
Site Address:	32 Finchdean Road, Havant, PO9 4AA		
Proposal:	Retention of summer house in rear garden.		
Application No:	APP/17/00081	Expiry Date:	01/05/2017
Applicant:	Mr & Mrs C Hunt		
Agent:		Case Officer:	Emma Chisnall
Ward:	Barncroft		
Site Visit Date:			

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

- 1.1 32 Finchdean Road is a mid terrace two storey dwelling situated in Havant which is constructed of a cream render with a concrete tiled roof. The dwellinghouse has a moderate amenity space to the front which is laid in part with lawn and is surrounded by a low open boundary. To the rear the amenity space is adequate in size and is mostly laid as lawn with an area of hard-surfacing to the rear. The curtilage boundary is surrounded with 1.8m timber fencing.
- 1.2 No 32 is situated on mostly level ground and has an access from the rear into the woodland area behind.

2 Planning History

52/02094 - for the erection of 420 Wimpey Houses, UNK,22/12/1952

3 Proposal

- 3.1 Retention of summer house in rear garden. This application is retrospective.
- 3.2 No 32 had an existing summer house in the same place prior to the new development, however due to the condition of the summer house the original one was removed and a new timber summer house was put in its place within the rear amenity space.

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control, Havant Borough Council

Siting of the Building will not comply with Building Regulations on the following grounds:
CLASS 6 - Small detached buildings

1. A detached single storey building, having a floor area which does not exceed 30m², which contains no sleeping accommodation and is a building:-

- (a) no point of which is less than one metre from the boundary of its curtilage; or
- (b) which is constructed substantially of non-combustible material.

Full compliance with the Building Regulations will be required

Officer Comment: An informative will be included with the decision recommending contact is made with Building Control following the decision made to discuss whether the development complies with regulations.

Southern Water

Informative requested in relation to connection to the public foul or surface water sewer. Advice in relation to surface water drainage and that the site lies within the Source Protection Zone.

Officer Comment: An informative will be included with the decision referencing Southern Waters requirements.

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: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
* Proximity of development onsite * Concern summer house is used to sleep in which results in noise concern. *Development creating flooding. *Building control approval needs to be sought. *Guttering overhangs the boundary *Height of the development exceeds permitted development rights. * No back fence or boundaries	As the development breaches what can be done under permitted development rights the occupiers of No 32 have sought to regularise the development by seeking planning permission for the summer house at the height proposed. Certificate B and notice has been served to the neighbouring dwellinghouse due to the guttering over-hanging the boundary. This is not something that could be considered as a material planning consideration and therefore will not be commented on further within the report. It would be advised that this is a civil matter that should be discussed between neighbours.

	It is not a material planning consideration to control whether a back fence is in place or not. The curtilage boundary has been indicated on the block plan submitted as part of the application and as the development is contained wholly within the curtilage this is considered an acceptable part of the application. All other matters shall be addressed within Section 7 of the report under 'Planning Considerations'.
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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) Building Control
- (vi) Flooding

(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 This is a retrospective application and as such the timber summer house at No 32 is already in place along the rear and side curtilage boundary. Due to its position to the rear of No 32 the development is not viewable from the streetscene nor public realm and is therefore not considered to detract significant character from the dwellinghouse or locality.

7.4 Comments have been received saying that the development appears obtrusive and out of place however following a site visit it was noted that other dwellinghouses along Finchdean Road also had out-houses present in the rear amenity space and therefore it is considered that the development at No 32 is not setting a precedent for this type of development and would not look significantly out of place due to the other examples present. The materials of the summer house are also considered to be of a good quality which creates an attractive appearance.

7.5 Although the development is approximately 3m in height this is not considered to be severely high when it comes to this type of development and although it reaches this height at the centre point, the rest of the roof hips away and reduces in size as it meets the side elevations. Therefore the development is not considered to be obtrusive or to be significantly large in its mass and bulk. The summer-house is positioned away from the shared boundary to the east and due to its position at the rear of the amenity space, its visual impact is reduced as far as is possible when stood to the rear of the dwellinghouse. Screening is also in place along the sides to an approximate height of 1.8m and therefore the visual impact caused as a result of the summer house is considered to be limited and acceptable.

