

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)

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

None

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: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1 Objection

Concern that development breaches the curtilage of No 61

Planning Officer Comment: The party wall act is not something can be commented on or addressed as a planning matter. Written confirmation that the development has been built and is retained solely within the curtilage of No 63 has been received and accepted. Any concerns with this should be addressed as a civil matter between neighbours. This is also the case when it comes to the garden gate, access into the land of No 61 and the boundary for No 61.

Concern over outlook, visual impact, character of the area, materials and appearance

Planning Officer Comment: This will be addressed as part of the report under section 7 'Planning Considerations'

Concern over loss of light to the garden and dwelling, loss of garden land, overbearing/dominates our garden

Planning Officer Comment: This will be addressed as part of the report under section 7 'Planning Considerations'

Maintenance *issues*

Planning Officer Comment: This is a civil matter between the parties.

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. This application is retrospective and has been built outside of the permitted development criteria which is why planning permission has now been sought to regularise the development.

7.3 Comments have been made that dispute the developments position and that it has been built within the attached neighbours (No 61's) curtilage. Confirmation has been received by the applicant in writing who confirms all foundations and development were and are wholly within the curtilage of No 63 and therefore this is not able to be discussed further under a planning consideration.

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

7.4 The proposed works are currently not finished and the applicant has confirmed that the walls and outbuilding will be finished with a cream paint. This is considered to offer an improvement to the visual aspect of the works as currently the grey breeze blocks used create a dominant appearance within the cul de sac of the homes in Eagle Avenue. A cream finish will soften the visual impact caused by the works and should make it appear more in keeping to the area, improving the overall appearance of the works.

(iii) Effect on neighbouring properties

7.5 Concern has been raised that the works impact the visual amenity of No 61 the attached neighbour resulting in a negative outlook from the dwelling and garden space. It is felt that the painting of the wall will reduce this negative impact and give the works a softer appearance, providing that permission is granted for the resident of No 63 to access the land of No 61. The outbuilding is in breach of permitted development rights (what could be done without planning permission) by 0.13m only which is felt to not be such a significant increase in height as to cause a severe visual impact. Therefore this breach is not sufficient to warrant grounds for refusal as the additional level of harm caused by the 0.13m height is not considered to contribute to a substantial additional amount of harm than what could be carried out without planning permission.

7.6 The boundary wall however does breach permitted development rights criteria and varies in height from 2m to 2.3m which is considered to be a significant difference from the permitted height of 2m and as a result it is felt that the development causes a negative outlook for the neighbouring residents at No 61 Eagle Avenue. As a solution to this and in order to reduce the dominance of the wall it will be painted in a cream finish to soften the appearance and reduced in height by 22cm by removing the top layer of blockwork from the wall on both sides of the boundary wall from the rear of the house up to where the outbuilding starts. It is felt that this a reasonable solution to reduce the impact on the neighbours at No 61 whilst affording the privacy required at No 63. This will be conditioned with the height reduction to be carried out within 1

month of the determination date and should as a result, reduce the impact caused significantly enough to be considered acceptable.

- 7.7 Concern has been raised in relation to the loss of garden land, however the development is considered to retain acceptable external amenity space for No 63.
- 7.8 The neighbouring dwelling to the west is set adequately away from the proposed development by a footpath and is therefore felt to remain unaffected by the development.

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 subject to conditions with the decision to ensure that the outbuilding and boundary wall are finished with a cream paint and the boundary wall is reduced in height by 22cm within one month of this decision and retained as such thereafter. Therefore as a result the development is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/16/01230 subject to the following conditions:-

- 1 The external materials used for both the boundary wall and out-building shall be finished in a cream paint which shall match in type, colour and texture, those of the existing internal north-east boundary wall so far as practicable. This shall be carried out within one month of the date of this decision and shall be retained as such thereafter.

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 Both boundary walls commencing from the rear of No 63 up to the outbuilding shall be reduced in height by 22cm which is the height of one of the blocks that has been used in the development. This reduction shall be carried out on both sides of the boundary curtilage and shall be completed within one month of the date of this decision and retained as such thereafter.

The resultant height measurements shall not exceed:

Northern-east boundary adjacent to house- 1.98m

Northern-east boundary adjacent to outbuilding- 2.03m

South-west boundary adjacent to house- 1.78m

South-west boundary adjacent to outbuilding- 2.15m

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

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

Ordnance Survey Plan Serial Number: 103383 received 28.11.2016
Block Plan with Proposed Development Plan Serial Number: 103384 received 28.11.2016
Photographs of:
North Elevation- Received 28.11.2016
North Elevation- Received 28.11.2016
South Elevation- Received 28.11.2016
East Elevation- Received 28.11.2016
West Elevation- Received 28.11.2016
Confirmation of curtilage details and finish of development received via email 17.01.2017

Reason: - To ensure provision of a satisfactory development.