
Site Address:	13 Langstone Road, Havant, PO9 1RA		
Proposal:	Construction of outbuilding within rear garden (part-retrospective) (amended scheme to APP/18/01203)		
Application Type:	Retrospective Planning Permission		
Application No:	APP/22/00114	Expiry Date:	20/04/2022
Applicant:	Mr Graham		
Agent:	Mr Nunn	Case Officer:	Gary Christie
	VRR Design		
Ward:	St Faiths		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

- 1.1 This application relates to a large, detached dwelling located to the eastern side of Langstone Road between its junctions with Woodbury Avenue and Southbrook Road. The dwelling is set back from the highway by a large front driveway and benefits from a substantial verdant rear garden that wraps around the southern elevation.
- 1.2 The property is separated from its neighbour to the north, No11a Langstone Road, by a driveway also leading into the rear garden. This space previously incorporated a single-storey pitched roof garage sited adjacent to the shared boundary and with its eastern building line finishing flush with the rear elevation of No11a. This garage has recently been demolished to make way for development approved under planning permission APP/18/01203.
- 1.3 No.11a Langstone Road is also a large, detached dwelling set back further within its plot than the application dwelling, and sited approximately 1.1m from its southern shared boundary. A large covered pergola type structure has recently been constructed approximately 1.8m from its rear elevation adjacent to the shared boundary with the application site.
- 1.4 To the south, development is nearing completion on a larger block of apartments replacing a previous detached dwellinghouse at the site. To the east, the application dwelling is well separated from and screened by large mature trees from properties on Southbrook Close. A number of trees to the rear of No.11a and the site to the south are protected by tree preservation order.

2 Planning History

APP/18/01203 - Two storey side extension to south elevation to provide additional bedroom at first floor level and lounge and office on ground floor level. Demolition of existing garage and erection of replacement coach house. , PERM,23/01/2019

APP/19/00410 - Pollard 1No Lime by 5 metres to previous pollard point. Tree subject to TPO 2081., PERM,13/06/2019

3 Proposal

- 3.1 Planning permission is sought for the construction of an outbuilding to the rear of the main dwelling adjacent to the shared boundary with No11a Langstone Road. This is an amended proposal to that previously approved by planning permission APP/18/01203 which also granted planning permission for the construction of a two-storey extension to the southern side of the main dwelling.
- 3.2 As part of the implementation of planning permission APP/18/01203, the existing single-storey garage at the site was demolished and the foundations for the garage were dug and concrete poured. However, it became apparent that the foundations had not been formed in the correct location and any resultant building relying on these foundations would be positioned significantly further to the east than the outbuilding approved by APP/18/01203. Work ceased on the outbuilding and at the time of a final site visit on 5 October 2022, no further works had taken place.
- 3.3 As submitted, the description of development for this application described the proposal as: 'Re-position previously approved coach house building 2m further into garden. (Retrospective)'. However, at the time of the initial site visit on 7 March 2022, it was apparent that there were a number of errors on the submitted drawings and the description of development was incorrect. An amended description of development was agreed and re-consulted on along with amended drawings. The revised description of development was as follows: 'Construction of outbuilding within rear garden sited 3.7m further east than that approved by planning permission APP/18/01203 (retrospective)'. The development as proposed at the time of this second consultation was still relying on the foundations already formed at the site.
- 3.4 Following concerns raised by the Local Planning Authority, the proposal has been amended pulling the proposed outbuilding further to the west so that it would only rely on part of the foundations already formed. The description has also been amended again, removing all reference to a distance relative to the main dwelling and the outbuilding previously approved due to issues identified with the originally approved drawings. This matter is addressed in further detail below.
- 3.5 The description of development now refers solely to the construction of an outbuilding within the rear garden. The submitted drawings still show a side extension as proposed and approved by APP/18/01203. However, this does not form part of the development under consideration and an informative to this effected is proposed.
- 3.6 Extant planning permission APP/18/01203 will be a material consideration of this application.

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)

CS17 (Concentration and Distribution of Development within the Urban Areas)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No objection

Councillor Imogen Payter

No comments received.

