
Site Address: 8 Northlands Park, Emsworth, PO10 7EY
Proposal: Retention of merging 2No. sheds into 1No. timber outbuilding to be used as a gym, utility room and shed/store.
Application No: APP/18/00077 Expiry Date: 23/03/2018
Applicant: Mrs Millers
Agent: Case Officer: Tina Pickup
Ward: Emsworth
Site Visit Date:

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

No. 8 Northlands Park (formerly 8 New Brighton Road) is one of five large dwellings situated along a private gated driveway off New Brighton Road, Emsworth. Four further dwellings are currently under construction within the gated area (see planning history). No 8 is currently in use as a B&B (by virtue of APP/12/01194 - 4 of the 6 bedrooms are in B&B use) run by the applicant/owner of the site. No. 8 has a detached double garage to the north west of the house which has been converted to a gym/sauna. The house is constructed of red brick with elements of flint work and black weatherboarding; beneath a red clay tile roof with black windows and has been extended to the side and rear using Permitted Development rights.

Permission was granted under APP/16/00649 in August 2016 to change the use of the land to the east of the original residential curtilage of No 8 to residential land ie to extend the residential curtilage associated with No 8. This land is triangular in form, extending some 70m to the east, with a gradual slope down to the A27 and the treed embankment. The land is covered in many trees, predominantly field maples and hawthorn trees, which are protected by a Woodland Tree Preservation Order. This change of use permission has been implemented in that the land is now incorporated into the 'garden' of No 8, the undergrowth cleared a little with a path running through. That permission also included the retention of washing/drying structure; erection of composter; and a replacement shed/log store.

To the north of the site the rear gardens of the dwellings in Westbourne Close abut the site.

2 Planning History

Recent, relevant history:

07/62243/007

Construction of 1No. detached 4 bed house. (Revised application.) Permission 07/06/2007

07/62243/008

Construction of 1No. detached 4 bed house and detached garage. (Revised application.) Permitted 07/06/2007

07/62243/009

Formal landscaping scheme pursuant to condition 3 of planning permission 04/62243/003. Permitted 27/04/2010.

APP/12/01588

Variation of Condition 12 of Planning Permission No. 04/62243/003 for use of garage as ancillary living accommodation to used as gym/sauna. Withdrawn

APP/12/01194

Change of use and conversion of dwelling to allow 4 bed Bed and Breakfast guest accommodation to operate, with remaining rooms to remain in residential use. Permitted 22/02/2013 Conditioned to be 4 bedrooms only, and operated by resident householder only also S106 not to let, sell or dispose of garage/severe from curtilage without agreement from LPA

APP/13/00209

Conversion of existing 6 bed detached house to 2No. 3 bed semi-detached houses, one retaining existing detached garage Permitted 18/04/2013

APP/15/00638

Construction of 1No detached 3 bed house and 2No semi-detached 3 bed houses with integral garages with access from private drive Permitted 13/08/2015

APP/15/00918

Erection of 1 detached 3 bed house with access from private drive., PERM,02/10/2015

APP/15/00901 - Fell 1No Maple (T11) subject to TPO 1838

APP/16/00649 - Change of use of the land adjacent to the east of No 8 Northlands Park from woodland area to residential garden; retention of washing/drying structure; erection of compost; replacement shed/log store; extension of parking area and turning head., PERM,12/08/2016

APP/17/00386 - Increase height of existing approved shed from 2.5m to 3.8m with associated facilitation pruning works to adjacent TPO trees., PERM,08/06/2017

3 Proposal

Retention of merging 2No. sheds into 1No. timber outbuilding to be used as a gym, utility room and shed/store.

Planning permission was granted under APP/16/00649 for a shed measuring 9.7m x between 4.4m and 5.2m deep by 2.5m high. This was subsequently enlarged in height to 3.8m by APP/17/00386. This shed was located within the extended curtilage, just beyond the original domestic curtilage of No 8 Northlands. When construction commenced in October 2017 a second smaller shed was constructed within the original curtilage with the applicant believing it met permitted development criteria - measuring about 4.2m wide x 3.6m deep with height of 3.4m. Subsequently the two sheds were joined together making a single larger shed, crossing the original curtilage - this materially altered the original approved development which necessitated a new planning application.

Works stopped, pending the submission and outcome of this planning application. The resultant shed has a maximum length of 14.8m and depth of between 5.2m and 3.6m; and a stepped ridge height of between 3.4m and 3.8m.

