

Recommendation: **GRANT PERMISSION**

No objection. There are no trees suitable for TPO protection.

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: Two representations with 3 names objecting to the proposals and one representation in support

Comment	Officer Comment
<u>Comments in relation to original proposal</u>	
<u>Introduction</u> 1. At first one would not think this would be a large task, however on reading (1.1) initially the application form and the comments within said document by Ms Denise Sheath " Concern was expressed over the height of the original proposal as this, it was considered, would have a detrimental impact on the character of the area and upon the street scene and would create an overbearing impact on the neighbouring property to the north (No7). This has been addressed with this new proposal whereby the height has been reduced by 850mm so that it limits the height to less than 1 metre above No.7's boundary leylandii hedge and is not significantly changing the street scene as seen from St Georges Road or the Sea Front." (1.2) While reading, digesting and assimilating the information in the Proposed site location & photographs made me consider if I was looking at plans for a garage/workshop or a possible granny annex.	These comments were from the pre-application stage and included on the application form.
<u>List of Main Concerns</u> 2. (2.1) Breach of (Schedule of restrictive Covenants dated 11 January 1928), (2.2) Privacy / Daylight, (2.3) Noise /Smells / Fumes, (2.4) Design / Appearance & Layout and (2.5) Hedgerow.	

Detailed Objections to Main Concerns

3. (3.1) We feel there is a breach of (Schedule of restrictive Covenants dated 11 January 1928). It is felt that a workshop due to close proximity of boundary to north will cause noise / smells / fumes, and which has the potential to cause nuisance or annoyance.

(3.2) With the limited knowledge I have to hand six or more properties are affected by this covenant which leads me to my next area of concern design, appearance and layout. That these said properties have all maintained flat roofs to their garages and are maintained at ground level which ensures appearance and layout are maintained to that laid out in the covenants. As stated in (1.1) above would create an overbearing impact on the neighbouring property to the north (No7). (3.3) The covenant also ensures that any said property will not be used as a business at any time as in any form of hotel or such living accommodation now or at any time in the future.

4. (4.1) We are very concerned with privacy which I pointed out in (1.1) above and regardless of the height being reduced will still have access to view from east elevation into our garden and more to the point direct view into our bedroom windows which is not really acceptable. At present No5 garage cannot be seen from any point of west elevation of No7.

5. (5.1) I am not in a position due to lack of skills and knowledge how to determine how daytime light from the sun and sky, as opposed to light from artificial sources will affect my property due to the height of intended extension. I will have to rely upon our local planning departments experts in this field to make such a decision as they are the professionals in this area. I will explain later the concerns I have to our hedgerow and wild life due to daylight.

6. (6.1) I have raised my concerns at (3.1) above, workshop is this business or pleasure we do not know, business is out of the question (covenant) therefore we

Covenants are a private legal matter between the parties and are not a material planning consideration in the determination of the planning application.

Impacts on neighbours amenities are considered in Part 7

The revised scheme does not include windows on the east and north elevations.
See part 7

The revised plans reduce the mass and bulk of the building adjacent to the boundary and set the ridge off the boundary with a sloping roof and small 'blind dormer' feature.
Given the pitched roof design, and the distance to the nearest property to the north No.7 it is not considered that any impacts on light / sunlight would warrant a refusal of planning permission.

The use of the building has been clarified and a condition is recommended to restrict uses to those proposed.

need to know what is the intention of use of workshop, so that it does not have the potential to cause nuisance or annoyance due to Noise /Smells / Fumes, this needs to be transparent. I am not aware of any other workshop around me or in close proximity.	
7. (7.1) As Ms Denise Sheath pointed out Concern was expressed over the height would create an overbearing impact on the neighbouring property to the north. May I also point out I do feel other properties to the north might also be affected with line of sight i.e. number 9 and 11 St Georges Road, I would like to think that they have been informed of this proposal. As mentioned in (1.1) and (3.1) above to allow the height of this proposed plan to exceed the height of the hedge we feel would have a detrimental effect to Design / Appearance & Layout. 8. (8.1) The hedgerow has been in place as far as I can establish since mid-1970, long before I purchased property. Hedgerows are important to the environment and wild life which are part of our eco system and we feel should be maintained for the wellbeing of future generations. At (5.1) I highlighted daylight what I cannot say is what affect this proposed plan will have on the hedge and wild life, I do need to leave this to the professionals in the planning department.	The design has been amended since the pre-application The hedge is to be retained and is beyond a boundary wall. It is not anticipated that this domestic scale development would have a significant impact on wildlife.
<u>Conclusion</u> 9. (9.1) If it be that an option should arise, we may not have any objections "but must see any amended plans first before consideration can be given" to that of a ground only extension. 10. (10.1) We do feel very strongly to the points we have laid before you as laid out above with all the right and proper intension's to maintain the "Schedule of restrictive Covenants dated 11 January 1928".	
We feel that the roof height is still too high and ask that consideration is made to reduce it further please. Although applicant doesn't intend to live in it as a	Amendments to the design reduce the mass and bulk adjacent to the northern boundary.

