

slab is a considerable structure that at its northern end, comprises 10 courses of bricks and extends out of the natural ground level by 0.75m. The works involved in the construction of this slab are considered to represent an engineering operation which should have had permission in its own right. By virtue of the slab, it was further considered impossible to build the structure as approved under APP/17/00615 as the resultant height and appearance of the building would be materially different to the approved plans. With the slab as constructed the finished height at its northern end would have been 3.15m to eaves and 4.75m to ridge, when measured from natural ground level. Accordingly it was considered that the structure as commenced did not benefit from planning permission and the applicants were asked to stop works.

- 1.6 The applicants have met Officers and agreed to continue with just the bungalow extensions whilst re-submitting these two applications for the photography studio. They acknowledge the unfortunate side effect of the loss of the trees and screening and have met the neighbours to the rear to discuss possible mitigation options. Accordingly two different planning applications have now been submitted, offering different roof designs, both with replacement higher rear boundary fencing and screening. These must be considered on their individual merits and are reported as follows:

2 Site Description

- 2.1 The application site relates to a detached red brick bungalow with fully hipped tiled roof, located on the northern side of Lovedean Lane. It is set well back from the highway, by approximately 15m, at a higher level than the road, having an extensive front forecourt area providing parking for several cars. The front boundary to the highway comprises a 1.8m high close boarded fence providing a screening to the bungalow. Construction works are currently underway on site for the recently approved extensions and renovations of the bungalow. Therefore builders machinery, equipment and materials have currently taken over the frontage area.
- 2.2 Formerly there was a detached brick built garage/outbuilding with flat/sloping roof on the western boundary, behind the bungalow. This has now been demolished and the levelling slab for the outbuilding constructed.
- 2.3 The immediate area is characterised by a mix of residential development. No 42 to the west is also a detached bungalow, but No 40 to the east is a two storey dwelling. To the rear, the properties in Cypress Crescent are three storey terraced townhouses i.e. their front north elevation has three stories with integral garages, but the lower level is dug into the ground such that from the rear they appear as two storey dwellings. Their rear gardens are modest and hence the separation to the application site is minimal.
- 2.4 Generally the land in this area of Lovedean Lane undulates and the land falls away to the west and north of the application site. The bungalow is set at the highest point with the rear garden sloping away to the north. The rear boundary is largely a 2m high close boarded fence but it does drop to only 1.5m in the north western corner. The western side boundary to No. 42 has largely been destroyed and removed by the builders and is currently relatively open.

3 Planning History

APP/17/00270 - Single storey front and rear extension and new front porch. ,
PERMITTED 23/06/2017

APP/17/00615 - Demolition of existing garage and workshop and erection of
photography studio, office and workshop. PERMITTED 28/07/2017

Also current application site:

APP/17/01281 - Construction of detached photography studio, office, w.c.and store,
with hipped roof, on levelling slab; and erection of fence and trellis of height of 2.5m
on northern boundary. (Resubmission of APP/17/00615).

4 Proposal

- 4.1 Construction of detached photography studio, office, w.c.and store, with hipped roof to front, barn hip to rear with flat roof over store, on levelling slab; and erection of fence and trellis of height of 2.5m on northern boundary (Alternative design to APP/17/01281).
- 4.2 The proposed photography studio would measure 13m long x 4.8m wide. This second application on the site seeks an alternative roof design that would have a less dominant effect at its northern end by proposing a flat roof over the store at the northern end that would lower the last 2.6m in length to 3.3m high. The remaining roof would have a full hipped end at the front, but a barn hipped end where it drops to the flat roof. This design has resulted from internal needs by the applicant for lighting heights etc but a compromise to try to reduce the height and impact of the rear element of the structure. The plans include the existing levelling slab so the maximum height to the ridge of the barn hip would be 4.5m above ground level - this would be set in 6m from the rear boundary. The proposal includes replacing the rear boundary fence with new fence panels with trellis top to a height of 2.5m a line of bamboo planting within a bed of sleepers.
- 4.3 The proposed building would be used by the applicant in connection with his photography business.

5 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)

DM10 (Pollution)

DM13 (Car and Cycle Parking on Residential Development)

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.

6 **Statutory and Non Statutory Consultations**

East Hants District Council

None received

Environment Agency

None received

Portsmouth Water Company

None received this time, but under APP/17/00615 comments were:

The site is located in a very sensitive groundwater protection area designated as a source Protection Zone One (SPZ1) for the Havant and Bedhampton Springs public water supply. If contamination is encountered during demolition work should be stopped and the Local Planning Authority and Portsmouth Water contacted.

All machinery and storage of oils on site during demolition and construction should be stored using best practice to prevent pollution occurring.

