
Site Address:	32 Privett Road, Waterloooville, PO7 5HJ		
Proposal:	Replacement outbuilding to be used as ancillary to the main dwellinghouse		
Application No:	APP/17/00485	Expiry Date:	06/07/2017
Applicant:	Miss L Heys	Case Officer:	Karen Wooden
Agent:			
Ward:	Purbrook		
Site Visit Date:			

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is a semi detached bungalow with elevations of white render and a brown hung tiled roof. A gravel driveway to the front provides off road parking for three vehicles.
- 1.2 The rear garden is south facing, with the boundaries being defined by close board fencing. The garden currently benefits from a shed, which is located close to the rear boundary line.

2 Planning History

- 2.1 No relevant planning history.

3 Proposal

- 3.1 Replacement outbuilding to be used as ancillary to the main dwellinghouse.
- 3.2 The original application received stated that the use was to be 'Incidental' to the main dwelling. It was noted on the plans submitted that the structure was to include a bathroom. It was therefore considered that the use would be 'Ancillary' rather than 'Incidental', and an amended application form was requested to show this. Further clarification on the interpretation of 'Incidental' and 'Ancillary' use can be found in section 7.2 of this report.

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)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control, Havant Borough Council

If the proposed building will be in excess of 15m² and within 1m of any site boundary the external walls should be of a non combustible material.

Note: This information has been passed to the applicant, who has confirmed the materials are to be fibre-cement Cedral boarding, a non-combustible material.

Developer Services, Southern Water

No comments received.

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: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development is totally inappropriate and will have a severe impact on our standard of living and the character of the area. Our specific objections are as follows: The proposed building is described as replacement of outbuildings. This is misleading as the proposed replacement is in no way comparable to the existing small garden shed. <i>OFFICER COMMENT - The Block Plan submitted as part of the application shows both the location of the existing shed and the proposed location of the application. It is therefore not considered that the application is misleading in terms of its description.</i> The proposed building by reason of its substantial height of 4 metres, size and scale, separation from the main dwelling house, and internal room layout including bathroom facilities lends itself to be a separate unit of accommodation. <i>OFFICER COMMENT - It is recommended that a condition is attached to the permission to ensure the structure is to be used solely for purposes ancillary to the main dwellinghouse, and not as a separate unit of accommodation.</i> The position of the building to the rear of the plot would constitute an undesirable form of backland development and an over intensive use of the site.	See section 7 for officer comments

OFFICER COMMENT - As mentioned above the proposed structure is to be used ancillary to the main dwelling. A garden length of approximately 13m will be retained which is considered to be adequate for the occupiers of the existing bungalow.

The proposed building, by reason of its size and siting, represents an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect. The mass, bulk and proximity of the proposal would present an overbearing and intrusive element to our property and future occupiers of our home as well as conflicting with the character of the locality.

OFFICER COMMENT - The application has been amended to show the structure is to be set 1m back from the rear boundary. The height has also been lowered from a maximum pitch of 4m to a revised 3.7m. Taking into consideration the orientation of the structure, the height and the siting, the maximum pitch will be set approximately 4m back from the boundary line, with the roof sloping down to a maximum of 2.5m set 1m back from the boundary line, it is considered that any impact will be less than that which could be caused by development permitted under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which could be constructed without the benefit of planning permission.

The use of the property as living accommodation or business usage introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity.

OFFICER COMMENT - The application has not been submitted as either separate living accommodation or for business usage. However a condition is recommended to prevent this type of use.

Loss of privacy and overlooking

The proposed site of development is directly adjacent to our garden. It is at such a height and bulk that it would oppressively loom over our garden which would be intrusively overlooked from the skylights of the new development, resulting in a significant invasion of our privacy and not in accordance with regard to our right to the quiet enjoyment of garden amenities.

OFFICER COMMENT - The proposed skylights are to be located on the roofslope, with the lowest part of the skylight being approximately 2.7m from the internal floor level. Therefore the installation of the rooflights will not result in overlooking or an invasion of privacy to the occupiers of No. 181 The Dale.

The development would be visibly intrusive to us compared to the open aspect enjoyed for the last 58 years. The outbuilding will dominate and tower over the existing 6 foot high boundary fence. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land.

