

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

Crime Prevention -Minor Apps

No comments received

Environmental Health Manager, Community Group

No comments received

Housing Manager (Development)

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
no objections to the summerhouse being used as annexe accommodation. The summerhouse is not obtrusive in any way and has been well constructed and maintained.	noted
Support children looking after elderly parents.	noted

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) Impact upon the character and appearance of the area

- (iii) Impact upon residential amenity
- (iv) Parking

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

The development provides accommodation for the elderly parent of the applicant, and would provide ancillary accommodation, and as such accords with the provisions of CS9 in respect to development for the elderly.

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

The building lies to the rear of the existing mid terrace house and is not visible from Victoria Road, and therefore would not impact the street scene. This part of Victoria Road is characterised by frontage development, and the proposal introduces a relatively large building providing primary accommodation in a backland location, however, the building is of a size that can be erected under permitted development if the use is for incidental purposes, and it is only owing to its use as primary accommodation that planning permission is required. In this context the structure whilst occupying much of the width of the garden is not considered to result in significant detriment to the character to the area.

(iii) Impact upon residential amenity

The main impact relates to the adjacent dwellings at Nos 135 and 139. The cabin which is sited in the region of 14 to 16m from the main dwelling, occupies much of the width of the site and as such has a very close relationship with the adjacent dwellings. Additionally window to window distances would be below the 20m distance set out in the Borough Design Guide to maintain an adequate level of privacy between habitable rooms. Anyone occupying or visiting the cabin would need to access the rear garden, and the associated movement, beyond and above the usual garden use could have an adverse impact on the amenities of the neighbouring properties, as could any lighting of the cabin.

In respect to the adequacy of the accommodation this is relatively modest with a combined living/bedroom/kitchen however, the presence of such facilities within the cabin will reduce some of the movement between the main house and the cabin, but, as ancillary accommodation which can only be accessed from the rear garden of the existing dwelling, there will be a level of movement between the 2 and as set out above this has the potential to result in nuisance to neighbouring properties. It is therefore considered that the proposal would result in an unacceptable loss of amenity to the neighbouring properties from activities associated with the use of the cabin as primary accommodation, and as such is contrary to the provisions of Policy CS16 and DM10 of the HBLP (Core Strategy).

(iv) Parking

The front garden is hardsurfaced to provide 2 parking spaces. Whilst the proposal does not provide for additional parking, this is a sustainable location and as such a reduced level of parking is considered acceptable.

8 Conclusion

The scale, siting and design of the proposal would have an unacceptably detrimental impact on the amenities of the neighbours and refusal is recommended. As the application is retrospective in order to regularise the matter the use of ancillary accommodation should cease and those services such as a kitchen and bathroom facilities should be removed. Referral to enforcement is therefore recommended.

If the application had been acceptable in all other respects, the scheme would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 1st August 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/17/00718 for the following reason

- 1 Having regard to the plot size of the application site, its relationship to adjacent residential properties and the nature of the development applied for, it is not considered that the summerhouse is appropriate for primary living accommodation as it is likely to have an adverse impact on adjoining residents. Furthermore, an approval for the proposal will create an undesirable precedent which would make it difficult to refuse similar further applications. The development is therefore contrary to policies CS16 and DM10 of the Havant Borough Core Strategy 2011, and the National Planning Policy Framework 2012.