It is constructed of grey stained timber weatherboarding with red felt mock-tile effect roof with 3 rooflights. The intended use would be incidental to the main dwellinghouse and include a shed/store; laundry room and gym. The gym element has been fitted with full height glazed doors in the south elevation. The north elevation is blank with no windows.

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)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

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**

Arboriculturalist

This building is already in situ and the proposals are now to join the two units and undertake internal alterations.

The previous tree works have facilitated development without impacting negatively on the adjacent trees.

No objection raised.

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: 13

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
There seems little point on objecting as permission is always granted for everything that has been put up on this plot. It is a real disappointment that the developing never seems to stop and the land has now been so over-developed, it looks horrible. If it were not bad enough that we have to	see comments below

look at a giant, ugly pitched roof shed (that you approved from a flat roof which would have been more acceptable), we now have to see it extended a further few meters, because the developers thought they will get away with it!?!? It's VERY disrespectful that the neighbours objections are NEVER considered; shame on you Havant Borough Council.	
Would the planning officer like to visit my home and see what myself and my husband are forced to look upon. A monstrous shed that is almost the entire width of our garden, I have never understood how this so called development has managed to dupe Havant Council so often. I doubt very much if this shed will remain a shed, it will probably evolve into something much bigger within a few months, what has happened to the woodland that was supposed to be left undisturbed for the wildlife I notice that this has become more of a building dump than a habitat for wildlife. I would also add that we have endured 8 yrs of noise and stinking bonfires from this site, I think enough is enough, it's about time the council listened to the neighbours that are unfortunate to live in such close vicinity.	see comments below Noise and smells from construction site an Environmental Health issue

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 and use of building
- (ii) Appropriateness of design and impact on neighbouring amenity
- (iii) Effect on trees

(i) Principle of development and use of building

7.2 The entire application site is now located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. The eastern section which is wooded (TPO'd) is now part of the authorised enlarged residential curtilage of No 8 (by virtue of planning permission APP/16/00649). That decision notice removed permitted development rights for any additional Class E structures to safeguard the trees on the site. The shed approved under APP/16/00649 and increased in height by APP/17/0073 only required planning permission because permitted development rights were withdrawn - otherwise the incidental outbuilding could have been erected under p.d. rights.

- 7.3 This application further enlarges the approved development by joining a separate p.d. shed. The proposed use is as a shed/store, utility room and gym. These are uses that are considered 'incidental to the enjoyment of the dwellinghouse'. The height and size would still be within Class E PD criteria and the structure only requires planning permission by virtue of the withdrawal of the pd rights.

(ii) Appropriateness of design and impact on neighbouring amenity

- 7.4 The footprint of the outbuilding has been enlarged further and is now nearly 15m long, but regard must be had to the fact that this is an exceptionally large plot and proportionately within the site itself the outbuilding is appropriate. Neighbours to the rear object to having to view the enlarged roof across the full width of their smaller/narrower gardens - but the row of trees between the fence line and shed screen and buffer the view of the shed and provide sufficient separation for the structure to not be considered over imposing. The harm caused to adjacent residential outlook and amenity is not considered sufficient to justify a reason for refusal.
- 7.5 The height, design and appearance of the proposal is deemed appropriate in context to the large site 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 either the visual amenity of the locality or neighbouring amenity.

(iii) Effect on trees .

- 7.6 The reason for the withdrawal of the P.D rights under APP/16/00649 was to safeguard the health and well being of the TPO'd trees. APP/17/00386 included some facilitating pruning works to the TPO'd trees above the shed and these were approved and have been carried out. There is no further tree works proposed for this application. The Council's Arboricultural Officer has visited the site and raises no objection.
- 7.7 One of the neighbour letters also comments on the woodland. The undergrowth around the trees has been cleared and some porous gravel paths added. However none of this is 'development' which requires planning permission and the TPO'd trees have not been affected or harmed.

8 Conclusion

- 8.1 The enlarged outbuilding does not harm the TPO'd trees and is not considered to have any detrimental affect on the outlook or amenity of neighbouring residents. Provided the use remains as incidental to the enjoyment of the occupiers of the dwellinghouse then he proposal is considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/18/00077 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:
1:1250 Site Location Plan
1:500 Site Layout Drawing No 104/10
Floor Plans, East & South Elevations Drawing No 104/08
North & West Elevations Drawing No 104/09
Reason: - To ensure provision of a satisfactory development.
- 3 The outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for any business, commercial or industrial purposes whatsoever.
Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.