7 **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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
At present there are two 8 foot X 4 foot advertising boards attached to the fence at the front of the property. Could we have reassurance please that these will be removed once work is completed and not be replaced with advertising boards for the photographic studio. These boards are unsightly and distracting from my property.	from No 41 Lovedean lane opposite banners are temporary only; any advert for the photography business would need to comply with the relevant Advert Regs or seek formal consent when its impact on amenity or safety would be considered.
We are the property which mostly borders the development to the north boundary and in direct line with the proposed studio. We have engaged with Mr and Mrs Hughes and are entirely happy with the proposed development as outlined in the revised application	From 41 Cypress Crescent to rear Noted

The owner of 42 Cypress Crescent has verbally confirmed that he would be raising no objection to the current 2 applications based on the fact that he has a private agreement with the applicants for the provision of replacement fencing within his site. Verbally he has also indicated that he prefers the full hip version for aesthetic reasons. These comments do not though prejudice his existing complaint re the previous applications on the site. *These comments have not been confirmed in writing.*

8 Planning Considerations

8.1 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 business use of site
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development and business use of site

8.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposed business use of the detached outbuilding as a photography studio is for the sole use of the applicant with no employees. Photo shoots take place during standard daytime office hours ie Monday to Friday of approximately 08.30 to 17.30 and also on occasion between 09.00 and 17.00 on Saturdays. The footfall to the business would vary but is estimated to be about 3 to 4 visits per week. The principle of such a small business operating from a home in a residential area, provided there are no resultant adverse impacts (see issues below), is considered to represent sustainable development which is supported by the NPPF.

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

8.3 The proposed detached structure would be set back behind the rear elevation of the bungalow and this roof design option would still have a traditional hipped and pitched roof to the front elevation - as this is the elevation that would be visible from the streetscene it would retain a visually appropriate roof form which would not be prominent or out of place in this mixed streetscene. Furthermore it is a replacement building for a slightly smaller existing garage/outbuilding that had a flat/sloping roof in approximately the same position. Given that the frontage of the site is so large, the proposed outbuilding would be set back over 20m from the highway and as a result views of it would be limited.

(iii) Impact upon residential amenity

8.4 The determination of these two applications are primarily concerned with neighbouring amenity and the impact of the proposed structure on adjacent residents. Regard must be had to the fact that there was an existing outbuilding in a similar position so it is the effect of the increased height and length that needs careful consideration. The height is affected by the levels and slope of the site which has necessitated the construction of the levelling slab. Originally the site was well screened with high leylandii along the rear and western boundary to the rear of the original outbuilding which meant that the occupiers of the properties in Cypress Crescent had private rear gardens with an outlook onto greenery such that they could not see the former outbuilding. However,

as unprotected trees the removal of the screening did not require any sort of consent and could have been removed at any time.

- 8.5 The slab level at the northern end of the site raises the base of the structure by 0.75m above natural ground level - but this design option proposes a flat roof store for the rear 2.6m such that the height above ground level at the northern end would be 3.3m. Now that the screening has been removed from this area the whole site is very exposed from the rear. In the absence of any screening this building would be visible above the fence line from the properties to the rear. Since the rear garden depth of the Cypress Crescent properties is minimal (about 8m to the rear of No 42 and about 9m to No 41) then the separation is only between 10m and 11m. The properties to the rear are also slightly lower so the building would appear higher. This proposal includes a flat roof element which, with the 2.2m gap between the end of the building and rear fence line, would result in the height remaining at 3.3m for 6m from the fence line, before increasing in height with the barn hip - which would give a ridge height of 4.5m.
- 8.6 To help mitigate against any overbearing effect the application includes replacing the rear boundary fence with a higher fence comprising close boarded panels with trellis top having an overall maximum height of 2.5m. In addition a 10m row of planting within a sleeper bed is proposed for the north western boundary and this would be planted with bamboo. This is evergreen and provides a soft screen effect. The applicants have confirmed that 8 plants of between 1.8m and 2m high would be planted in the 10m long bed. Once established and grown up to 3 to 4m in height then this would effectively screen the building from the properties to the rear and return the outlook to similar to before the removal of the leylandii. The landscape officer has noted that this particular species of bamboo has an invasive root system and should be contained with a root-proof membrane. The applicants are aware of this and willing to provide the membrane.
- 8.7 The current owner/occupier of No 41 has met the applicant and agreed to the higher fence and screening (from 2m to 2.5m). The current owner/occupier of No 42 has also had discussions and negotiations with the applicants. No 42's rear boundary, which is currently only 1.5m high, overlaps with the application site such that only a narrow part directly abuts the application site - but nevertheless the garden and rear windows have a direct line of sight over the application site. The proposed replacement 2.5m fencing would therefore only represent a small section of the rear boundary of No 42 so the applicants have agreed privately to replace the remainder of No 42's rear boundary with 2m high fence panels. On this basis, together with the proposed screening, the owner of No 42 has verbally confirmed that he will raise no objection to these two applications. It must be noted that the provision of replacement fencing along the boundary of No 42 is beyond the remit of this application and is purely a private matter between the 3 parties involved - the applicants, No 42 Cypress Crescent and also No 42 Lovedean Lane who shares this boundary.
- 8.8 The screening and proposed planting is a crucial element of successful long term mitigation of any adverse impact on the properties to the rear. Therefore details of the planting have been submitted and can be conditioned to ensure it is adequately provided before first occupation of the building and thereafter maintained.
- 8.9 In terms of impact on No 42 Lovedean Lane to the west the outbuilding would have a relatively low/traditional eaves line of 2.4m which increases gradually to the 3.3m flat roof at the rear with the levelling slab. The previous screening has been removed so this is more exposed than previously. The building lies to the east and as such would