granny annexe type arrangement themselves, we are concerned that future residents may decide to do this. We would prefer not to have a window facing our bedroom windows as well as this would impact on our privacy. We would also be able to see straight inside it so their privacy would be compromised as well.	The use is restricted by condition. Windows to the north and east elevations have been removed with the amended drawing.
As immediate neighbours to 5 St George's Road, and with a shared drive access, this application has our complete support. The proposed plan will enhance the main entrance to our joint properties and will greatly improve on the existing. It can only be for the betterment of those living in close proximity.	Noted
<u>In Relation to Revised Proposals</u> <u>Introduction</u> Firstly, can I ask please that the council take into consideration my previous representation of 12/08/19, thank you. I feel there has been a great disparity of the time line in the way of communication? On this matter to explain, No5 was given an extension from the 02/10/19 to prepare paperwork which gives a total time of 58 days. I and any other third party that may be involved have received a letter dated 28/11/19 giving us six days to respond to a deadline of 05/12/19. This I feel is a great difference in the communication time line process. I hope you will take my point in the way it is intended, not all parties may be in a position to respond in 6 days but possibly could if allocated more time. <u>Detailed Objection to Main Concern</u> The design may have changed but we feel that the roof height is still too high and ask that consideration is made to reduce it further please. Although applicant doesn't intend to live in it as a granny annexe type arrangement themselves, we are concerned that future residents may decide to do this. With the new design of roof layout windows could	The publicity in relation to amended plans are considered appropriate. The design is considered to have an acceptable impact as set out in part 7 Conditions in relation to use restrictions and windows are recommended.

be very easily fitted in the future on the north elevation giving access to our bedroom windows which would impact on our privacy.

As previously pointed out in my representation of 12/08/19, that Ms Denise Sheath pointed out Concern was expressed over the height would create an overbearing impact on the neighbouring property to the north. And we feel strongly this was a right and proper observation and comment to make.

Conclusion

As a member of the public I feel very strongly in that we should raise concerns on matters of safety we have when identified to our council or other interested parties rather than just ignore them, please see paragraph 2 below.

Fire safety has been well communicated by the media over many recent months due to some very serious breaches and resulting in death. I therefore would like to raise a point of concern outside of my representation which is fire safety. Documents presented by No5 states the Ground floor: will be used primarily for storing cars but also for garden equipment including a potting bench, gas barbecue, garden furniture and power tools such as a lawnmower and hedge cutter, 'I see nothing wrong with this' however it has all the possible ingredients for fire i.e. oxygen, fuel, heat and ignition. On the First Floor: Material and equipment currently stored in the loft will be transferred to this area as well as Other items currently stored in the existing garage. It is intended that there would be sufficient free space to allow for hobby pursuits such as railway modelling, leisure equipment and occasional play space for visiting grandchildren.

My concern would be about people being trapped on first floor? The plans do not show an external fire escape route if a fire incident should occur or there may be a good reason that one is not required or

The current proposals are considered acceptable.