Councillor J Branson - St Faiths

No comments received.

Councillor T Pike - St Faith's

No comments received.

Southern Gas Networks - stage 1

Details of gas infrastructure and guidance provided.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Breach of 45 Degree Rule: The “previously approved” planning was granted under App/18/01203 dated 23rd January 2019 and was on the very limit of the 45 Degree rule and therefore in exact compliance. The current proposal, is in breach of the 45 Degree rule, by approximately 3.6m. This represents a breach by 40% of the total length of the coach. This consequently brings in to view a much larger area of the northern elevation from both the east facing lounge and 1st floor main bedroom windows and both the south facing dining room and kitchen windows of No. 11a, inter alia, as detailed below. Exacerbated Loss of Light and overbearing Impact and overshadowing: The “previously approved” planning was granted under App/18/01203 dated 23rd January 2019. Appendix ‘A’, Officer Reports document dated 23rd January 2019 issued by Karen Wooden section 7 - Planning Considerations, item 7.7 specifically refers to the garage / coach house. Page 3, Lines 7 and 8 highlighted in green, states “The separation gap between the new garage and No. 11a will be approximately 2m” and page 3, lines 8, 9, 10 and 11 highlighted in pink, also states “The boundary treatment between No’s 11a and 13 is fencing and mature natural screening and it is therefore not considered that the garage would cause a significant loss of light or have any overbearing impact on the occupiers of this neighbouring property”. The current proposal, as now shown and using the scale on the drawing, actually proposes repositioning the coach house some 3m or so (not 2m as stated in the Application) eastwards further into the garden of No 13. and consequently a further 3m within the sight line of No. 11a. This would therefore significantly increase the loss of light and overbearing impact to No. 11a. The loss of light and overbearing impact to No. 11a has, in fact, since been significantly exacerbated by removal of the same “mature natural screening” within No. 13 referred to within the Officers Reports document dated 23rd January 2019.	Addressed in Section 7 below.

This high level mature natural screening was always maintained at around 6m high and was in part, first removed by No 13. in the Spring of 2019 to the extent of the eastern elevation of the previously approved new coach house. The high level mature natural screening as of the Autumn 2021 was completely removed beyond the eastern elevation of the proposed re-positioned coach house. As of now there is no longer any high level mature natural screening between No. 11a and No. 13 from the rear of No. 11a to approximately 10m to the east.

In summary, this Application seriously further impacts the loss of light and would now be especially overbearing since the construction of the north elevation measures overall 8.8m wide by 6.6m high, all of which is now proposed to be built from a starting point from the south east corner of the rear elevation of No. 11a.

Appendix 'B' & Appendix 'C' respectively illustrate on plan the previous area of the northern elevation of the coach house visible from No. 11A dining room and the proposed area of the northern elevation of the coach house visible from No. 11A dining room as marked in red. For this reason, we strongly object to this Application.

Overlooking resulting in loss of privacy, loss of enjoyment, overshadowing and negative amenity:

By repositioning the coach house 3m east, this would provide an approximate 3m wide open gap between the south east corner of No. 11a and the north west corner of the coach house, giving a view into the back garden of No. 11a immediately adjacent to the rear of the house / patio and also into

No. 11a's south facing low level dining room window. Similarly, the same approximate 3m wide open gap will provide a view into the back garden of No. 13 immediately adjacent to the rear of the house and whole of the rear of the house and all its windows. We would again refer to the previous planning granted under App/18/01203 dated 23rd January 2019, Appendix 'A', Officer Reports document dated 23rd January 2019 issued by Karen Wooden section 7 -

