

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)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

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

5 **Statutory and Non Statutory Consultations**

None necessary

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: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
My main objection is that the Canopy encroaches on my ground. Specifically the Construction is attached to my garage wall.	private matter - see section 7
The further details about the planning application are exactly I dont accept. I know that the information you have is wrong. I contest.	private matter - see 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 & ownership issue
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties

(i) Principle of development & ownership issue

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 third party objection relates to the alleged fixing of the structure to the rear wall of the garage of the neighbour that forms the shared boundary. In reality the side canopy roof is supported on posts that are in turn affixed to the concrete posts on the applicants side of the shared boundary fence. This has ensured that there is no overhang of the roof or structure onto the neighbours land. Certificate A has been submitted indicating that the entire development is constructed within the applicants own land. This is considered to be the correct Certificate. Any further dispute relating to the alleged unauthorised use of a shared wall is considered to be a private and civil matter between the parties concerned.

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

7.3 The combined conservatory, side and canopy extension cannot be seen from any public viewpoint and is entirely within an enclosed private rear space. Its height, materials, design and appearance is deemed appropriate in context to the host 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

7.4 When viewed from the neighbour the side enclosure of the linking corner canopy effectively results in an increase in height of boundary fence ie the white UPVC sheeting projects above the existing fence by about 0.4m to a total height of 2.2m. It is however inset to be entirely within the applicants side. The additional height further encloses the neighbours already modest rear garden, but only adds about 200mm above a permitted development fence. The white enclosure helps to protect the overlooking and cross privacy between the two properties by enclosing the side area. On balance it is considered that this structure, together with the side extension and garage, does not materially harm the private amenity or outlook from the neighbour.

7.5 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).

8 Conclusion

8.1 It is considered that the combined development is acceptable in terms of scale, siting and design and has limited and acceptable impact on the neighbours and is therefore considered to be appropriate for retrospective approval. It is considered that the issue

of alleged use of the garage wall for fixing purposes is a separate private and civil matter.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/18/01157

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

1:1250 Site Location Plan
Photographs of front and rear elevation
Rear elevation plan
Side elevation plan
Roof Plan

Reason: - To ensure provision of a satisfactory development.