
Site Address:	36 Oaktree Drive, Emsworth, PO10 7UJ		
Proposal:	Application for rear canopy and additional external garage/store (Amended description)		
Application Type:	Full Planning Permission		
Application No:	APP/22/00580	Expiry Date:	05/09/2022
Applicant:	Mr & Mrs Carr		
Agent:	Mr Bessant	Case Officer:	Lewis Ford
	JB Architecture Design Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is 36 Oaktree Drive, Emsworth, PO10 7UJ.

The site is located in Residential Character Area 1 (North of Southleigh Road) in the Emsworth Neighbourhood Plan. The majority of properties within this character area include small detached and terraced houses and bungalows from post-1960, with older and larger properties found along Hollybank and Long Copse Lanes.

The site is part of a modern residential development of 48no. dwellings which was granted Planning Permission (ref. 09/72129/002) in, and built out after, February 2011. As part of the Planning Permission, the site was Plot 12 and all properties had their permitted development rights (PDR) removed in relation to Classes A, D and E under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, also known as the GPDO – please see Condition No.10. For the avoidance of doubt, Classes A, D and E relate to household extensions, porches, and outbuildings respectively. The reason for the imposition of Condition No.10 was to ensure that the appearance of the development was satisfactory and had regard to relevant design policies.

The site, itself, includes a two-storey detached dwellinghouse comprising cream rendered walls, UPVC windows and doors, and an open porch. The dwellinghouse is in a prominent position within the streetscene as it is located at the head of a private cul-de-sac. The detached garage and parking area is located to the east of the dwellinghouse. Given the land sloping up to the north-east, there is a marked level difference which has resulted in retaining timbers below the close boarded fencing area around the garage and parking area.

2 Planning History

09/72129/002 – PERMISSION in February 2011 for demolition of 2no. dwellings and erection of 48no. dwellings with associated garages and parking with access from Oak Tree Drive.

APP/13/00165 – PERMISSION in May 2013 for discharge of Condition Nos 7, 13, 15, and 29 of Planning Permission ref 09/72129/002.

APP/13/00270 – PERMISSION in May 2013 for discharge of Condition No. 22 of Planning Permission ref 09/72129/002.

APP/13/00329 – PERMISSION in July 2013 for discharge of Condition Nos 3, 19, and 27 of Planning Permission ref 09/72129/002.

APP/13/00387 – PERMISSION in June 2013 for discharge of Condition Nos 2, 4, 5, 6, 14, 24 and 26 of Planning Permission ref 09/72129/002.

APP/14/00337 – PERMISSION in July 2014 for variation of Condition Nos 24 and 29 of Planning Permission ref 09/72129/002 relating to routing for construction traffic and emergency access.

APP/14/01285 – PERMISSION in Jan 2015 for variation of Condition No.1 of Planning Permission ref APP/14/00337 to extend timescale from 31 December to 31 March 2015.

APP/16/00722 – REFUSAL in Nov 2016 for the retention of play equipment at 36 Oaktree Drive.

APP/16/01251 – PERMISSION in Jan 2017 for the retention of play equipment at 36 Oaktree Drive (Revised application)

APP/17/01278 – PERMISSION in Jan 2018 for single storey rear extension at 36 Oaktree Drive.

3 Proposal

Application for rear canopy and additional external garage/store (Amended description).

Please note, the proposed development originally included a proposed front extension to create a larger enclosed porch. However, following neighbour objections and the case officer's site visit, concerns were raised with the Agent and the proposed front extension was removed from this planning 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)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1 (General Design Policy)

ENP_D2 (Height, Mass & Materials)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor J Thain-Smith - Emsworth

No comments received.

Councillor L Bowerman - Emsworth

No comments received.

Councillor R Kennett - Emsworth

No comments received.

County Ecologist

Thank you for consulting me on this planning application which is not accompanied by any detailed ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and recent GIS mapping.

Whilst immediately to the north of the site is extensive areas of woodland which have been designed as a Site of Importance for Nature Conservation (SINC), which increases the likelihood of bats being present within the dwelling and affected by the proposals, I notice that the works will only affect small areas of the lower storey of the dwelling, with no impact to the main roof tiles, loft void, soffits, etc. The proposed garage also appears to be proposed on an area of existing hardstanding. Therefore, I have no major concerns in relation to this application and recommend that the below informative is added to the decision notice, if you were minded to grant permission:

Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g., droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Furthermore, due to the presence of a non-statutory designated site immediately to the north of the site, I recommend that the current good practice industry guidelines are adhered to, to ensure no adverse indirect impacts on the adjacent SINC.