Planning Considerations, item 7.7 specifically refers to the garage / coach house. Page 3, Lines 5, 6 and 7 highlighted in orange, which states “The submitted plans show no windows or other openings are to be inserted into the northern elevation and therefore will not result in any overlooking or loss of privacy to 11a” Therefore, the proposed re-positioning and falls foul of that consideration. Appendix ‘B’ & Appendix ‘C’ respectively illustrate on plan the previous no gap / view and the proposed extent of the gap / view as marked in green and the south facing widows marked in black on both appendices. For this reason, we would also strongly object to this Application. Exacerbated potential for noise nuisance: By repositioning the coach 3m further east, this will consequently bring the audible activities of any works / actions being carried out within the garage / coach house 3m closer to the patio seating area of No. 11a. This issue has also been further exacerbated by the removal of the mature natural screening and far beyond the eastern extent of the coach house footprint, as also referred in Reason 1 above.	
Additional Comments We have looked at the revised plans and proposed relocation, there really is nothing further for us to add to update them. Therefore, having previously provided detailed representation on 18th March 2022, we will rely upon HBC Planning Services Department to fully consider these concerns and proposed conditions whilst deciding upon this retrospective / amended application, as confirmed in HBC letter dated 21st July 2022, stating "If you have already made a representation and do not wish to update them, these will be considered in determining the application".	Addressed in Section 7 below.
Additional comments From day one after the removal of the natural screening, the potential overbearing impact of hard building brick and tile elevations was a concern.	Addressed in Section 7 below.

Bearing in mind the current proposal is an amended planning application, which has an increased adverse impact upon our property, I believe it is not unreasonable for HBC Planning Services Department to impose planning consent restrictions and conditions that endeavour to mitigate and protect our property from the resultant increased adverse impact.

We would again reiterate the suggested restrictions and conditions listed on page 3 of our letter of representation dated 18th March 2022 for HBC consideration when making their decision.

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 Trees

(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 The proposed outbuilding/coach house would be sited to north-east of the main dwelling adjacent to the shared boundary with No.11a Langstone Road. The building would have a footprint of approximately 8.6m by 5.1m and would be topped with a dual-pitched roof measuring 4m at the eaves and 6.7m at the ridge forming gables to the east and west facing elevations. The building would be constructed in materials to match the main dwelling at the site and would comprise a garage/workshop and a toilet at ground floor with a further floor of accommodation within the roof space described as a store/games room. Large garage doors would be located on the western elevation opening into the driveway with smaller windows and doors to the south and east facing elevations only. Four rooflights would be inserted to the south facing roof slope.

7.4 The proposed outbuilding is identical to that previously considered and approved, albeit sited slightly further to the east. In previously considering the design and visual impact of the outbuilding as part of APP/18/01203, that also proposed a side extension to the main house, the case officer stated: 'The proposals will be visible from the public domain, however the current streetscene is diverse, with the immediate neighbouring properties being larger than the application site and of a differing design. Furthermore, the design of both the side extension and the garage are considered to be acceptable and sympathetic to the main dwellinghouse'.

- 7.5 Subsequent to the previous grant of planning permission in 2019, the adjoining site to the south has been developed to form a larger block of apartments, and a large covered pergola type structure has been constructed to the rear of No.11a to the north. It also appears that a number of trees and shrubs have been removed from the rear garden of the application site along the boundary with No.11a.
- 7.6 In terms of relationship with the recipient building, the wider streetscene and the neighbouring site to the south, it is considered that the proposed outbuilding remains of an acceptable scale and design and would not detract from the wider character of the area. It is noted that a similar coach house is located to the rear of No.19 Langstone Road just to the south.
- 7.7 In terms of physical appearance, the relationship of the outbuilding with No.11a has not changed and remains acceptable. However, as a result of its siting further to the east, and the loss of the boundary trees and shrubs that would have softened the overall scale of the outbuilding as originally approved, the outbuilding has a more unneighbourly relationship with No.11a. Whilst this relationship is less desirable than that previously approved, for the reasons set out below in considering impact on amenity, it is considered that, on balance, the proposed outbuilding would have an acceptable relationship with No.11a.
- 7.8 Therefore, the design and appearance of the proposal is deemed acceptable meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Effect on neighbouring properties

