
Site Address:	19B Frogmore Lane, Waterloooville, PO8 9QN		
Proposal:	Construction of timber frame outbuilding in rear garden (retrospective application).		
Application No:	APP/18/00489	Expiry Date:	18/07/2018
Applicant:	Mr S Perkins		
Agent:		Case Officer:	Bee Crawford
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is a modern two storey semi-detached property with a brown tiled pitched and half barn hipped roof and elevations of red multibrick. The site is level with open vehicular access to the front leading to a tarmac drive, with walls ranging in height from 1 metre to 2 metres to all boundaries. The rear garden is approximately 19 metres in depth with astro turf and an area of decking with a 2 metre high wall to the northern boundary and a 1.6 metre high fence to the southern boundary. The rear garden is at a slightly higher level than the garden of the adjoining property at number 19a Frogmore Lane.
- 1.2 The adjoining semi-detached property is to the south, a modern two storey detached property is to the north, the gardens of properties in Ash Copse are to the rear and a detached chalet style dwelling is opposite. The area is of medium density with detached and semi-detached two storey dwellings, chalet style dwellings and bungalows of similar and different age, style and design.

2 Planning History

03/68926/000 - Demolition of existing dwelling and erection of a pair of semi detached 3 bed dwellings with associated car parking to include the formation of a new vehicular access to Frogmore Lane, permitted 07/04/2004. Permitted development rights were withdrawn in condition 4 of this permission, hence the requirement for planning permission.

05/70810/000 - Conversion of integral garage to form living accommodation, permitted 10/11/2005.

3 Proposal

- 3.1 The proposal is for the construction of timber frame outbuilding in rear garden (retrospective application). The outbuilding falls within the criteria of permitted development, but the original planning permission was subject to a condition restricting development under Class E (buildings incidental to the enjoyment of the dwellinghouse) of the Town and Country Planning General Permitted Order. At the time of the Officer's site visit the construction of the outbuilding had commenced.

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)

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

No objection. Small Hazel in rear garden of poor quality. Trees in neighbouring garden not affected.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
Although planning has now been submitted, the rather poor graph paper documentation leaves no impression of the proposed development.	Comment noted.
Regardless of the obviously ugly and unpleasant construction, I have come to expect that I will be erecting a trellis onto my fence to obscure the view, as my property backs immediately onto the eyesore.	Comment noted.

That aside, the issue which seems most prominent with my neighbours is the "Boot Camp" style business that is already being promoted on facebook that the garden development is clearly for. Regardless of the outcome of the ugly development, I trust that HBC will be ready for the complaints regards this unacceptable change of use that will doubtless come in response to noise and vibrations associated with such a venture.	See section 7. The application is for the retention of an outbuilding for family use.
We received a letter on April 14th, 2018, stating that building work was to start in the garden of 19B Frogmore Lane, on the 16th April ie 2 days notice. The description given was that a summer house was to be built and there was to be some landscaping to the garden. No plans were offered, nor was there any indication of the scale of the build. Attractive trees which provided privacy had already been removed along the back wall of the property. Work began immediately, and within days a digger arrived, a huge foundation was dug out, and a concrete base was laid on top of what appeared to be a thick black impermeable membrane. A huge wooden framed building has been erected, without planning permission, which stands approximately 1 metre above our fencing, and a mere 50cm from our wooden boundary fence. It appears to be even closer on the right hand side. This could in no way be described as a summer house and could be better described as a warehouse/industrial or business type unit. The building work continued rapidly with the inside being heavily insulated and electricity was installed. Since then, Astro Turf has been laid across the whole garden.	Comment noted. Comment noted. The current application is for the retention of this oubuilding. Comment noted.

We were aware that a covenant exists on both properties (19A and 19B) which removes the right to permitted development without written Planning Consent. We were advised by the owners that no contact had been made with Havant Planning, or Building Control, and that the only advice had been taken from a building contractor.	Comment noted.
We have only been able to see a small floor plan on the Havant Planning Portal, hand drawn on graph paper, which does not indicate how the inside of the building is to be divided up. There are no elevation views so it is impossible to see what the building will look like, or its finished height once the roof has been added. However, at the moment, the building shows no sympathetic design and is totally inappropriate for the area, which is wholly residential.	The floor plan provided indicates no internal division.
It dominates our view from our lounge windows, our kitchen and two of our bedrooms and is very unsightly. There will be a considerable loss of privacy as the building stands so high above our boundary fence, and the garden has also been raised by the addition of several inches of hardcore, leading to the ability to see right into our living room etc.	See section 7.
Bearing in mind that both 19A and 19B are relatively small semi-detached properties, this large building dominates the site, and its footprint is nearly as large as the ground floor of the house, excluding the garage. The building is very close to both our boundary and the boundaries of houses in Ash Copse.	See section 7.
Work already done in the garden shows a raised surface level across the whole plot using a substantial	This does not require planning permission.