Officer comment: *The above has been included as an Informative as requested.*

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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
The addition of the porch to the front of such a prominent building does not confirm to the Borough Design Guide which states that porches should not be enclosed. The proposed porch will detract from the appearance of the front of the original building by overwhelming it. The addition of the porch negatively impacts on the open character of the area at the top of the cul-de-sac. The current proposals, added to the extension which was permitted in 2017, increase the scale and mass of the building to an unacceptable level so that it threatens to dominate neighbouring properties.	The Council agrees that the proposed porch would dominate the principal elevation of the dwelling and, therefore, would visually detract / overwhelm the appearance of the dwelling in relation to the streetscene. The above was discussed with the Agent and the proposed porch has now been removed from this planning application. The assessment and consideration of the proposed rear canopy and additional external garage/storey has been considered further below - see Section 7.
Planning permission was granted for a considerable rear extension and side extension to the western side of the property through planning application ref. APP/17/01278 and this was subsequently built. In my view, the current application which comprises an additional extension to the western side, a new enclosed car port and a substantial front porch, together with the extension permitted via the 2017 planning consent, constitutes overdevelopment of the site in relation to the original footprint of the building. This is reinforced by the fact that the incorrect location plan suggests that the property occupies larger area than it actually does. This proposal will appear overbearing in relation to the extend of the site, too my property, and the whole of the cul-de-sac area of the	The location plan has been updated to show the correct extent of land ownership. The Council agrees that the proposed porch would dominate the principal elevation of the dwelling and, therefore, would visually detract / overwhelm the appearance of the dwelling in relation to the streetscene. The above was discussed with the Agent and the proposed porch has now been removed from this planning application. The assessment and consideration of the proposed rear canopy and additional external garage/storey has been considered further below - see Section 7.

Oaktree Drive site. I raised no objection to the 2017 application as the impact on my property was negligible, but I do object to the present application. Further to my telephone call this afternoon concerning this application, would you please note my comments on this application. The location plan is incorrect; the land running alongside the eastern side of No.36 is in fact communal land. The architect should refer to the Land Registry plan. I am particularly concerned about the addition of a front porch which is displayed as being of render to match the existing render on the walls of the main building. I believe that this was not the original intention of the owners and, following my discussion with them, it is their intention to revert to their architect. However, whatever materials are used, I would object to the addition of this porch which would create an unacceptable block which would be overbearing and would reduce the natural light quite considerably. No.36 occupies a significant position at the top of Oaktree Drive, and I would consider that the addition of an enclosed porch to the front of the property, will detract from the open character of this part of this recent development.	
As in their previous application, there was no discussion of consultation with the affected neighbours. When the last extension was built, they promised to supply 6no. roses to help conceal the big blank wall - these were not provided. Their last builder attempted to build on our land. It's not a garage as is there is no vehicular access. The external store plus their extension will blank our view of the wood and feel claustrophobic. There is a very large Oak tree directly adjacent and above the external store.	The planning application has been publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications (see above), and all immediate neighbours have been written to informing them of the statutory public consultation of this planning application. The location plan has been updated to show the correct extent of land ownership. As for the "promised" 6no. roses and removal or replacement of existing fence panels, these are civil matters between the Applicant and their neighbours.

Our fence immediately adjacent to the rear of the store was damaged by the builder who did the last extension and the constant playing football by the family has further weakened the fence. To build the store, the builder will want to remove our fence and previous experience of this, if the application is granted, is that the fence should be replaced by a new fence. The porch at the front and canopy will be unsightly and further restrict turning circles and vehicular access. If the rear canopy was built next to the garage, it would save money as one wall would be shared with the garage and this location would hire the canopy and create fewer problem.	The Council agrees that the proposed porch would dominate the principal elevation of the dwelling and, therefore, would visually detract / overwhelm the appearance of the dwelling in relation to the streetscene. The above was discussed with the Agent and the proposed porch has now been removed from this planning application. The amended description acknowledges that the addition to the existing garage would be a “garage/store”. The assessment and consideration of the proposed rear canopy and additional external garage/storey has been considered further below – see Section 7.
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This planning application was originally consulted on between 22 July and 15 August 2022. During this time, 3no. neighbour objections were received, and these have been summarised as follows:

