

Recommendation: GRANT PLANNING PERMISSION IN RETROSPECT

- 1.1 4 The Gardens is a large detached two storey dwellinghouse situated at the southern end of a private road within a residential area. The dwellinghouse is situated on level ground and is constructed of facing brickwork and concrete tiles. To the front the amenity space is adequate in size and fully hard-surfaced to accommodate a parking provision for multiple cars. A detached garage also serves the dwellinghouse and is positioned to the west side forward of the application site. Between the garage and dwellinghouse a detached green storage container has been placed which alongside the garage, now contain bike parts in order to support the applicants online business.
- 1.2 To the rear the dwellinghouse is served by a large amenity space predominantly laid as lawn and surrounded with a part brick and part timber fence approximately 2m high. Mature foliage and trees are also present to the south boundary.
- 1.3 The area is of low density with similar residential dwellings to the north and west of the site. To the east is Warblington Lodge which is Grade II listed and shares a boundary with No 4.

01/58455/001 - Outline application to construct single storey dwelling and garage with access from The Gardens following demolition of existing garage attached to No 4 and construction of detached double garage adjacent to western boundary., REF,24/04/2002

93/58455/000A - Fell Ash tree (T4) covered by TPO 468, REF,02/09/1993

93/58455/000B - Fell Ash (T5) covered by TPO 468, and fell five Cypress an prune one Willow., PERM,02/09/1993

93/58455/000 - Fell Ash (T5) covered by TPO 468, and fell five Cypress an prune one Willow., SPL,02/09/1993

09/58455/002 - Ground and first floor extension with internal re-modelling to provide additional accommodation to existing single storey bungalow., PERM,01/12/2009

10/58455/003 - Discharge of Condition No. 2 of Planning Permission 09/58455/002., PERM,14/06/2010

APP/10/00882 - Construction of double garage to the front., WD,04/01/2011

APP/11/00146 - Construction of a new double garage to the front. (Resubmission.), PERM,07/04/2011

APP/11/01171 - Discharge of Condition No/s 2, 4, 5, 6 & 7 of Planning Permission APP/11/00146., PERM,19/08/2011

3 Proposal

- 3.1 Retrospective change of use from the detached garage to an internet based business involving the storage of motorbike parts and goods and the packaging and distribution of goods. Retention of container for storage relating to the business use.
- 3.2 The storage container has been onsite at No 4 since 2016 and is situated between the detached garage and dwellinghouse and up to the shared boundary to the west. The detached forward garage was granted permission in 2011 to serve No 4 and is now used solely as part of the internet business.
- 3.3 The business is an internet one and operates between 1100-1400 Monday to Friday with occasional Saturday work between 1030-1200. There are no visitors or customers to the site and deliveries occur a maximum of 3 times a year.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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

Arboriculturalist, Havant Borough Council

No objection - no trees affected.

Conservation Officer, Development Control

The site for the proposed use and storage container neighbours the Grade II Warblington Lodge. Therefore, it is appropriate to understand if the proposals will have an adverse impact on its setting.

It is my view that due to the intervening and mature screening that sits between the properties that any impact on the setting of the listed building is minimal and unlikely to be harmful. However, the storage container proposed is industrial in appearance and could not be considered to relate sympathetically to a residential setting. Nonetheless it would be located out of view from the street scene. I would therefore ask that consideration is given to limiting the approval of the container for a fixed period.

Environmental Health Manager

The re-consultation appears to relate to a red-line technicality only. I have not identified any material change to this application which post-dates the previous consultation. As such, Environmental Health has no adverse comment to make (JD)

Highways Engineer, Development Engineer

Updated comments: The redline is now correct and the Highway authority has no further comments to make.

The Gardens are not adopted highway and therefore the red line must include the "access road" leading to Emsworth Road. If not in the applicants ownership notice should be served on everyone having a legal involvement.

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: 42

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Concern raised by No 8 Luard Court regarding: The storage container is visible from my property and its external appearance is out of character with the residential area. Could the appearance of the container be improved or screened from my property? With regard to the business activities if the authorities decide to grant consent, there should be conditions to protect the amenities of neighbouring properties and to prevent intensification of use (eg hours of business use and number of deliveries)	Please see section 7.

Concern raised regarding the mail order business being run from a home address because of the increase in traffic from van coming and going plus motorcycles. I also see that there is a 5mph speed sign.	Please 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
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways

(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.

7.3 Objective 8 of Policy CS2, encourages smarter working and the proposal for home based working complies with this. The application is however, assessed on the basis that it should not result in unacceptable environmental or amenity impacts which would cause nuisance to the residential locality in which it operates.

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

7.4 The proposed application seeks to regularise the development that has taken place at No 4 including the retention of a detached storage container situated forward of the dwellinghouse and the change of use of the detached garage which now provides a packing, storage and distribution of goods area.

7.5 Although storage containers are not typical forms of development seen within residential estates and within the curtilage of dwellings, the position of the container from being between the detached garage and dwellinghouse reduces the visual dominance of the works and screens the development in part. No 4 is also positioned at the very southern end of a private road and therefore does not have a strong visual dominance from the highway or public realm. No external changes have occurred to the detached garage as a result of the change of use and therefore the existing appearance is retained and considered to be acceptable.