depth of hard core, and there appears to have been no additional drainage, usually required for a sports surface like Astro turf.	This is an issue which would be dealt with by Building Control.
No soakaway has been dug to take away the run-off from the considerable roof area of this construction, neither are there any visible drains. Our recent small kitchen extension (approximately 1/4 of the size of this roof) required a substantial soakaway, as well as the normal drains, but this building has nothing.	This is an issue which would be dealt with by Building Control.
As the building is of an entirely timber construction, with wooden fences on two sides which are very close, we are very concerned about the risk of fire, particularly as it is going to have a rubberised roof. There would be a danger from sparks from backyard bonfires, fireworks or even an out of control barbeque, igniting this large wooden structure and spreading rapidly down the fences, towards our properties.	See section 7.
The application for retrospective planning permission states that it is to be for family use only, but we have already had confirmed by the owners, in writing, that they will be applying for change of use, as they intend using the building and the garden for commercial use, for fitness classes/personal training, such as Pilates classes. There is a covenant on the property which does not allow any part of the property to be used for any purpose other than as, or incidental to, a private dwelling. We are most concerned that the building and the Astro turfed garden will be used as a gym/fitness training area.	See section 7.
The use of this building and garden for such a business purpose would be totally out of keeping with the wholly residential nature of the	

surrounding properties. It would definitely affect the residential amenity of neighbours. We are very concerned about the noise issue, such as the noise of gym equipment or music, which could lead to us being unable to use our garden, with reasonable privacy, when lessons or training are in progress. As this is an entirely residential area it is highly likely there will be more traffic, visitors/clients and noise from this type of activity. 19B is situated close to a corner and parking is extremely limited outside. In fact only one car can safely be parked between the two driveways. Cars which are parked on either side of our driveway obscure our view of the road, making exiting our driveway hazardous, as the road is slightly curved. Having received notice of this application, and having reviewed the very limited plans set out, we wish to object against them. We strongly object to the height of this building, its proximity to our boundary, the fire risk, and to its planned use as a business. We are upset by the proposed application and are very anxious about the potential outcome.	The application is for the retention of an outbuilding for family use. Comment noted.
APP/18/00489 19b Frogmore Lane The plans offered are inadequate and in my opinion retrospective planning permission should not be granted for the following reasons : Drainage, Size, lack of Privacy /Screening, Fire and Noise. The plans do not show that any rainwater drainage system will be put in place. We have spent a considerable amount of money to drain our garden from rain water run off due to the surrounding housing developments And felling of trees. Adequate drainage is essential. The overall size of the Wooden Stucture is almost the width if the small	This is an issue which would be dealt with by Building Control. See section 7.

rear garden and almost the size of the ground floor footprint. It is totally out of place in this small residential area. It is overlooked by its close neighbours. Future screening and planting for privacy is not possible due to lack of space between the boundary fences and newly laid Astro turf. Sheds, wooden fences, hedges and fir trees in neighbouring gardens are at a higher risk of fire spreading due to the size of this wooden structure. It is not stated if the composite cladding to be added to the outside of the structure is fire retardant. Noise will echo from the constant pounding of gym equipment, music and telephone used in the Gym/Office/Playroom, and as this is Application is for personal use , there will be no fixed hours of use. The plans do not show any sound proofing. For all the above reasons I object to this retrospective planning application.	See section 7.
A note was dropped through the front door on the 14th of April 2018 which briefly stated that 19B Frogmore Lane would be under going some changes to the rear garden with the erection of a summerhouse starting two days later. There was no mention on the scale of the structure or indeed any further details. They only mentioned that they were adding a summerhouse. Whilst we found this acceptable and understandable with having children, we were disappointed with them only giving us a 2 day notice period. Work began early on the Monday, clearing out the entire back garden as well as the front driveway from previous shrubbery and shortly after a huge wooden structure appeared towards the very end of the garden. This was encroaching onto the back of another neighbour's boundary. It appeared; from our window, to be an extremely large frame not typical for a summer house and we quickly had some reservations.	Comment noted. Comment noted.

