
Site Address:	9 Brunel Way, Bedhampton, Havant, PO9 3NW		
Proposal:	Retention of shed to rear.		
Application No:	APP/18/01023	Expiry Date:	12/12/2018
Applicant:	Mr Morris		
Agent:		Case Officer:	Lewis Oliver
Ward:	Bedhampton		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

9 Brunel Way is a two storey end of terraced property located within the built up area. The application site forms part of a relatively recently completed high density development. The property is an end of terrace unit, immediately to the west lies a parking courtyard, with a further terraced form of development comprising 11,13,15 and 17 Brunel Way, these properties lie approximately 11.5m from the western boundary of the application site. The rear boundaries to the site are defined by a 1.8 m brick wall, with 1.8 metre high closed boarded fencing on the rear (southern) and side (eastern) boundaries.

2 Planning History

No previous planning applications are relevant to this case.

3 Proposal

The proposal seeks retrospective permission for the construction of a shed/extension to the rear of the property. The development has a height of approximately 2.45m and depth of 4.34m. The materials used in the development are grey cladding for the walls. The roof is of a felt material, which has been covered with a green astro turf material.

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)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 **Statutory and Non Statutory Consultations**

None required.

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: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
Concerns as to whether the description of development is accurate	This proposal seeks to regularise the development that has been built. This retrospective application has been assessed with due regard to this, in combination with the application material, which includes plans and photographs. In addition a site visit has been undertaken to assess the development.
In section 5 of the Application Form under Other type of material the guttering is listed as black UPVC guttering. This has only been attached on the side facing 9 Brunel Way. No provision for drainage has been made on the other side of the extension - namely the party wall side facing 11 - 17 Brunel Way and the party wall is already saturated. The brick wall is already discolouring and in future, if no modifications are made to the extension, will require remedial work such as having the mortar repointed. As we live on a private development managed by First Port this will put a financial pressure onto all residents because their service charge will be used to pay for this work which had the extension not been built would not have arisen.	This is a Civil matter between the applicants, neighbours and management.

In section 5 of the Application Form it states that the material for the walls is 'Timber for the frame and UPVC for the outside wall' which is completely out of keeping with the development and does not fit in. The roof is listed as having 'astro turf on top'. There is no sense in why astro turf has been put on a roof and visually it is aesthetically ugly and not in keeping with the development. The view from the front of our house is spoilt because we look out onto the astro turf roof. 9 Brunel Way now have the facility to be able to walk out onto the roof of their extension and can look into bedrooms which are located on the first floor - including ours - clearing invading privacy. We have already had a near miss with the astro turf roof being blown off in high winds, narrowly avoiding our next door neighbour's car. The next time it gets blown off it could hit a pedestrian.	The impact of the development on the character and appearance of the area, and on residential amenities is considered in paragraphs 7.1 (ii) and 7.1 (iii). With regard to comments about the integrity and stability of elements of the proposal, these are not material planning considerations.
Pots have been placed on the roof and we are very concerned about them being blown off. When the astro turf was blown off loose paving slabs were used as a temporary fix to hold the astro turf in place which could have caused fatal injuries if they fell. We already have a precedent on this development of a pot being blown off a balcony and smashing on the ground below, so we are very much aware that these pots could be a hazard to anyone below them. This development has only recently been built and many of the properties have Garage / Car Ports integral to their design. This extension sets a precedent and means that anyone else could follow suit. We are so closely packed together with houses backing directly onto the rear and side of other properties, so any extension has a huge impact visually as well as with noise disturbance etc. Recommendations made: - To protect the party wall hidden guttering installed to protect the integrity of the party wall	The pots are not development and as such do not require planning permission - therefore these elements are not a material planning consideration and are a civil matter. Each application must be determined on its own merits, and as such any further applications would be assessed on their own merits. These are civil matters and are not material planning considerations

- Damage already caused to the party wall must be rectified by allowing it to dry out and then re point it with mortar that matches that already used in the development	
A party wall agreement should have been set out in advance but unfortunately no representations with neighbours were made before construction started.	This is not a material planning consideration.
Mentioning the construction leads us to comment that there has been no provision made for a fire wall between the garage and storage area. As the Garage / Car Port is now an enclosed garage then we believe that provision must be made with a proper fire wall built. We are a small development with houses closely packed together so a fire would have a devastating consequence to many houses, personal property and lives.	These are civil matters and are not material planning considerations

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) Other 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. The property is considered to have retained a suitable garden area following the development.

