
Site Address:	45 Hulbert Road, Waterloo, PO7 7NX		
Proposal:	Permanent Retention of Existing Log Cabin as ancillary accommodation.		
Application No:	APP/20/01162	Expiry Date:	18/05/2021
Applicant:	Mr K Hamilton		
Agent:	Mr M Choudhury	Case Officer:	Tina Pickup
	MC Architectural Design		
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 45 Hulbert Road is the northern most dwelling at the end of a cul-de-sac of a line of similar chalet style dwellings. Following the grant of temporary planning permission under ref APP/15/00664 there is now a log cabin sited to the north of No 45 which is occupied on an 'ancillary' basis by the parents of the occupiers of No 45. It was conditioned for a limited period expiring on 31st August 2020 as the then proposed building structure may not have been suitable for permanent retention. The current red lined application site relates to the whole single family dwelling curtilage of 45 Hulbert Road which includes the log cabin, which is the subject of this application.
- 1.2 The log cabin that was erected under APP/15/00664 is in fact a substantial and sound structure finished to a high specification that does have a long life span. Other conditions imposed on APP/15/00664 included: to be occupied incidental to No 45 and not used as a separate dwelling and not enlarged or extended; and have a finished floor level of 33.40.
- 1.3 The land slopes up quite steeply to the east and there is a dense mature tree belt on the northern boundary (which are TPO'd), a ditch/stream running north-south along the western edge in a wooded area. Access is taken from the head of the cul-de-sac straight into a large shared hard surfaced area. Steps are provided up to the entrance door of the log cabin. The front part of the site is now in flood zone 2 & 3 - this is a recent inclusion, it was not in 2015.
- 1.4 After the erection of the log cabin a large garage was also attached to the northern elevation of the log cabin which is used in connection with a wedding car business operating from the site and used for the storage of vintage wedding cars. Two sheds were also erected under the canopies of the trees. These works were regularised under APP/17/00462 but temporary permission was also granted as it was not considered appropriate to affix a permanent structure to a temporary one.
- 1.5 Therefore this current application is accompanied by APP/20/01163 which also seeks permanent retention of the attached garage and business use.
- 1.6 During the course of determining these applications it has become apparent that further structures have been erected in the curtilage of the site. Following investigations the front car port and chicken coup, that both lie forward of the principal elevation, also require planning permission. The applicant has been asked to submit a retrospective application and this should be forthcoming within coming months for

future consideration.

2 Planning History

APP/15/00539 - Crown lift 3No. Common Oak (T6, T15, T22) by 10m; crown reduce 1No. Pine (T12) by 3m; crown reduce 2No. Pine (T16, T17) by 4m; all subject to TPO 1393., 22/06/2015

APP/15/00664 - Change of use of public amenity land to private amenity land and erection of 1No. log cabin for ancillary living accommodation (granny annex)., TPP,28/08/2015

APP/15/00684 - Remove 3 lowest limbs of 1No. Oak (T6); fell 1No. Oak (T8); remove 2 lowest limbs 1No. Oak (T9); crown reduce north sector of 1No. Pine (T12) by 3m; remove lowest limb 1No. Oak (T14); reduce lowest limb in southern sector of 1No. Oak (T15) by 4m; remove branches to northern sector 1No Pine (T16); reduce southern side of canopy by 2m of 2No Oaks (T20, T22); remove crossing branches from 1No Oak (G1), reduce southern side of canopy by 2m of 1No oak(G1), reduce northern side of canopy by 4m of 1No. Pine (G1), these 3No trees from G1 all trees subject to TPO 1037.

, PERM,13/08/2015

APP/17/00462 - Retention of garage to side of log cabin for the storage of wedding cars in connection with wedding car hire business; retention of 2No. sheds; retention of flue and regularisation of fenestration on log cabin. (Retrospective application)., TPP,13/11/2017

APP/17/00956 - Fell 2No. Scots Pine, 1No. Common Yew and 1No. Oak, subject to TPO 1393., PERM,05/10/2017

APP/17/01295 - Tree works subject to TPO (T3) 1393, UNK,

APP/18/00034 - Tree works, UNK,

APP/19/00095 - Pine - Reduce by 6m to re-balance heavily weighted top. Oak 1 - Deadwood - Reduce large low limb overhanging cabin by 5m to reduce weight to prevent limb failure. Oak 2 - Deadwood - Reduce all lateral limbs by 5m to reshape and rebalance the crown., UNK,