We have not had any communication with 19B in regards to this project. Only that note that was left in the door, two days prior to any work being carried out when we know for a fact that they would have known about this work in advance yet they did not bother to pass this onto us beforehand, presuming that 2 days should be suffice.	Comment noted.
The only indication in regards to the scale of the build has come about weeks after work had paused at 19B. Although, this is only a hand drawn draft on graph paper that does not seem to explain in detail and almost looks unprofessional. As the building itself stands currently, we personally feel that it shows no continuation in design of the area and that it is totally inappropriate for the area.	See section 7.
We completely agree with other comments made about the size of the footprint being out of kilter with the rest of the areas out buildings other neighbours have and it is as large as the ground floor of the house itself of which is a small semi-detach. Its warehouse/industrial formation is out of place and certainly is not an attractive view from our window.	See section 7.
Other comments mentioned about the risk of fire are of huge importance especially because of how close it sits to other neighbouring boundaries along with the fact it is a timber frame with a rubberised roof.	This is an issue which would be dealt with by Building Control.
Our biggest concern is the buildings purpose. We are shocked to read that the residents of 19B have expressed to 19A that they will apply for change of use at a later date. This is a wholly residential area which already suffers from parking issues and if this is to become a business area for personal training like we suspect, then there will be an increase in traffic as well as further parking issues. We would not appreciate coming home from work to find we cannot park due to visitors to a	The application is for the retention of an outbuilding for family use.

business next door when all we want to do is relax.

Not only that, but the noise of classes will become an issue. Loud music and instruction/training/gym equipment noise would destroy any down time or privacy when trying to enjoy our own home/garden in this predominantly residential area. We feel this would completely take away from being able to enjoy our garden and outside areas.

It seems clear to us that the reason for this build is for a personal training business, which has been backed up by the confession to change the purpose/use. We find this extremely irritating, as this has also been applied for under false pretences to the council as well as their own neighbours. The letter supplied by the council in regards to this planning information is also very vague in respect to the proposal by stating:

‘ construction of time frame outbuilding’
– Yet the first letter from 19B states a summerhouse so how can we have a letter from the council which just says timber

frame? This does not provide us with any details to a structure, which will impact views and privacy. Please also note that in the application, 19B have declared the structure to be used as storage/play/homeoffice/home gym yet classed this as family use to then confess to 19A that they will then apply to change it to business use!

It is an outrage that 19B believe it to be perfectly okay to give us a note that defines this structure as a summerhouse and yet submit to you a timber frame for family use in the application stages which were submitted after the structure had appeared. This is not clear or informative which you could argue has been designed to hide the use of this building entirely.

The fact that 19B have declared to a

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See section 7.

Comment noted.

neighbour that change of use to business has set in stone to us that this has been done under false pretences in order to have a business close to home to save on costs to them as they would not need to rent a space but use their own property. We have heard plenty of this training in the past out in the garden but have before believed this to just be a hobby with friends but now suspect this to happen more often as the business develops. This confession explains the reasoning behind the astro turf has been laid as this will aid with their training and create further noise. Previous comments have been mentioned by another objection in regards to this astro turf, which has a huge impact on drainage to their garden. Whilst this does not impact ourselves, we can understand their concerns and anxiety towards their own property. With all of this in mind, we would like to object to this application as the whole thing has been carried out to dupe not only the council but also the surrounding neighbours. There would be an increase in traffic as well as noise, more parking concerns, less privacy, encroaching of boundaries, risk of fire along with the fact the structure and its sole purpose is not in keeping or appropriate for the area. We appreciate your time in reading our concerns and hope that they are considered in order to save our privacy and protect our quality of living. Equally, we eagerly await the outcome of this application in the hope that we keep our tranquillity.	See section 7. The application is for the retention of an outbuilding for family use.
A number of statements have been made which appear to be economical of the truth. 1. Professional advice was clearly not taken before building work commenced. It would have been	Comment noted.

sensible to check with the relevant Planning Office that the work was, indeed, Permitted Development, and a simple phone call would have confirmed the need for planning permission. In fact we DID suggest to Mr Perkins that Havant Planning should be consulted but unfortunately he said he chose to believe his builder, who clearly did not have knowledge of the restrictions in place on surrounding properties.