We believe that the proposed development would have a serious impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. <i>OFFICER COMMENT - The loss of a view is not a planning consideration. Notwithstanding this, the rear garden of 181 The Dale is west facing, whereas the proposal will be located approximately 7m to the north west of the main dwelling.</i> <i>It is considered that the proposal will cause no more of an impact on the occupiers of 181 The Dale than a structure that could be constructed under Permitted Development rights in terms of the impact on the quiet enjoyment of their property, nor would it have a greater impact on their right to respect their private and family life, and given the safeguards provided by planning conditions and other legislation, no material interference with the residents' human rights has been established.</i> Surface water and drains There have been issues with the drains in the past. It is unclear from the plans what proposals have been made for sewerage and surface water (as well as gas/electric). <i>OFFICER COMMENTS - Southern Water were consulted with regard to this application but did not submit any comments. It is advised that the applicant contacts Southern Water directly and it is recommended that an informative is attached to the decision notice.</i>	
This is our further objection to the revised plans that were published on the Councils website on 22 June 2017. The revised plan shows that the proposed development will be 1 metre away from the boundary with our property and will be reduced in height at the ridge from 4.1 metres which is 13.4 feet to 3.7 metres which is 12.13 feet. Neither of these 2 amendments satisfy the concerns that we have about the proposal. We continue to have a number of strong objections that we have with regard to the proposed development which we hope will be given proper regard by the Planning Department . 1. The existing garden shed is being taken down and being replaced by a considerably larger building which, due to the plans for a bathroom, we are assuming will be used as permanent living accommodation. The application is misleading as being described as replacement for outbuildings when the proposed replacement is presumably living accommodation which is in no way comparable to the existing usage of a garden shed. 2. The proposal is contrary to Policy CS16 High Quality design of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework. CS16 says that the proposed development should respond : · positively within the neighborhood, · integrates with the existing landscape,	THESE ADDITIONAL COMMENTS HAVE BEEN ADDRESSED ABOVE AND/OR IN SECTION 7 OF THIS REPORT

· uses the local characteristics to help ensure that the design is in accordance with the height, mass, plot widths of existing properties and · does not cause unacceptable harm to the amenity of neighbours through smell, loss of privacy, outlook, noise and overlooking. 3. In our opinion the development breaches all of the above conditions. In particular : · It does not have a positive impact within the neighbourhood and will not sit well within the existing character of the area · It will be obtrusive and will not blend within the local garden areas · By reason of its size and siting, represents an un-neighbourly form of development that would have an adverse impact on our property by reason of an overbearing effect. The plan show a property of 3.7metres at its highest point which, although the plans does not indicate this, would hint at a mezzanine level or second floor. This is a huge mass, bulk and totally inappropriate in a relatively small back garden. By way of its bulk, mass and siting it will present an overbearing and intrusive element to our property and future occupiers of our home. The roof lights in the property will permit the occupant to be able to overlook our garden , resulting in a significant invasion of our privacy and not in accordance with regard to our right to the quiet enjoyment of garden amenities. The development would be visibly intrusive to us compared to the open aspect enjoyed for the last 58 years. The outbuilding will dominate and tower over the existing 6 foot high boundary fence. The existing shed can be clearly seen above the fence because our garden is lower than the adjacent plot. WHY DOES THE PROPOSED BUILDING HAVE TO BE SO TALL? IT IS TOO LARGE FOR THE SITUATION AND OUT OF ALL PROPORTION. · The use of the property as living accommodation introduces a diverse element that by reason of the use is likely to or has the possibility of resulting in NOISE, DISTURBANCE and NUISANCE to the detriment of our residential amenity 4. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a serious impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.	
Procedural Matter We note that the application has been amended from incidental to ancillary. We believe this means that planning permission is required. We also assume that the purpose of the outbuilding is to create a dwelling which will provide ancillary accommodation in order to provide self contained accommodation and additional living space. Main Issues	

