) all subject to TPO 1513., PERM,16/09/2003

05/56360/011 - Variation of Condition 1 of planning permission 00/56360/007 to allow for an extension of the time period during which the development permitted may commence., PERM,04/04/2005

06/56360/012 - Application to fell 11 x Silver Birch, 6 x Cyprresses, 1 x Larch and 1 x Scots Pine all subject of TPO 1513., REF,24/08/2006

07/56360/013 - Application for crown reduction of 30% to a Eucalyptus tree (T20) subject to TPO 1513., PERM,16/05/2007

07/56360/014 - Fell 6No. Corsican Pine Trees and crown clean and crown lift to 3 metres the remaining trees all within Group 1 subject to TPO 1513. , PERM,18/07/2007

08/56360/015 - Fell 3No. Scots Pine trees within Group G1, subject to TPO 1513., REF,22/10/2008

09/56360/016 - Fell 3No. Birch trees, crown reduce by 30% 1No. Eucaluptus tree, crown lift by 1m 1No. Cedar tree and crown lift by 2m 6 No. Leyland Cypress tree, subject to TPO 0567 and 1513., PERM,28/09/2009

09/56360/017 - Fell 4No. Scots Pine trees, remove 1No. limb from a Scots Pine tree and crown thin by 20% 10No. Scots Pine trees, all subject to TPO 1513 (G1)., PERM,22/12/2009

APP/10/00348 - Crown reduce by 20% 2No. Oak trees and 1No. Birch tree all subject to TPO 0567., PERM,23/08/2010

APP/10/00786 - Fell 5No. Leyland Cypress trees and 1No. Scots Pine tree subject to TPO 1513. , PERM,07/02/2011

APP/12/00496 - Outline application for erection of 1No. chalet bungalow with all matters reserved., REF,30/10/2012

APP/14/00546 - Fell 1No. Cypress (T9), subject to TPO 1513., PERM,02/07/2014

APP/17/00023 - Fell 3No. Pine. Subject to G1 of TPO 1513., PERM,03/02/2017

APP/17/00738 - Fell 5No. Cypress trees, subject to TPO 1513., PERM,22/08/2017

APP/21/00878 - 1no. Bay Tree (T1 on plan) - Fell and remove, subject to TPO 1513., PERM,15/10/2021

3 Proposal

Conversion of covered swimming pool to residential annexe.

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)
DM13 (Car and Cycle Parking on Residential Development)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

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

Arboriculturalist

The development is confined to the existing building footprint with existing parking on site and space for the delivery and storage of materials, which would not have a detrimental impact on the surrounding trees.

The proposed works would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Southern Water

Formal application for any new connection to the public sewer; surface water discharge should follow part H3 of Building Regs, plus encourage re-use.
any sewer found during construction works should be investigated

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: 13

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
In principle the change of use is acceptable, with the suggested link to the main dwelling. The functional link for the annex to be ancillary to the main dwelling. Hence the occupants of the annex be dependent on the occupants of the main dwelling, without forming a separate new dwelling house.	Noted -see section 7 below

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 and annexe use
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Impact on Trees
- (v) CIL

(i) Principle of development and annexe use

7.2 The application site is located within a non-urban area where the more restrictive countryside policies apply. However Policy AL2 notes that outside the developed areas small scale householder development would in principle be acceptable.

7.3 The existing swimming pool outbuilding was granted planning permission under reference 00/56360/007 on 28 July 2000 with condition 2 stating:

"The swimming pool building hereby permitted shall not be used otherwise than for purposes which are wholly incidental to enjoyment of the specified dwellinghouse as such

i.e, the dwellinghouse authorised to be erected by planning permission no, 98/56260/005"

7.4 Generally it has been established by case law that residential 'incidental' uses include garages, swimming pools, gyms, studios etc, i.e. uses that are not found in the main house. 'Ancillary' uses however include primary living accommodation such as bedrooms, kitchens, living rooms etc that are occupied by someone related to the main house with a functional link. There is not normally a material change of use involved in the subsequent internal conversion of an incidental building to an ancillary use, provided there is a genuine functional link and the site remains a single family dwellinghouse and is not sub-divided. However, in this instance the use of the outbuilding is restricted by condition to being for 'incidental' purposes only which means that the proposed conversion to provide 'ancillary' habitable living accommodation requires planning permission.

7.5 It is noted that due to the size of the existing building, the accommodation to be provided is not insignificant, and would have all the attributes of a new dwelling ie capable of independent occupation with kitchen, bathroom etc. However vehicular access and garden areas would all be shared and it is noted that the only door into the proposed accommodation is to the side, immediately adjacent the rear patio of the main house. Pedestrian access therefore encroaches into private amenity space and would be unlikely to be shared by unrelated occupiers. In this instance it has been stated that the occupation of the main house and the proposed annexe would be by extended family members and the site would remain a single family dwellinghouse.

7.6 It is further noted that the existing swimming pool is expensive to run and rarely used. Overall it is considered that the occupation of the accommodation is likely to be on a genuinely ancillary basis and the re-use of the existing building for ancillary living accommodation would be appropriate in principle.

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

7.7 The only external alterations associated with the proposed use relate to the insertion of 3 new windows on the north elevation, and the blocking up of part of the glazed conservatory style end. The overall external design and appearance of the building would remain appropriate in context to the main dwelling 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

7.8 The scale and separation of the site and building to neighbouring properties, with high boundary hedges, is such that the proposed annexe use would be unlikely to have any detrimental impact on the the quiet amenity of neighbours. As a single family dwelling site, the marginal intensification of use of the site would have negligible impact on neighbouring amenity, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Impact on Trees

7.9 There are many TPO'd trees within the site, but there would be no ground works associated with the proposed conversion to an annexe. The existing swimming pool would need either infilling or covering, which may lead to extensive internal operations, but with plenty of on site space for the delivery and storage of materials away from significant trees, such works would have no impact on the trees. The arboricultural officer has raised no objection.

(v) CIL

7.10 As a detached annexe the full floor space of the proposed building to be converted is CIL liable. This would result in a CIL liability of £17,116.07 but Annexe Relief has been claimed. The CIL team are aware and will send the Liability Notice after planning permission is issued.

8 **Conclusion**

- 8.1 The proposed conversion of this incidental outbuilding to ancillary living accommodation only requires planning permission by virtue of condition 2 of 00/56360/007. Provided the accommodation is conditioned to remain as ancillary only, then the development is considered 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 PERMISSION** for application APP/23/00385 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

1:1250 Location Plan
1:500 Block Plan
Proposed Elevations and Floor Plans - Drawing Number C04
Design & Access Statement dated April 2023

Reason: To ensure provision of a satisfactory development.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the existing dwelling and shall not be used as a separate independent unit of accommodation.

Reason: To accord with the terms of the application and because the site lies outside the defined urban area where restrictive policies apply for new dwellings which have not been addressed, and having due regard to Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL2 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.