2. Preparations for the building of the outhouse began some months ago when trees to the rear of 19B were cut down and removed. It is clear that plans had been in place for some time and yet neighbours were only informed 2 days before work was to begin. Giving only 2 days notice and giving false information about the nature of the building work was designed to deceive, so that the building would be up before anyone realised the extent of the plan, and could object. Neither was there an opportunity for interested parties to clarify details of the proposal before the building was well under construction. Despite several requests to meet with the Perkins, this was ignored until we were on holiday in the USA and the building was already at a late stage of construction.

3. The work was described as a 'summer house' and 'landscaping' whereas in fact a huge outbuilding (which cannot be described as a summer house) was built very rapidly and the garden was covered in hard core to a considerable depth, whereupon a professional Astro turfed sports surface was laid. Mr and Mrs Perkins have already confirmed that it is to be an extension to their existing dwelling and as such will become a permanent structure not a temporary outbuilding. As such we believe that it should be subject to the same Building Regulations as any other extension.

4. Mr and Mrs Perkins maintain that the outbuilding is NOT to be used for any commercial purposes or activity.

Comment noted.

Comment noted.

The application is for the retention of an outbuilding for family use.

However, that clearly was not the case when the unit was built as confirmed by a text received on May 4th in which they state that they had 'already contacted Havant Planning for change of use for Jo to run some 1:1 Pilates sessions.' If the building (which was not even finished) was not to be used for commercial purposes why were they applying for change of use?

5. It is clear that Mrs Perkins HAS been running a personal training business, both inside the house and in the garden. On her business website BALM there are many photographs of a variety of people being trained in both the garden and the house. Indeed, we have experienced noise over a long period of time associated with this training.

See section 7.

Not only that, but the building project is described as 'Project Training' on this BALM business website, not 'Project Children's Play Room' or 'Project Garden Storage.' Clearly the building was designed from the outset to be used for business purposes, and is being advertised to clients as such.

6. Even at this point we have yet to see any detailed drawings or information about the finished building, or its construction materials, as there is just the scrappiest of hand drawn floor plan with no elevations to show its huge impact on the surrounding properties. We would ask for detailed plans to be available for all interested parties to view.

See section 7.

7. Mr and Mrs Perkins have undertaken to ensure that the building has a 'minimal impact on the surrounding structures and neighbouring properties.' It is clear that they have not viewed the substantial impact of this massive and extremely ugly building on our, and their neighbours' homes. It has completely wrecked our privacy and view. It now dominates our view from all of our

See section 7.

windows, both upstairs and downstairs, and as a result of the increased height of the garden (due to large amounts of hard core) we now have to keep our blinds closed on all rooms to ensure any privacy whatsoever. We now live in a state of perpetual gloom, and also feel unable to use our garden for the majority of the time.

See section 7.

The building towers a metre over our fences and will require at least 9ft of fencing in order to provide some privacy, and to minimise the hideous view that we now suffer. Anyone standing in the garden of 19B can clearly be seen head and shoulders above the fence, with the ability to look straight into our downstairs windows.

We cordially invite Mr and Mrs Perkins to visit our home to see for themselves the huge impact this building has had on our property, and to see the loss of amenity and privacy we have suffered.

8. We are seriously concerned that the building of such a large wooden structure is a serious fire risk, especially as it is built less than a metre from our wooden boundary fence and those of our neighbour.

This is an issue which would be dealt with by Building Control.

Not only this, but the wooden structure is apparently going to be clad, and we would ask for reassurance that this cladding is of a fireproof material so that there is no chance of a repeat of the recent Grenfell Tower disaster. We cannot believe that such a large and highly flammable structure could be built so close to neighbouring houses. We trust that Building Regs will be applied to this building to ensure that the construction is not highly inflammable, and is 'safe for all.'

This is an issue which would be dealt with by Building Control.

9. Mr and Mrs Perkins assert that the building will reflect the local vernacular, but this is not true. It is a huge structure which apparently will have a black rubber roof, and no such building exists anywhere in this quiet residential

See section 7.