- The Location / Red Line Plan is incorrect.
- There is uncertainty over materials (application form vs neighbour discussions).
- The existing and proposed developments would constitute overdevelopment.
- The proposed development would block neighbours’ views and amenity.
- The proposed porch would restrict turning circles and vehicular access.
- The proposed porch would overwhelm and visually detract from the streetscene

The Council agrees that the proposed porch would dominate the principal elevation of the dwelling and, therefore, would visually detract / overwhelm the appearance of the dwelling in relation to the streetscene. The above was discussed with the Agent and the proposed porch has now been removed from this planning application. The submission of an amended location plan, and the removal of the proposed porch, triggered a subsequent re-consultation of the amended plans between 23 and 30 September 2022; however, this was later extended to 10 October 2022 due to postal strikes and technical issues with the Council's website w/c Monday 26 September 2022. No further comments were received during the re-consultation

7 Planning Considerations

7.1 In having due regard to the policies in the development plan, it is considered that the main issues arising from this application are:

- (i) Principle of Development
- (ii) Impact on Character of the Area & Appropriateness of Design
- (iii) Impact on Neighbouring Properties
- (iv) Impact on the Local Ecological Network (LEN)
- (v) Parking

(i) Principle of Development

- 7.2 The application site is located within the defined urban area as set out in Policies CS17 and AL2. As such, development is considered acceptable in principle subject to development management criteria.

(ii) Impact on Character of the Area & Appropriateness of Design

- 7.3 The proposed development would comprise the construction of:

- 1no. rear canopy; and
- 1no. external garage/store.

- 7.4 The **proposed canopy** would have a hipped roof and would be attached to, and extend by approximately 4.65m from, the existing single storey rear extension approved under Planning Permission ref. APP/17/01278. The proposed canopy would follow the roof angle / slope of the existing rear extension and so would have an eaves height and maximum height of approximately 2.4m and 3.1m respectively. Finally, the proposed canopy would include 2no. oak posts and roof tiles to match the existing single storey rear extension.

- 7.5 The **proposed external garage/store** would be attached to, and include an internal door with, the northern side elevation of the existing garage. The proposed store would comprise a depth, width, eaves height, and height of approximately 3.45m, 3.25m, 2.8m, and 4.05m respectively. The proposed store would broadly follow the front elevation, eaves height and roof angle/slope of the existing garage, but would be approximately 0.9m lower in height compared to the existing garage. In addition to the above, due to the staggered nature of the property boundary, the proposal would also include a flat roofed rear addition for a bin store – this would not be visible from the streetscene nor neighbouring properties, and would comprise a depth, width, and height of approximately 0.75m, 1.4m, and 2.2m respectively. Finally, the proposed external garage/store would include roof tiles to match the existing garage, along with timber weatherboard cladding and a timber garage door. The Agent confirmed via email on 12 October 2022 that the proposed cladding would comprise smooth timber cladding with a natural wood stain finish.

- 7.6 The Havant Borough Design Guide SPD explains that householder developments should be smaller, subservient, sympathetic, and modest in mass and height compared to the main dwellinghouse. In addition, the SPD advises that householder developments should look to the existing dwellinghouse (and its neighbours) as the main reference points for appearance, materials, and detailing. The proposed canopy and store would comprise matching roof tiles to, and would follow the existing roof angles and slopes of, the existing rear extension and garage respectively. This is supported by the SPD.

- 7.7 In terms of the proposed timber cladding and timber garage door, the Council would prefer to have seen matching materials to that of the existing garage. This was discussed with the Agent who advised that the timber products have been proposed to add interest and variation within the built form of the dwellinghouse, whilst also being seen against the timber boundary fence line. Upon receipt of the amended plans (which removed the previously proposed porch), the Agent explained that the proposed timber cladding would not be inappropriate given the above comments and that the new space would be subservient to the existing garage. Although the Council

would still favour the use of matching materials, it is considered that, in this instance, the proposed timber cladding would not warrant a justified reason for refusal given the subservient nature, adjacent boundary fencing, and location of the proposed store. More specifically to the latter, the proposed store would not be readily visible in the overall streetscene, and would only be seen by a few neighbouring properties within the cul-de-sac.