- 7.9 In considering the impact of the outbuilding on the occupiers of No.11a as part of APP/18/01203, the case officers' report made the following observations: 'The separation gap between the new garage and No.11a will be approximately 2m. The boundary treatment between No's 11a and 13 is fencing and mature natural screening and it is therefore not considered that the garage would cause a significant loss of light or have any overbearing impact on the occupiers of this neighbouring property'.
- 7.10 Having reviewed the previously approved drawings on site with the applicant, it was agreed that the drawings included a number of discrepancies which were a result of inaccurate Ordnance Survey data and on-site survey work. The effect is that the previously approved drawings are not precise, and the exact position of the approved outbuilding relative to the main dwelling and No.11a could not be established as scaled measurements did not match measurements taken on site. Notwithstanding these inaccuracies, it is clear that the foundations currently in situ extend significantly further to the east than approved.
- 7.11 The LPA is now satisfied that the amended drawings accurately show the position of the as built foundations in relation to the shared boundary and No.11a itself. A 'Setting Out Plan' has also been provided showing the position of the now proposed outbuilding providing annotated measurements from known fixed points including the site boundary, the recipient dwelling and the south-east corner of No.11a. This drawing also shows what is believed to be the best endeavours to plot the outbuilding as approved.

- 7.12 Whilst the proposed outbuilding appears to be sited closer to the shared boundary than previously approved, the distance between the outbuilding and the corner of No.11a remains at approximately 2.2m. It is the view of the LPA that given the discrepancies in the approved drawings, it could not conclude with any degree of certainty that the northernmost foundation has been built in the wrong location or that its proximity to the adjoining property is closer than previously considered and approved.
- 7.13 Now that the accuracy of the drawings has been confirmed and correctly shows the position of the approved and proposed outbuildings, the determining matter is effectively whether an outbuilding projecting approximately 1m further to the east along the shared boundary, approximately 6m in total from the rear elevation of No.11a, would result in any significant loss of amenity to its occupiers. The applicant has also provided details of rainwater good and soil vent pipes to limit visual clutter to the north facing elevation, and has agreed to explore opportunities to re-instate some boundary planting to assist in softening the flank elevation of the outbuilding.
- 7.14 The proposed outbuilding is large and its presence would be exacerbated by its position to the south of No.11a and projection 1m further to the east than that approved. The removal of the mature natural screening in the form of trees and shrubs along the shared boundary that the case officer placed weight on when considering APP/18/01203 will also increase the visual presence of the structure.
- 7.15 However, it is noted that no planning conditions were imposed requiring the retention of the boundary screening to mitigate the impact of the outbuilding. In addition, a large pergola type structure has been constructed to the rear of No.11a which covers a patio seating area. Whilst this structure is set away from the rear ground floor patio doors of No.11a, it was noted at the time of the site visit that the area below the structure was shaded and views out to the south of it were restricted by the boundary fence, the eaves of the roof and new planting on No.11a's side that was starting to extend above the fence line.
- 7.16 At first floor level No.11a incorporates a Juliet balcony with wide patio doors affording views east down the rear garden and across the application site to the south. Certainly, light and outlook from patio doors at both ground and first floor level would be affected by the presence of the outbuilding, although it must be noted that much of this harm would be as a result of the first 5m of the outbuilding as previously approved by APP/18/01203.
- 7.17 In terms of impacts on the rear facing windows of No.11a, it is considered that whilst the outbuilding would project further to the east, the additional 1m would not result in any significant additional impacts on these windows beyond that of the outbuilding approved by APP/18/01203. Both sets of windows would still benefit from a good degree of natural light and views out across a spacious rear garden.
- 7.18 The greater projection of the outbuilding along the boundary would be more perceptible within the rear garden, particularly with the removal of the boundary landscaping at the application site. The additional impact would however, be mitigated in part by the presence of the large pergola structure at No.11a which casts its own shadow and limits views southwards in a part of the garden that would be most affected by the outbuilding.

