
Site Address:	61 Geoffrey Avenue, Waterlooville, PO7 5BH		
Proposal:	Single storey outbuilding with provision for sleeping accommodation (part retrospective)		
Application No:	APP/17/00930	Expiry Date:	24/10/2017
Applicant:	Mr G Newing		
Agent:	Mr A Dunks	Case Officer:	Lewis Oliver
	Andrew R Dunks Ltd		
Ward:	Purbrook		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The application site has a single storey bungalow located on the western side of Geoffrey Avenue comprising elevations of brick construction and a concrete tiled pitched roof. The site is slightly sloping (with a north to south incline). The property is currently in a dilapidated condition and as a result undergoing various construction works. The property does currently benefit from an open area to the front and also a single storey conservatory to the rear. Access to the rear of the property is obtained via a shared access which runs between (61 & 63 Geoffrey Avenue). A Public Right of Way, runs adjacent to the rear boundary, which also forms the district boundary with Winchester City Council.

The area is residential in nature with a medium to high density of dwellings adjacent to the site all of a similar age, style and design. In addition the surrounding area is defined by a number of examples of outbuildings which vary in size, scale and massing.

2 Planning History

APP/17/00001 - Construction of front dormer and single storey rear extension., PERM,15/02/2017

APP/17/00849 - Rebuilding of existing bungalow to include new front porch, rear extension and front and rear dormers. (Part Retrospective), PERM,04/10/2017

3 Proposal

The proposal is for a single storey outbuilding with provision for sleeping accommodation (part retrospective). The proposal is for an outbuilding to which would measure 6.9metres in width, 7.3m in length and 2.5 m in height. It is proposed to located the building adjacent to the rear boundary of the site. The agent has clarified that The additional two bedrooms in the outbuilding are for the applicant's 22 year old daughter and 20 year old son. The separate bathrooms are primarily because of their age and different sex. The agent has also confirmed that there will be no cooking facilities etc. as they will be as a family sharing all other amenities in the main dwelling.

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)
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.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No adverse comments

Countryside Access Team

No response

County Ecologist

No Objection

Environmental Health Manager, Community Group

No Objection subject to condition

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: 3

1 letter of objection, raising the following points (summarised)

Adverse impact on the character and appearance of the area, from the Public Right of Way. **Officer Comment:** Addressed in paragraph 7.2 (ii)

The residential use of the building would have an adverse impact on the amenities of neighbouring properties with regard to noise, lighting and general disturbance. **Officer**

Comment: Addressed in paragraph 7.2 (iii)

Concern about the parking provision on the site, given the increased number of bedrooms. **Officer comment:** Addressed in paragraph 7.1 (iv)

Concerned about proximity of building to the boundary and that this is a fire risk.

Officer comment: This is not a planning matter and is dealt with under Building Control Regulations.

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
- (iv) Impact on highways

(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. The Town and Country Planning (General Permitted Development) (England) Order 2015 clarifies that 'a purpose incidental to a house would not cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen'. As such given that this proposal includes primary living accommodation, planning permission is required, with the appropriate assessment therefore considered within this report. If the use of the building was for purposes 'Incidental' to the main dwellinghouse then given the size and scale of the proposed building, it could be constructed using Permitted Development rights.

The applicant has confirmed that the use of the outbuilding would be used as ancillary to the main dwelling. The agent has advised that the additional two bedrooms in the outbuilding are for the applicant's 22 year old daughter and 20 year old son. The separate bathrooms are primarily because of their age and different sex. There will be no cooking facilities etc. as they will be as a family sharing all other amenities in the main dwelling. As such given the layout of the proposal it would be reliant on the main dwelling in terms of cooking and main washing facilities and any other domestic requirements. In addition this building would not have it's own access, as this is not possible given that the application site is surrounded by neighbouring residential properties, therefore this building could not become a separate independent dwelling, given that it would clearly need to rely on the main dwelling at all times. The use of this building could be controlled through a condition to ensure that the structure is not be used as a separate unit of accommodation, but remains ancillary to the main dwelling, in the event that permission is recommended.

(ii) Appropriateness of design and impact on the character of the area

7.3 Concerns have been raised that the proposal would have an adverse impact on the character and appearance of the area, particularly from the Public Right of Way. The

immediate and surrounding area is defined by a number of outbuildings which vary in size and scale, the majority of which are located adjacent the Public Right of Way. As has been highlighted in paragraph 7.2, the size, scale, massing and materials would all be Permitted Development, and the only reason that Planning Permission is required is due to the proposed use of the building, which would have primary living accommodation within it. As such it is considered that it would be unreasonable to require amendments to a development, where it is actually only the use of the building that requires planning permission. Taking all of this into consideration in combination with the size, scale, massing and design of the proposal, it is not considered that the development would not have a significant adverse impact on the character and appearance of the area to justify a reason for refusal on this matter. As such the development is considered to meet the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Effect on neighbouring properties