APP/19/00428 - Single storey rear extension, addition of velux window., PERM,11/06/2019

APP/20/00191 - 1No. Pine (T1) reduce leaning top by 4m leaving 17m to remain; 1No. Oak (T3) reduce lateral by 3m and upper branch 4m leave 5m remaining; 1No Oak. (T4) reduce overhang by 5m and height by 4m leaving a height of 14m, subject to TPO 1393 within G1. (All work to suitable growth points), PERM,19/06/2020

APP/20/00632 - Retention of log cabin for permanent independent living as a separate dwellinghouse - withdrawn

and current application:

APP/20/01163 - Permanent Retention of existing garage to side of log cabin for the storage of wedding cars in connection with wedding car hire business; retention of 2No. sheds and flue.

3 Proposal

Permanent Retention of Existing Log Cabin as ancillary accommodation.

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

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
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)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E24	(Contamination)
E1*	(High quality design)
E19	(Managing flood risk in new development)
H6*	(Residential annexes)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)

Emsworth Neighbourhood Plan Post Examination Version 2020

n/a

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure, Planning Policy & Urban Design

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

The Applicant has not applied for annex relief for this application (annex relief was granted for the time limited permission granted under APP/15/00664). If permission is granted the CIL liability will replace the liability under APP/15/00664 so a new Form 8: Annex Relief Claim Form should be submitted if the annex is intended purely for ancillary use to the dwelling.

Officer Note - *this form has now been 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: 16

Number of site notices: 1 - posted by Applicant due to Covid restrictions

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
This planning application should be rejected because: 1) Design The log cabin erected does not match the design submitted for planning approval. For example the centre of proposed cabin was to be at ground level so that the majority of the cabin would be lower than the garden wall however the rear of the cabin is at ground level resulting in the front being some 2 metres off the ground and the cabin is thus totally visible from the road. In addition several new building have been erected some of which have been subject to retrospective planning approval whilst other more recently erected buildings have not been subjected to planning. 2) Pollution The log burner causes much smoke pollution as the chimney is lower than surrounding houses and smoke collects in the valley. This is a health and environmental hazard for local residents. 3) Usage The original planning application stated that the cabin was to be used by parents to provide child support. In fact a wedding car business has been operated since day 1 there was no mention of this in the application and there was no indication that this would be a business premise. Because of the business some 12 or so cars are permanently on site and more cars are parked when drivers are engaged to drive the wedding cars. whereas the original application stated there would be parking for 4 vehicles.	see Section 7 below re character and appearance of area New structures have been investigated and 2 of them require planning permission The log burner & associated flue was considered as part of APP/17/00462 and its renewal part of APP/20/01163. Any ongoing complaint re smells is a matter for Environmental Health The cabin is condition for ancillary purposes and is currently occupied as such. The wedding car hire business was considered as part of APP/17/00462 and its renewal part of APP/20/01163

In summary the cabin as erected and ancillary outbuilding are totally out of keeping with surrounding properties.	
I do not have any problem with retention of the Cabin and Garage But I have stated on a previous planning application by the owners of 45 Hulbert Road that I was concerned about the continual development and removal of trees as outlook now is of a car business and various outbuildings which once was the orchard full of trees.where we sheltered from road noise we can now hear that	See Impact on trees below in section 7

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on TPO'd trees
- (v) Flood Risk
- (vi) Parking
- (vii) CIL & SRMS contributions

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The overall site remains a single planning unit with mixed use - the original residential property of 45 with ancillary log cabin annexe, currently genuinely occupied by family members; and the wedding car hire business. The site is large and can readily accommodate these buildings without it becoming an overdevelopment of the site. The wedding car hire business is being considered under APP/20/01163, this application simply relates to the retention of the log cabin.

7.3 Temporary permission was originally granted because it was not known at the time the standard and longevity of the proposed cabin, it could have been an inferior quality that deteriorated quickly over time and thus not visually appropriate for permanent retention. However the cabin as constructed on site is of substantial and sound construction and would be appropriate for permanent retention.