Fire safety is primarily a matter for consideration under the building regulations.

may be covered in other paperwork which I am not privy to. In all the houses I have lived in or visited I have never seen children's play area in such close proximity to a garage where there is a possible risk of fire. We do feel very strongly to the points we have laid before you as laid out above and my previous representation of 12/08/19, with all the right and proper intension's to maintain the 'Schedule of restrictive Covenants dated 11 January 1928', thank you.	
I comment as an immediate and long-term neighbour to 5 St Georges Road. The proposal to re-build the garage with an additional floor and gable ended roof with dormers will make a considerable enhancement to the existing construction. Other negative comments concerning the height of the building, which I believe will be less than 5 metres, are grossly exaggerated when one considers that a massive 10 metre 4 storey apartment block is due to be constructed in the near future a few metres behind the garage on the western boundary. I also note that this would be no higher than those neighbouring garages across the road on the Gorseway. Concerns about any change of use would require further planning permission and concerns over fire safety are disproportionately over-stated in relation to a domestic garage with first floor storage. In all I see this proposed development as appropriate to the neighbourhood and not impacting on other properties in any material way. (I don't understand 'Commenter type' above??? As per my comments I support this application so am not a 'Complainant', and I don't know what Consultation modified means).	Noted

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
- (iii) Impact on Hedge

(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 proposal is to alter an existing garage/carport building to provide a ground floor garage and store for garden equipment and a first floor domestic storage and hobbies / games room.

7.4 There were concerns regarding the design and impact of the original first floor which incorporated a mansard roof design. The current proposal is for a more traditional pitched roof which provides a relatively modest first floor area. The design includes a dormer window facing south and a 'blind dormer' facing north.

7.5 The site is set well back from St Georges Road and the amended proposals would not be visually intrusive from public vantage points. Overall, the proposed design is considered acceptable (as amended) and the impact on the character and appearance of the area limited and acceptable.

7.6 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

7.7 In relation to the impact on neighbouring properties, the main impacts are considered to be to No.3 and 7 St Georges Road and to the site to the west (former Childrens home now demolished which is to be redeveloped for flats).

7.8 In terms of the physical impacts the main issues are considered to be the height mass and bulk of the proposal and any overlooking/loss of privacy.

7.9 In relation to No.3, this property lies to the east of the application site sharing its access with No.5. There would be a blank gable feature facing No.3, however this would be set approximately 8m off No.3 and face the existing driveway. This relationship is considered acceptable. the south facing dormer windows in the garage would be directed towards the front of No.5 and any view towards No.3 would be at an oblique angle.

- 7.10 The relationship to No.7 St Georges Road has been carefully considered and the plans amended to avoid any potential overlooking. The mass and bulk of the roof form has also been altered to a traditional pitched roof form sloping away from the common boundary. The extended building is set well of No.7 (at its closest approximately 14m). The building is also adjacent to a tall hedge which would be retained along this boundary. It is not considered that an objection could be sustained in relation to the impact of the revised proposed building on the residential amenities of No.7.
- 7.11 In relation to the re-development site to the west, the approved plans have been checked and it is not considered that there would be any unacceptable impacts on the residential amenities of future residents from this proposal. There are no windows proposed to face west.
- 7.12 With regard to the use of the building this has been clarified on the amended plans and a condition is recommended to limit the use to ancillary uses to the main house as specified on the amended drawings.
- 7.13 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking 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).

(iii) Impact on Hedge

- 7.14 A hedge lies to the north of the site close to the proposed building. Whilst construction may require some work to the hedge the hedge should be retained as a result of the development.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the character and appearance of the area and on neighbours amenities and is therefore considered to be appropriate and recommended for approval.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00767 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:

Proposed new garage Plans, Elevations & Section Drawing No. 1175/01/PI Rev A

Proposed new garage Site Plan, Location Plan and Photographs Drawing No. 1175/02/PI Rev A

Location Plan Unique plan reference #00435637-0670E2

Block Plan Unique plan reference #00435643-4CDFEF

Letter from Colin and Susan Fountain dated 20th November 2019

Supporting Information received 7th August 2019

Email Mr Fountain regarding hedge retention received 13th December 2019

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The building as extended shall be used for purposes incidental to the occupation and enjoyment of the existing dwelling as a domestic garage, store and / or hobbies/exercise/play area and shall not be used as a primary accommodation or for business purposes.

Reason: To accord with the terms of this application and to ensure that the uses is compatible with this residential area having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Notwithstanding any provisions of the General Permitted Development Order no windows shall be inserted into the north, west or east facing elevations of the building at first floor level unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the residential amenities of existing and future residents having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide SPD 2011 and the National Planning Policy Framework.