- 7.19 Placing significant weight on the previous planning permission at the application site and the presence of the adjacent pergola, it is not considered that any additional harm that would occur from the proposal would be sufficient to sustain a reason for refusal on amenity grounds. It can therefore, be concluded that, on balance, the proposed outbuilding would not be unneighbourly or result in any significant adverse impact on the occupiers of No.11a in terms of loss of light, outlook, increased sense of enclosure or overbearing impact.
- 7.20 In reaching this conclusion regard has been made to the Borough Design Guide Supplementary Planning Document, particularly guidance in respect calculating loss of light and outlook through what is commonly known as the '45-degree rule'. It must be noted however, that this is guidance and weight afforded will be assessed on a case-by-case basis. In this particular instance, it is accepted that there would be some intersecting of the 45-degree angle from the centre of the ground and first floor windows, and in a vertical plane in respect of the rear garden. However, as detailed above, weight has also been placed on the previous permission at the site, the outlook afforded to occupiers of No.11a by a large verdant rear garden, and the presence of the large pergola. As such the partial breach of the '45-degree' rule is not in itself amount to a reason for refusal.
- 7.21 Planning conditions are proposed limiting the installation of any windows or further external flues, vents, soil pipes etc. to the north elevation and roof slope, and seeking the submission, approval and implementation of landscape screening to the north elevation. A condition is also proposed restricting the use of the outbuilding to purposes incidental to the occupation and enjoyment of No.13 Langstone Road.
- 7.22 It is noted that representations received also refer to a potential loss of privacy resulting from a gap created by the re-siting allowing views of the rear garden at No.11a from 1st floor windows of the main dwelling at No.13. However, as a result of the amended drawings limiting how far the outbuilding would move to the east, it is considered that this gap would not be created. It is not considered that the re-siting of the outbuilding by such a small margin would significantly increase opportunities for noise and disturbance to occur from that previously considered and approved.
- 7.23 Separation distances and boundary treatments around the site are sufficient to prevent any significant adverse impacts on the amenity of occupiers to the south and east. Whilst rooflights would be installed to the south facing roof slope, these would be sufficiently distanced from the southern boundary to prevent any significant overlooking or privacy concerns.

(iv) Impact on Trees

- 7.24 There are protected trees within the neighbouring properties. However, these are considered to be sufficiently distanced from the proposed development to prevent any harm occurring. No objections are raised by the Council's Arboricultural Officer.

8 **Conclusion**

- 8.1 Whilst the proposed outbuilding will have an impact on the occupiers of the neighbouring property to the north, placing significant weight on the previous permission at the site and the presence of the adjacent pergola, it is not considered that any additional harm that would occur from the proposal would be sufficient to sustain a reason for refusal on amenity grounds. Planning conditions are proposed to limit further impacts on the neighbouring occupiers and soften the structure through the use of landscaping. Overall it is considered that the proposed outbuilding is, on balance, acceptable in both design and amenity terms meeting the requirements of Policy CS16 of the HBLP (Core Strategy).
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/22/00114 subject to the following conditions:

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

1005-PD100 - (Site Location Plan);
1005-PD103 Rev-E - (Proposed Plans & Elevations) - In respect of the proposed outbuilding only;
1005-PD104 Rev-B - (Proposed Site Setting Out Plan).

Reason: To ensure provision of a satisfactory development.

- 2 The revised siting of the proposed outbuilding hereby approved shall be carried out in full accordance with the approved 'Site Setting Out Plan 1005-PD104A'.

Reason: To ensure the outbuilding is accurately sited in relation to known fixed points having regard to the specific judgement the Local Planning Authority has made in respect of impact on the amenity of neighbouring occupiers at No.11a Langstone Road in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The external materials used in the construction of the external surfaces of the outbuilding hereby approved shall be as set out within the application documents and matching, in type, colour and texture, those of the main dwellinghouse at the site so far as practicable.

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 Before the outbuilding hereby permitted is first occupied/brought into use, a detailed soft landscaping scheme for the area of land between the outbuilding and the boundary with No.11a Langstone Road shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify the distribution and species of planting within this area along with details of implementation timings and ongoing maintenance, with the aim of visually softening the northern elevation of the outbuilding. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To help reduce the visual impact of the development on the occupiers of the neighbouring property in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, no additional windows, doors or other openings shall be installed within the north facing elevation or roof slope of the outbuilding hereby permitted without the prior written approval of the Local Planning Authority.

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

- 6 The outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse known as 13 Langstone Road and shall not be used for any business, commercial or industrial purposes whatsoever or as a separate unit of residential accommodation.

Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.