These still remain the same as previously stated. It is considered that the mains issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the visual appearance and effect on the living conditions of the occupiers of 181 The Dale. If this application is approved it will set a precedent for dwellings to be built in the back gardens of small suburban properties and will be damaging to the local characteristics. From our local knowledge we know of no other dwellings in the local back gardens let alone dwellings of this proposed size. We repeat that CS16 says that the proposed development should respond: - positively within the neighbourhood and integrates with the existing landscape - uses the local characteristics to help ensure that the design is in accordance with the height, mass, plot widths of existing properties and - - does not cause unacceptable harm to the amenity of neighbours through smell, loss of privacy, outlook, noise and overlooking. We feel that the dwelling fails to meet any of the aforementioned principles. The building is required to be well related to the existing character of the locality. The core principle of securing high quality design states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. By reason of the siting of the building, the very large size of the proposed building and the limited size of the retained garden, the building would be a form of development which would relate poorly to the character and appearance of the surrounding area rather than improving its quality. The building would result in a cramped and incongruous form of development which would not be of a high quality but would be materially at odds with the character and appearance of the surrounding area. The use of non matching materials would add to the concerns. The proposed dwelling is sited adjacent to the boundary with 181 The Dale and is on higher land than the garden of this neighbouring property. From the garden of 181 The Dale the dwelling would be an overbearing form of development. Further, because of its siting, length and very high height of 13.4 feet our view is that the building would result in an unacceptably overbearing or visually intrusive form of development. The proposed dwelling will be 13.4 feet high at the ridge point and our objection that this height is far too high for the plot and the siting. In addition the use of the dwelling has the potential to cause unacceptable impact to the neighbours through smell,, outlook, noise and overlooking.	
Reference Drawing 3, the floor plan suggest toilet facilities are to be installed in the area marked 'Ba'. Whilst I have no issue with the proposed dwelling I am concerned whether there is sufficient fall to prevent blockages, if the toilet is to	

be connected to the existing shared drainage. Over the years there have been blockages because the minimal fall to the main sewer.	
There is no mention in the application of the above or how it might be achieved without problems in the future.	
<i>OFFICER COMMENTS - Southern Water were consulted with regard to this application but did not submit any comments. It is advised that the applicant contacts Southern Water directly and it is recommended that an informative is attached to the decision notice.</i>	

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. With regard to the use, the application form initially submitted stated that the use was to be 'Incidental' to the main dwellinghouse. 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 the submitted plans showed the inclusion of a bathroom to the structure the applicant was advised that the use could not be considered as 'Incidental', and subsequently a revised application form was received to show the use was to be 'Ancillary' to the main dwellinghouse.

The applicant has confirmed that the use of the outbuilding would be used as ancillary to the main dwelling. The applicant has advised that the used would include, but not be limited to: studio, home office, playroom, store, workshop, dog grooming room. Having considered the scope and nature of these uses, it is considered that these uses would be considered ancillary. Furthermore given the layout of the proposal it would be reliant on the main dwelling in terms of cooking and main washing facilities. 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 would 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.

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

7.3 The proposed location for the annexe will be at the rear of the garden of 32 Privett Road and will not be readily visible from the public domain.

7.4 Notwithstanding the above, the natural slate roof grey green Cedral weatherboarding are considered to be appropriate when considering the proposed location.

7.5 The design and appearance of the proposal is 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

- 7.6 The original application submitted showed the proposed location of the structure to be approximately 0.6m from the shared boundary with No. 181 The Dale. An amended plan was subsequently submitted setting the structure back to a minimum of 1m from the boundary line, with the maximum pitch height reduced from 4m to 3.7m. In terms of impact on neighbouring amenity consideration has to be given to the fact that a structure with a maximum height of 2.5m could be constructed abutting the boundary line under Permitted Development, and therefore without the need for planning permission. The structure the subject of this application exceeds this maximum height limit by 1.2m but will be set a minimum of 1m back from the boundary line. The orientation of the building is such that the 2.5m section would be set 1m back from the boundary of 181 The Dale, with the 3.7m ridge being approximately 4m back from the boundary. Therefore whilst the development may have some visual presence from the site of 181 The Dale, it is not considered that the outbuilding would result in significant harm to the residential amenities of this neighbour by reason of loss of light, overbearing effect, overshadowing or loss of privacy.
- 7.7 Furthermore in applications of this nature for detached outbuildings 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 applicant has outlined the potential uses of the building. The proposed uses are those which are considered to be genuinely ancillary uses, and as such the level of the proposed uses, are 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.
- 7.8 Consequently, it is considered that the proposal would not cause significant harm in terms of 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 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 given the revised plans, 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.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00485 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:
Location and site plan - received 04.05.17
Amended block plan - received 12.06.17 - Drawing Number 2.A
Amended elevations, floor plan and roof plan - received 12.06.17 - Drawing Number 3.A
Section plan - received 12.06.17 Drawing Number 4.A
Details of samples received 12.06.17
Reason: - To ensure provision of a satisfactory development.
- 3 The external materials used shall be as indicated on the hereby approved plans and details unless otherwise agreed in writing by the Local Planning Authority.
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.
- 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.