- 7.4 It is considered that given the proposed layout, size, scale and massing of the proposal that it would not result in a significant adverse impact on neighbouring properties with regard to loss of sunlight/daylight or overbearing impact. It is acknowledged that given that the proposal does include windows and a door facing back towards the main dwelling that there is the potential for overlooking, and as such this needs to be given careful consideration, especially given the sloping nature of the site and surrounding topography. The proposed windows/door would be located approximately 21 metres at an angled view from the rear elevation of the neighbouring property of 63 Geoffrey Avenue, which is located to the north, and is set at a lower level. The boundary treatment at this point has recently been removed, to enable the building works on the site to take place. As such without any boundary treatment the development would result in unfettered views into the private amenity areas of this property, and would have a significant adverse impact in terms of overlooking. However this issue can be controlled through an appropriate condition, that prior to the occupation of the building that details of boundary treatment should be submitted to and approved by the LPA, and should be retained at all times. The existing boundary treatments in the area are largely defined by 1.8metre high closed boarded fencing, this form of boundary treatment is likely to be an acceptable approach given the context of the immediate and surrounding area and provide adequate screening to the neighbouring properties.
- 7.5 In terms of the impact with regard to overlooking on 59 Geoffrey Avenue, this property is located approximately 15m to the south west and is at a higher level than the application site. Whilst this distance does not comply with the overlooking distances outlined in the Design SPD, it is considered that given the existing 1.8metre closed boarded fencing, and that the neighbouring property is at a higher level, that given the combination of these factors, that in this unique situation that the development would not result in a significant adverse overlooking into the private amenity areas of this neighbouring property to justify a reason for refusal on this matter.
- 7.6 Furthermore on applications of this nature for detached outbuildings, to be used as living accommodation, consideration needs to be given to the impact on neighbours in terms of disturbance from both the use of the building and the coming and goings from it. As was outlined in paragraph 7.2, the proposed use is considered to be a genuine ancillary use, and as such the level of the proposed use is not considered to be of such a scale to have a significant adverse impact on the amenities of neighbouring properties in terms of noise or disturbance, from those

accessing/utilising or using the building, which would be limited and domestic in nature. As such the development is not considered to have a significant adverse impact on the amenities of neighbouring properties, in this regard, to justify a reason for refusal on this matter, subject to conditions to control the use, levels of lighting and control over boundary treatments. Furthermore the Environmental Health Team have raised no objection to this application.

- 7.7 In conclusion on this issue the development is not considered to have a significant adverse impact on the amenities of neighbouring properties, subject to the relevant and reasonable conditions to control the impact of the development.

7.8 (iv) Impact on Highways

The proposal is for a building with 2 bedrooms, which when combined with the 2 bedrooms in the main dwelling, results in a planning unit with 4 bedrooms. As such in accordance with adopted car parking standards 3 off road car parking spaces are required. The site currently provides two off road car parking spaces, as a result the proposal has a deficit of one space. Therefore given this situation, an assessment needs to be made as to whether the deficit of off road car parking, would have a significant adverse impact on the safety or free flow of the highway network. In terms of background the surrounding roads in the vicinity of the application site are not subject to any parking restrictions. As such taking into account the limited level of deficit in car parking spaces, in combination with the surrounding roads not being subject to any parking restrictions, it is considered that given this situation the development would not result in a severe adverse impact on the safety or free flow of the highway network as set out in the National Planning Policy Framework (NPPF). Furthermore given the ancillary nature of the accommodation proposed it also makes it likely that shared use of vehicles could arise from the extended household. Additionally the site is in close proximity to the A3, which has a good level of bus provision, and therefore the site can be considered reasonably sustainable. Drawing all these matters together it is considered that it would be difficult to justify a reason for refusal on this basis.

8 **Conclusion**

- 8.1 The principle of the development is considered acceptable and the development is considered to provide an ancillary use to the main dwelling, which would be controlled through an appropriate condition. Furthermore it is considered that the scale, siting, use and design of the proposal would not have a significant adverse impact on the amenities of neighbouring properties, particularly when considered in the context that a building of identical size, siting and design could be constructed for incidental uses under the properties permitted development rights.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/17/00930

subject to the following conditions

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

Site layout plan - Drawing Number. 4851/500
Proposed detached games room - Drawing Number.4581/1 - Rev D

Reason: - To ensure provision of a satisfactory development.

- 2 Prior to the occupation of the building hereby permitted, details of the colour of the painted brickwork shall be submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area, and given it's proximity to the Public Right of Way and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation, nor shall it be used for any business, commercial or industrial purposes whatsoever which would not be considered to be ancillary use.

Reason: The unit of accommodation is not a satisfactory position and has insufficient amenity space 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.

- 5 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved in writing by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby residential properties from light disturbance / pollution in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.