

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

5 Statutory and Non Statutory Consultations

5.1 No consultees 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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
1. The cabin is far too close (300mm) to our boundary fence. The regulation distance for such a structure having over 2.5m roof height is 2m. Planning advice should have been sought / not have been ignored prior to the cabin erection. Due to the close proximity, the cabin has a negative effect on our enjoyment of our home. It has an overbearing impact on our garden use and from our living room window. It creates a shadow over our garden & vegetable plot, due to its height and being directly south of our garden, house.	Addressed in Section 7
2. The cabin has been used for parties which have gone on till late at night (prior to this retrospective planning application) which has disturbed and prevented sleep in our main bedroom. The strong LED external house wall lights used to light up the cabin also light up our house and particularly our main bedroom 'through closed curtains' which disturbs our sleep. At times, the lights have been left switched on throughout the night till 5:30 in the morning.	This is not a planning consideration.
3. If the cabin is to remain, it needs to be moved at least 2m away from our boundary fence to comply with the regulations / lower the roof height. The ext. lights are far too strong, should not illuminate our house and bedroom. Noise from within / outside the cabin should not disturb our use of our home, nor interfere with or prevent our night sleep.	Addressed in Section 7
4. The applicant property 'No 14' and immediate Morelands neighbours have front bedrooms, so they do not get disturbed by the ext. lights or late night cabin noise as we have. Moving the cabin further south won't have any negative effect on them.	This is not a planning consideration.

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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

(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 rear garden area is approximately 10m wide and in excess of 21m long. The log cabin has a width of 5m and depth of 3.8m and as such does not appear overly large within the plot. The cabin has elevations of treated wood and the appearance is considered to be appropriate for an ancillary outbuilding within a residential property. Had the structure been 200mm lower, it could have been erected and retained subject to Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Due to the log cabin being located within the rear garden, it is not readily visible from the public domain and therefore does not result in a significant negative impact on the visual amenity of the application site or the locality.

7.4 Examples of outbuildings of a similar or larger size to the one subject of this application are within close proximity to the application site.

7.5 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

7.6 Due to the log cabin being located to the north of the site, it is not considered that it would have an adverse impact on the occupiers of the properties to the south.

7.7 The cabin is sited a minimum of 4.75m from the eastern boundary and therefore will not result in significant overlooking or overshadowing to the occupiers of No. 16 Morelands Road.

7.8 The separation gap between the log cabin and the western boundary is 0.5m, however the cabin is set at the rear of the garden and as such any overshadowing to the west will be to a small area of the rear garden of No.12 Morelands Road, approximately 20m north of the dwelling. The plans show no windows are inserted into the western elevation. It is therefore not considered that the proposal would result in significant overlooking or overshadowing.

- 7.9 No.4 Claremont Gardens is a detached modern dwelling located to the north of the application site. It is noted that previously a section of the rear garden of the application site has been sold to the owners of 4 Claremont Gardens, increasing the width of their side garden. The log cabin has a pitched roof and no windows to the northern elevation. Concerns have been raised that the location of the structure, being within 2m of the boundary fence, is contrary to regulations. For clarification, Permitted Development rights would permit the construction of a cabin in this location without the need for planning permission, providing the height of the structure did not exceed 2.5m in height. The cabin the subject of this application has a maximum height of 2.7m, and therefore could not be considered to be Permitted Development, resulting in the retrospective application being submitted. An assessment has been made as to whether the additional height of 200mm would have a significant impact on the neighbours to the north in terms of loss of light, overshadowing or overlooking. It is accepted that some degree of overshadowing will occur to the garden area directly north of the boundary treatment, which is defined by close board fencing, however this is not the main external amenity space, which is located to the rear of the dwelling, and therefore the impact could not be considered significant enough to justify the refusal of the application. It is noted that the separation gap between the northern boundary of the application site and the southern elevation of the property at 4 Claremont Gardens is in excess of 8m.
- 7.10 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). It is noted no letters of objection were received with respect to the scheme.

8 Conclusion

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

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00133 subject to the following conditions

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

Amended site location plan - received 15.04.19
Specifications and photographs - received 31.01.19
Amended Certificate A - received 15.04.19

Reason: - To ensure provision of a satisfactory development.

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

Reason: The unit of accommodation is not a satisfactory position to be occupied separately from the main dwelling and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.