7.6 The application site is adjacent and shares a boundary with a Grade II lodge to the west and the Conservation Officer has been consulted as a result. Comments have been made that state *"It is my view that due to the intervening and mature screening that sits between the properties that any impact on the setting of the listed building is minimal and unlikely to be harmful. However, the storage container proposed is industrial in appearance and could not be considered to relate sympathetically to a residential setting. Nonetheless it would be located out of view from the street scene. I would therefore ask that consideration is given to limiting the approval of the container for a fixed period"*.

- 7.7 Concern has also been raised by a neighbouring dwelling that the container is not in keeping to the locality. It is noted that the container does cause an adverse visual impact from being forward of No 4 and situated within an area domestic in nature and where this type of development is not usually present. Coupled with the concern of the Conservation Officer it is considered necessary to only permit a temporary use on the container and this shall be included with the decision. Subject to these controls and temporary period of consent the development is considered to preserve the character and setting of the listed building and is considered to be acceptable.

(iii) Impact upon residential amenity

- 7.8 Concern has been raised regarding the business use and the impact this would cause to neighbours amenity levels. Highways concerns shall be addressed within point 7.12.
- 7.9 The works have the potential to impact the surrounding neighbouring dwellings in regards to noise, smell and activity generated from the business. Information has been submitted with the application which confirms that the business has no visitors or customers and deliveries 3 times a year maximum. The business operates for approximately 3 hours Monday-Friday during mid day hours and 1.5 hours on a Saturday mid day and is contained within the detached garage. Environmental Health have been consulted in regards to the application and have raised no concern with the proposal. Due to the small scale of the business, limited operation hours and the business being an online based business with the only uses operated from the container and garage, the impact caused as a result, on balance, is considered to be modest and limited. However, the use and activity of the business shall be conditioned with the decision to ensure that the business operates in the way presented and does not increase in scale in terms of deliveries and hours without approval from the Local Planning Authority.
- 7.10 An outbuilding is used within the rear garden space of No 4 for storage of the business. This is considered to result in an unacceptable scale of the business and in order to keep the business in keeping and reflective of a domestic scale it has been agreed that the outbuilding shall be removed from the business use, emptied and reverted back to an incidental use serving No 4. This shall be conditioned with the decision and a timeframe given to ensure this is complied with.
- 7.11 Concern has been raised by No 8 Luard Court over the visual dominance of the container and has asked whether this can be improved. Following a visit to the site it was noted that the container has a modest scale with flat roof. It is positioned off the boundary with No 8 where a garage and first floor space are positioned with the main dwellinghouse being further west away from the container. There is also sufficient screening between the garage and neighbour at No 8 in the form of 2m brick wall reducing the impact of the works further. It is therefore considered that, on balance, the visual dominance of the container from the dwellinghouse of No 8 would not be sufficient to substantiate a refusal of planning permission and is considered to be acceptable.

(iv) Highways

- 7.12 Concern has been raised regarding the use of the private road for deliveries associated with the business. As mentioned in point 7.9 the business proposes only 3 deliveries of parts per year which is considered reflective, appropriate and modest for a domestic scale businesses. The highways team have been consulted with in regards to the proposal and have raised no concern with the application. As such, the impact caused is considered to not be significantly un-neighbourly and is acceptable.

8 Conclusion

- 8.1 With the relevant conditions imposed, the proposal is not considered to have an adverse impact on the residential amenity and as such, the application is recommended for temporary permission be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/18/00383 subject to the following conditions:-

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

Location Plan: Received 27th July 2018 via email. Unique plan reference:
#00312811-74E122

Garage Floor Plan: Received 18th April 2018

Photographs of container: Received 18th April 2018

Planning Statement: Received 18th April 2018

Confirmation that only the garage and container shall support the business:
Received via email 18th September 2018

Reason: - To ensure provision of a satisfactory development.

- 2 This permission shall be for a limited period expiring on 21st September 2020, on or before which date the use of the detached forward garage for the operation of an internet business and retention of the container on the property of No 4 shall be discontinued permanently and the site shall be restored to residential use with the container removed unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: To enable the Local Planning Authority to assess the impact of the proposed use and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework 2018.

- 3 No employees other than Mrs Stewart-Yaroslavtseva shall be employed at the premises in connection with the business hereby approved at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework 2018.

- 4 The use of the detached forward garage and container for the purpose of the internet based business shall have no visitors and shall only operate between Monday to Friday between 1100 and 1400 hours and on a Saturday between 1030 and 1200 hours and not at any other time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and having due regard to policies CS2, CS16 and DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, 2018

- 5 This permission shall enure for the benefit of Ms Stewart-Yaroslavtseva only whilst resident at 4 The Gardens, Havant and the use hereby permitted shall be discontinued on the date when Ms Stewart-Yaroslavtseva ceases to occupy the property.

Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, 2018.

- 6 The outbuilding that currently serves the internet business which is positioned within the rear amenity space of No 4 shall cease to serve the business from the 31st October 2018 and shall be reverted back to incidental use to serve the main dwellinghouse and shall be retained as such thereafter.

Reason: To accord with the terms of the application and to safeguard the amenities of neighbours and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.