area. It is completely out of keeping with the properties surrounding it.	
10. As 19B has already had an increase in its development due to the garage being converted into living space we question whether the additional building is still within permitted development.	Permitted development rights have been removed for the construction of outbuildings at the property.
11. As for building regs not being required, we understand from the Government Portal that: If the floor area of the building is between 15 square metres and 30 square metres, you will not normally be required to apply for building regulations approval providing that the building contains NO sleeping accommodation and is either at least one metre from any boundary or it is constructed of substantially non-combustible materials.	Comment noted.
This building is NOT small, neither is it more than one metre from any boundary, nor is it constructed of substantially non-combustible material. In these respects it would seem to fall within the requirements for building regulations.	This is an issue which would be dealt with by Building Control.
12. We request that before any Planning Permission is granted that the building is substantially modified so that it is not built so close to neighbouring boundaries, and that the height is reduced substantially to prevent our loss of privacy and amenities.	See section 7.
. As a result of all the above issues we request a meeting with a Senior Planning Officer so that these issues can be discussed before any decision is taken.	The case officer visited the neighbours on 2 July to discuss the scheme.
Unfortunately, we, too, have experienced great stress due to the manner in which this building work has been undertaken, and the detrimental	

effect the building has had on our lives and privacy. Whilst this has absolutely nothing to do with the decision of the Planning Department, we would like to comment that this blot on the landscape will have a huge impact on the value of our property as it is a massively dominating structure which has removed both our view and our privacy. It is clear that it will have a negative impact on the value and saleability of our home. Indeed, had we had any idea of these plans we would not have bought the house in the first place.	

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 detached outbuilding is situated at the end of the rear garden of the application site and would not be visible from the public realm. The size of the outbuilding falls within the criteria set out for permitted development, however permitted development rights were withdrawn in condition 4 of the planning permission under which the property was constructed. This does not necessarily mean that such structures are unacceptable, only that the Planning Authority have more control over their construction. The removal of PD rights is fairly common on permissions for new dwellings in urban areas to ensure that adequate amenity space is retained. With regards to this application, it is noted that even with the outbuilding in situ, the rear garden depth would still be over 10m in depth which is the minimum depth recommended for a rear garden in the Havant Borough Council Borough Design Guide.

7.4 The design and appearance of the proposal is domestic in character and therefore 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

- 7.5 The outbuilding is located in close proximity to the side and rear boundaries of the application site and the structure was in situ at the time of the Officer's site visit. The side and rear elevations of the building had no openings, and a condition restricting the provision of any additional windows, doors or rooflights to the side and rear elevations and roof of the outbuilding is recommended to alleviate any future possibility of overlooking and loss of privacy to the neighbouring properties.
- 7.6 Concern has been raised about the potential use of the outbuilding, including the operation of a personal training business. The proposal is for the retention of an outbuilding for family use for play, storage, home office and home gym equipment. Additional information has been provided as part of the application to support this. Whilst the current application cannot be determined on the supposition of any future use, a condition is recommended restricting the use of the outbuilding for this purpose only. Any alternative use would require a separate planning application and would be considered on its own merits.
- 7.7 Regarding the proposed appearance of the completed outbuilding, details have been provided confirming the structure will be of a timber construction finished in grey composite cladding, with a bi-fold door to the front elevation and and firestone rubber flat roof. Concern has been raised about the suitability of these materials posing a possible fire risk. However, this would be dealt with by Building Control and not within the remit of the planning application.
- 7.8 Concern has also been raised with respect to loss of privacy to neighbouring properties. The front elevation of the outbuilding would be approximately 15 metres from the rear elevation of numbers 19a and 17 Frogmore Lane and 1 Ash Copse. Whilst the proposal could be perceived to result in a loss of privacy to the amenity areas of the properties immediately adjacent to the application site, a degree of screening would be provided by the existing boundary treatment. Whilst it is acknowledged the rear garden of 19b is at a higher level than that of the neighbour at 19a, a degree of overlooking already exists from the current property and it is deemed any additional overlooking would not be harmful.
- 7.9 Although the rear garden of the property which backs onto the site is fairly shallow, the house is at a higher level and it is judged there would be no loss of privacy to this property.
- 7.10 The development is therefore considered to be a sufficient distance away from the adjacent properties and whilst there would be a bearing on these properties, the degree of impact is not considered so great as to constitute a defensible reason for refusal.
- 7.11 Consequently, it is considered that the proposal is unlikely to 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 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/18/00489 subject to the following conditions

- 1 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The outbuilding hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing dwelling and shall not be used for any business, commercial or industrial purposes whatsoever or as a separate unit of accommodation, without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows, doors or other openings shall be constructed within the elevations and/or roofslopes of the building without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan
Block plan
Proposed floor plan
Proposed front elevation
Photographs of structure
Supporting statement submitted 12 July 2018

Reason: - To ensure provision of a satisfactory development.