(ii) Impact upon the character and appearance of the area

7.4 The curtilage of the site is of sufficient size to accommodate the log cabin and the remaining shared amenity space commensurate with the pattern and character of the immediate area. The host dwelling is constructed of buff brick and visually the log cabin is of muted wood hues to match the colour palette. It is however set forward of the host dwelling and as such is visible at the head of the cul-de-sac. However its roof

line, at 3.4m is much lower than number 45 and it is set back behind 45 some distance from the public highway. Additionally the front boundary is screened with a high wall. Whilst it is raised up at the front due to the levels and bank within the site, being single storey it remains lower and subservient to the main dwelling.

- 7.5 Overall its visual prominence in the street scene is considered limited - it can be seen but it does not visually dominate and is set against the backdrop of the mature trees. The visual impact of the log cabin, set behind the main dwelling and away from the adopted highway is considered appropriate for permanent retention, and does not have an adverse impact on the visual character of the locality, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iii) Impact upon residential amenity

- 7.6 The log cabin sits to the north of No 45 and therefore buffered away from the nearest other dwellings in Hulbert Road. The other boundaries are well screened with trees and the site is of sufficient size for the proposed use not to have any adverse effect on adjacent residents.

- 7.7 The log cabin does have a log burner and flue and this was approved under APP/17/00462. Third party comments have noted smoke pollution due to the low valley siting, and it would be a matter for Environmental Health to assess any complaints under the Environmental Protection Act. They would ascertain whether a statutory nuisance exists, and if so, they could take action to prevent the recurrence, which may mean the log burner cannot be used. But this is legislation outside of planning and not sufficiently harmful to warrant a refusal of planning permission.

(iv) Impact on TPO'd trees

- 7.8 There would be no change to the ground conditions or impact on trees from the existing structure becoming a permanent feature. As the trees are protected by TPO's then any future works to them would need to be subject to separate TPO consent.

(v) Flood Risk

- 7.9 A recent change to the EA flood maps has introduced a fluvial flood zone that follows the route of the water course/ditch at the front of the site. This does impinge on the front corner of the cabin, but at this point the cabin is raised off the ground at an elevated position. As an existing structure that is occupied on an ancillary basis within a larger single family dwelling site, that also benefits from raised floor levels, it is not considered that there would be any increased risk to life from flooding. The occupiers could take refuge in the main dwelling or rear part of the site in the event of a flood.

(vi) Parking

- 7.10 The site has sufficient space to accommodate multiple vehicles - see APP/20/01163, and the recently erected car port at the front of the site is noted. This structure is currently unauthorised as it requires planning permission and following Enforcement enquires a further regularising application is expected shortly. Overall this single planning unit site can provide sufficient on site parking to meet the adopted Parking SPD.

(vii) CIL & SRMS contributions

- 7.11 The log cabin is CIL liable and under APP/15/00664 annex relief was granted. However this permanent application would supersede that permission and hence annexe relief needs to be re-applied for. The applicant has provided the necessary form.
- 7.12 With respect to potentially increasing recreational pressure on the Solent SPA, Natural England's advice in regard all new housing development within the agreed zone is that it is likely to have a significant effect on the SPA - Policy DM24 of the Allocations Plan requires a contribution to mitigate against this pressure. However, in this instance, the application is submitted as ancillary annexed accommodation only and therefore a 'new residential unit' is not created - accordingly there is no SRMS contribution required with this application. Should the cabin ever be severed from No 45 and occupied independently or a further application for a new dwelling submitted, then at that stage in the future the appropriate mitigation would become necessary. Similarly as existing ancillary accommodation it is not considered that new overnight accommodation is provided to trigger the water quality mitigation for Habitats Regulations in this instance.

8 Conclusion

- 8.1 It is considered appropriate to allow permanent retention of the log cabin on an ancillary basis. The previous condition relating to ancillary use should be re-imposed, but the previous condition stipulating the finished floor level to be constructed is superseded by the fact that it is erected on site at an appropriate level.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01162 (A) subject to the following conditions

- 1 The cabin hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing dwelling at 45 Hulbert Road and shall not be used as a separate unit of accommodation, nor shall the building be enlarged or extended without the prior written approval of the Local Planning Authority and this condition shall apply notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order.
Reason: To enable the Local Planning Authority to maintain control over the separate occupation of the cabin or its enlargement which may be out of keeping with and harmful to the character of the area, having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.