- 7.8 Moreover, the appearance, design, and mass of the proposed development would not be unacceptable in the context of the application site and its locality. Although the proposed timber cladding on the proposed garage/store is not the preferred choice of external material, it is considered on balance that the proposal would not lead to demonstrable harm given the location of development within the streetscene. Given the above, it is considered that the proposed development would not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011, nor Policy D1 and D2 in the Emsworth Neighbourhood Plan.

(iii) Impact on Neighbouring Properties

- 7.9 The Havant Borough Design Guide SPD explains that householder extensions must not result in any adverse impacts on the amenities of neighbouring properties. Given the scale of development – along with the plot sizes and orientation / relationship of the site with No.15 Aubin Wood (to the east) and No.53 Oak Tree Drive (to the west) – it is considered that the proposed development would not lead to; any overlooking nor loss of privacy above existing levels; nor detrimental impact to neighbouring properties in terms of overshadowing and loss of light. Consequently, it is considered that the proposed development would have a limited and an acceptable impact on the properties immediately adjacent to the application site and, therefore, it would not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Impact on the Local Ecological Network (LEN)

- 7.10 The Southleigh Forest (South) SINC is adjacent to the north of the site. The County Ecologist has been consulted and has raised no major concern in relation to the proposed development. Although it is likely that bats may be present in the adjacent forest, the proposed works would only affect small areas of the lower storey of the dwelling with no impact to the main roof tiles, loft void, and soffits etc. That said, the County Ecologist has recommended an Informative (which has been included on the Decision Notice) in the instance that any evidence of bats being present is found (e.g., droppings, bat carcasses or insect remains etc.).
- 7.11 It is noted that one of the neighbour comments refers to proximity of nearby trees. The trees on the fence line between the site and No.15 Aubin Wood (outside of Southleigh Forest) are unlikely to be impacted by the proposed store given the separation distance and construction on existing hardstanding. Notwithstanding the above, these trees are not of a quality which would warrant protection. As for the trees along the northern rear boundary of the site in Southleigh Forest, these are unlikely to be impacted by the proposed development as; the proposed canopy will only include two wooden support posts, and the proposed store is of a sufficient separation distance – approximately 8m. Due to the above, the Arboriculture Officer has not been consulted in this instance.

(v) Parking

- 7.12 The Havant Borough Parking SPD states that the minimum vehicular parking

requirements for a dwellinghouse with 4no. bedrooms or more is 3no. vehicular parking spaces. The existing garage measures approximately 3m in width and 6m in length (internally) which, as per the recommendations of the Parking SPD, constitutes a vehicular parking space. In addition, a further 2no. vehicles can still be parked within the curtilage / ownership of the dwellinghouse despite the proposed construction of the external store. As such, it is considered that the proposed development would not reduce the ability to park 3no. vehicles within the curtilage / ownership of the site. Notwithstanding the above, the use of the proposed store may potentially help to ensure that the existing garage is used as a vehicular parking space.

8 Conclusion

- 8.1 The scale, siting and design of the proposed development would have a limited and an acceptable impact on the character of the area and neighbouring properties. The proposed development is, therefore, considered to be appropriate and recommended for approval subject to appropriate planning conditions.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00580 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:

Drg No: PL.591.22.01 REV A – Amended Location Plan & Block Plan
(Published 22 September 2022)

Drg No: PL.591.22.02 REV A – Amended Existing & Proposed Ground Floor Plans
(Published 22 September 2022)

Drg No: PL.591.22.03 REV A – Amended Existing Elevations
(Published 22 September 2022)

Drg No: PL.591.22.04 REV A – Amended Proposed Elevations
(Published 22 September 2022)

Drg No: PL.591.22.05 – Existing Garage Plan and Elevations
(Published 24 June 2022)

Drg No: PL.591.22.06 REV A – Amended Proposed Garage Plan & Elevations
(Published 22 September 2022)

Email re Timber Cladding
(Received and Published 12 October 2022)

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the approved plans and documents – Amended Proposed Elevations (Drg No: PL.591.22.04 REV A), Amended Proposed Garage Plan & Elevations (Drg No: PL.591.22.06 REV A), and "Email re Timber Cladding" (received and published 12 October 2022) - or shall match in type, colour, and texture, to those of the existing building 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.