not result in any overshadowing in the afternoon or evening. This neighbour has not made any comment on the applications.

- 8.10 On balance, with the provision of the screening which is essential to provide the sense of a private space to the rear gardens of Nos. 41 and 42 Cypress Crescent, then this combined flat and barn hip design would minimise any overbearing effect to the rear. The roof profile would however result in an unbalanced design, but in this instance the benefits of reduced overbearing impacts outweigh the less than optimum visual design.
- 8.11 In terms of the proposed use and potential comings and goings and any noise associated with the running of the business, this is considered to be appropriate in this residential area. Policy CS16 and DM10 of the Core Strategy are considered relevant to the consideration of the application and seek to ensure that development does not cause any unacceptable harm to the amenity of neighbours or pollution from noise, smells, vibration, light etc. Photography is a quiet process and it is understood that the majority of the work is off-site with much of the work being property photography and also staff portraits for large businesses/organisations as well as small products that are brought back to the studio by the applicant in his own vehicle. Occasionally other people would visit for studio photography and there is no regular pattern, but is estimated to be no more than 3 or 4 sessions/visitors per week. The business is operated by the applicant alone with no staff. On this basis, the low key scale of the business and likely comings and goings are only marginally greater than a residential dwelling and should not result in a loss of amenity or pollution detrimental to neighbouring occupiers. It is considered appropriate to condition the use of the outbuilding to the applicants photography business only, to ensure any future use or occupier operates in a similarly suitable manner having no adverse impact on the amenity of neighbours.

(iv) Highways and parking

- 8.12 The site benefits from a large frontage which was predominantly hardsurfaced with a mix of block-paving and gravel and is large enough to provide on site turning and for the parking of several cars including any visitors. Currently the builders on site are using this area for storage but it will revert to parking. The additional movements to and from the site would be marginal and therefore there is no highway objection to the proposal.

9 Conclusion

In conclusion it is considered that with the proposed 2.5m boundary fencing and landscaping screening, then the proposed outbuilding on the levelling slab, with part flat roof would have minimal impact on the residential amenity of neighbours. The aesthetics of the design are not ideal, but the design is offered as a compromise to reduce impacts to the rear - as such due to the benefits the roof profile is considered acceptable. The bamboo planting and fencing would re-provide the original sense of privacy to the occupiers of the Cypress Crescent. The low key use as a photography studio is also acceptable in principle having no adverse impact on the neighbouring residential amenity. Accordingly the application is recommended for permission.

10 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application

(A) 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
Block Plan
Proposed Floor Plans and Elevations with Barn End Revision B
Reason: - To ensure provision of a satisfactory development.
- 3 The 10m long landscaped sleeper bed on the northern boundary shall be planted with a minimum of 8Nos. Arrow Bamboo (*pseudosasa japonica*) plants at a minimum height of 1.8m. The sleeper bed shall be continuously lined with a root-proof barrier or membrane, with all joins to be overlapped and secured with specialist joining tape to minimum 0.6m depth. These hereby approved landscaping works shall be implemented in full before the first occupation of the hereby permitted development. Any of these plants which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by plants of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of screening in accordance with the approved designs and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The hereby approved outbuilding shall be used only as a photography studio, office and workshop by Mr Stephen Hughes, or for purposes incidental to the occupation of the existing dwelling at 40A Lovedean Lane. The building shall not be used a separate unit of occupation or for any other business purposes, other than those outlined in this condition.
Reason: To ensure the use has an acceptable impact on the residential amenities of adjoining residents and in the interests of highway safety having due regard to policies CS16, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.