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

7.3 As has been outlined the development has already been completed and this is therefore a retrospective planning application. The development is largely screened from public vantage points by the immediate and surrounding properties. The uppermost element of the development is visible from the parking courtyard, as it rises above the brick boundary wall by approximately 3 lengths of grey cladding. This element is adjacent to the western boundary of the application site, and can therefore be seen by the neighbouring properties to the west. It is acknowledged that the grey

cladding and roofing material, comprising green astro turf, contrasts with the brick wall of the boundary and the materials used for the main dwellings in the vicinity. Cladding is however a feature of a number of dwellings in the wider estate. It is considered that overall whilst part of the development sits higher than the brick boundary wall, with the cladding visible above, the impact of this is not considered to be to such an extent that it causes significant harm to the character or appearance of the building or the character and appearance of the area. It does not justify a reason for refusal on this basis.

- 7.4 Comments have been made raising concern that the use of green astro turf on the roof is out of keeping with the property and surrounding development. Whilst it is accepted that no such material is used as roofing materials in the wider development, an assessment needs to take place as to whether this material causes significant harm, in order to justify a reason for refusal on this matter. The astro turf is not visible from public vantage points at ground floor level; it is however visible from neighbouring first floor windows of neighbouring properties. Nevertheless, it is considered that the colour and texture, in combination with limited scale of the extension, does not result in the development having a significant adverse impact on the character and appearance of the property or area to justify a reason for refusal on this matter.

(iii) Effect on neighbouring properties

- 7.5 The proposed development is located approximately 4.5metres from the boundary with the adjoining property of 7 Brunel Way. As such given the layout, size, scale and massing of the development, it is considered that it does not have a significant adverse overbearing impact, nor a significant impact in relation to loss of sunlight/daylight impact on the amenities of 7 Brunel Way. With regards to the properties west of the development, the front boundaries of these properties are located approximately 11.5metres from the western boundary wall. The development at this point does project above the original boundary wall. However given the degree of separation, which comprises a car parking area, together with the overall size, scale and massing of the proposal it is not considered that the development has a significant adverse overbearing impact, nor a significant impact in relation to loss of sunlight/daylight or loss of outlook.
- 7.6 Concerns have been raised that the development would lead to overlooking if the flat roof of the development were to be used as a balcony and/or amenity area. It is considered that if this area were to be used as an amenity area then it would result in direct overlooking into the private amenity areas of 7 Brunel Way. In addition the proposal would result in direct overlooking into the first floor bedroom windows of the neighbouring properties of 11, 13 and 15 Brunel Way. In order to restrict the use of this first floor flat roofed area, it is considered reasonable and necessary to apply a restrictive condition to ensure that this area is not used as an amenity area, and can only be used for essential maintenance purposes.
- 7.7 Overall, it is considered that the proposal does not appear overbearing or lead to overlooking, subject to an appropriate condition, and it has a limited and acceptable impact on the properties immediately adjacent to the application site. In this regard it therefore meets the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Other matters

- 7.8 A number of letters of representation have made reference to matters falling within the purview of the Building Regulations, and/or breaches of restrictive covenants - these are not material planning considerations.

8 Conclusion

- 8.1 The development is not considered to have a significant adverse impact on the character and appearance of the area or on the amenities of neighbouring properties, subject to an appropriate condition. This retrospective planning application is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/18/01023 subject to the following conditions:

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

Proposed and existing layout plans

Reason: - To ensure provision of a satisfactory development.

- 2 The flat roof area at first floor level shall not be used for the purposes of a terrace or balcony at any time whatsoever, but shall only be used for infrequent and occasional maintenance purposes only.

Reason: To safeguard the amenities of the occupiers of the neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.