- 7.6 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

- 7.7 Due to the developments position along the rear elevation of No 32 it is considered that an acceptable amount of amenity space is retained between the development and dwellinghouse for the use of occupiers of No 32.
- 7.8 Comments have been made that the summer-house is slept in at night and that noise can be an issue in the evenings. The summer-house was presented by the applicant as a hobby room which contains a partition for storage and is not used as a separate living or sleeping accommodation. A condition shall be included with the decision to ensure that the use of the summer-house remains ancillary to the main home and that it is not used as a separate living accommodation which should address the concern raised.
- 7.9 In order to assess any harm caused as a result of the works on neighbouring dwellings a site visit was performed. It was considered that the neighbouring dwellinghouse to the east of No 32 should remain mostly unaffected by the proposed works as the summer-house is set off the shared boundary significantly enough and has adequate screening in place to ensure privacy levels are maintained.
- 7.10 In regards to the neighbouring dwelling to the west, it is acknowledged that the summer house is in close proximity to the shared boundary however certificate B has been completed and notice served in order to ensure the correct validation procedure has been completed. Guttering has been installed in order to prevent surface-water run off into the neighbouring dwelling's land however if this continues to cause concern it would need to be raised as a civil matter to be discussed between neighbours and could not be considered as a material planning consideration as part of this application. Due to the hipped roof of the summer house the height of the proposed side elevation starts at approximately 2.2m which steadily increases to the top of the hip. The height of 2.2m only breaches a typical boundary wall height by 0.2m and as the summer house is in position to the very rear of the plot it is considered that only a small area of amenity space could be impacted as a result of the development. The level of harm caused is therefore not considered to be severe and as the summer-house is single storey it should not lead to shadowing nor a significant loss of light and is therefore considered to have a limited and acceptable impact.
- 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).

(iv) Building Control

- 7.12 Comments have been made from the Council's building control team confirming that the development does not currently comply with building regulations. Therefore it shall be a requirement for the applicants to seek advice from the building control team following a decision being made in order to discuss the options available to ensure the development does comply with regulations. This will be included as an informative with the decision.

(vi) Flooding

- 7.13 Comments have been made that the development has the potential to cause flooding and surface water run-off. To ensure that this does not impact the neighbouring dwelling to the west guttering has now been installed to the side of the summer house shared with No 34 which should ensure all surface water run-off is directed into the guttering and away from the dwellinghouse. It is noted however that the guttering feeds into a down-pipe and directly onto the land to the rear of the dwellinghouse which is part of the woodland/wooded area. Comments have been made by neighbouring dwellings that this could lead to an increased risk in flooding however advice has been sought from the Civil Engineering team who have made comment that it is unclear how beneficial a soakaway would be at the site although any new development should not do anything to make things worse for a neighbour. In due regard of these comments, and given that evidence has not been submitted to support how the development is leading to increased flooding, it is considered that this new development would not create a significant additional level of harm than was already in place from the existing summer house and would therefore not warrant a refusal of planning permission.

8 Conclusion

- 8.1 The retrospective application for the summer house is considered to result in a limited and acceptable impact which would not warrant a refusal of planning permission. Therefore the development is considered to be acceptable and can be granted retrospective planning permission.

Recommendation

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/17/00081 subject to the following conditions:-

- 1 The summerhouse hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation.
Reason: To protect the amenities of adjoining properties, and because the unit of accommodation is not appropriate to be occupied separately from the main dwelling, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan: Licence No: 100047474
Block Plan received 19.01.2017
Elevations Plan received 19.01.2017
Development specifications and detail received 19.01.2017
Photograph of previous summer house received 19.01.2017
Photographs of new summer house received 19.01.2017
Reason: - To ensure provision of a satisfactory development.