
Site Address:	10 Penfold Way, Havant, PO9 4DF		
Proposal:	Part conversion of garage to habitable accommodation (Retrospective).		
Application Type:	Full Planning Permission		
Application No:	APP/22/00603	Expiry Date:	09/09/2022
Applicant:	Mr & Mrs Simpson		
Agent:	Mr Thompson	Case Officer:	Lewis Ford
	Robinson Escott Planning		
Ward:	Barncroft		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is 10 Penfold Way, Havant, PO9 4DF.

The locality comprises a modern residential estate adjacent to Prospect School and in proximity to Dunsbury Park. The estate exhibits a cohesive character of regular building lines and matching materials, and has a density of approximately 40 dwellings per hectare (dph). The estate was built out under Outline Planning Permission and Reserved Matters Approval references 03/61332/002 and 08/61332/004 respectively (see Section 2 below).

Due to the density of the estate, Condition Nos 11 and 12 of the Reserved Matters Approval (ref. 08/61332/004) removed the estate's permitted development rights (PDR) in relation to Classes, A, B, C, and E of Schedule 2, Part 1 in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This means that any extensions, roof alterations, and outbuildings require formal planning permission. In addition, the original Outline Planning Permission (ref. 03/61332/002) included Planning Condition No.8 which has been replicated as follows:

No dwellings shall be occupied until a car and cycle parking has been provided for that dwelling in accordance with the Council's adopted car and cycle parking standards and in accordance with details approved under the reserved matters. All such car and cycle parking provision shall thereafter be kept available for such purposes at all times.

Reason: In the interests of highway safety and having due regard to Policies D1 and T7 of the Havant Borough District Wide Local Plan 1996-2011.

The site was Unit 131 of Reserved Matters Approval ref. 08/61332/004. The site includes a two-storey, terraced, three-bedroom, dwellinghouse. The dwellinghouse is on the southern side of Penfold Way (a cul-de-sac) and is opposite the junction of Freeley Road. The dwellinghouse comprises traditional brick and tile construction with UPVC windows, along with cream render and brown horizontal cladding boards at first floor. The above external materials follow the approved aesthetic of the estate.

As per the Outline Planning Permission and Reserved Matters Approval, the site is meant to provide 2no. tandem vehicular parking spaces. In line with Condition No.8 (see above), the 2no. parking spaces are meant to comprise both the existing integral garage (which is set back from the main building line) and the existing hardstanding (in the front curtilage of the site).

2 Planning History

03/61332/002 – OUTLINE PERMISSION in November 2007 for 135no. dwellings, public open space, new roundabout, vehicular access onto Woolton Road, emergency vehicular access onto Ramsdale Avenue, and pedestrian/cycle access to Whaddon Court.

08/61332/004 – RESERVED MATTERS APPROVAL in July 2008 for 135no. dwellings, public open space, new roundabout, and vehicular access onto Woolton Road, emergency vehicular access onto Ramsdale Avenue, and pedestrian/cycle access to Whaddon Court.

08/61332/006 – PERMISSION in January 2009 for the variation of Condition No.9 of Planning Permission ref 03/61332/002 to delay construction of play area until occupation of Plots 99-106 and 118-121.

08/61332/008 – APPROVAL to discharge Condition Nos 4 and 13, and REFUSAL to discharge Condition No.13, of Planning Permission ref. 08/61332/004 in January 2009.

APP/12/00153 – WITHDRAWN APPLICATION relating to written approval that the development has been carried out in accordance with approved details relating to Condition No.1 of Planning Permission ref. 08/61332/006 (WITHDRAWN in May 2012).

APP/12/00907 – PERMISSION in November 2012 for the removal of Condition No.16 of Planning Permission ref 08/61332/004 relating to removal of play equipment

3 Proposal

Part conversion of garage to habitable accommodation (Retrospective).

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)
DM13	(Car and Cycle Parking on Residential Development)

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

Not applicable.

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Pamela Crellin - Barncroft

No comments received.

Councillor Yvonne Weeks - Barncroft

No comments received.

Developer Services, Southern Water

Southern Water has no objection to the proposal.

Hampshire Highways

Due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice, please use the following link:

<https://www.hants.gov.uk/transport/developers/consultation>

Southern Gas Network

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: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments received.	

7 Planning Considerations

7.1 The Applicant moved into the property in late 2021 / early 2022 but the part garage conversion was completed over ten years ago on 26 October 2012. The latter has been confirmed via the Building Notice / Certificate of Completion of Works which is dated 30 October 2012. The rear half of the former garage is currently being used as a dining room / playroom, whilst the front half has retained the garage door and is currently being used as a store. The above uses were confirmed during the case officer's site visit on 04 August 2022.

7.2 In having due regard to the relevant 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) Parking

(i) Principle of Development

7.3 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; (1) development management criteria; and (2) compliance with previous planning conditions as appropriate.

7.4 The site is part of an estate of 135no. dwellings which was granted Outline Planning Permission in November 2007 under reference 03/61332/002. The Decision Notice (DN) included Planning Condition No.8 which has been replicated as follows:

No dwellings shall be occupied until a car and cycle parking has been provided for that dwelling in accordance with the Council's adopted car and cycle parking standards and in accordance with details approved under the reserved matters. All such car and cycle parking provision shall thereafter be kept available for such purposes at all times.

Reason: In the interests of highway safety and having due regard to Policies D1 and T7 of the Havant Borough District Wide Local Plan 1996-2011

7.5 As per Condition No.8, the application site is meant to have 2no. tandem vehicular parking spaces which should comprise the integral garage and the existing hardstanding in the front curtilage of the site. The part conversion of the garage for habitable accommodation removes the ability to park 2no. vehicles on site and, as such, constitutes a breach of planning control.

Appeal Decision at 1 Shearer Close

- 7.6 The Agent has submitted a case law example at 1 Shearer Close which is a three-bedroom property on the same modern residential estate as the application site. An application to vary Planning Condition No.8 of Planning Permission ref. 03/61332/002, to allow the garage at 1 Shearer Close to be used for habitable accommodation, was refused by the Council on 17 April 2014 under ref. **APP/14/00191**. The Council's reason for refusal was as follows:

Due to the site's location within a high-density development, having extremely limited on-street parking available, the loss of the parking space provided by the original garage, would leave only 1 space serving this 3-bed house which is contrary to the adopted parking standards. This lack of adequate onsite parking would increase the risk of indiscriminate parking elsewhere in the locality which would interrupt the free flow of traffic causing congestion and to be detrimental to residential amenity through the inconvenience caused to local residents. Furthermore, the proposal would create an undesirable precedent, making it hard to resist similar applications in the future, the cumulative effect of which would exacerbate the congestion and loss of amenity to local residents. The proposal is, therefore, considered to be contrary to Policies DM13 and CS16 of the Havant Borough Local Development Framework Core Strategy 2011 and the Havant Borough Residential Parking and Cycle Provision Supplementary Document 2010.

- 7.7 The Council's decision to refuse planning permission at 1 Shearer Close was appealed to the Planning Inspectorate. The Inspector allowed the appeal on 14 October 2014 under ref. **APP/X1735/A/14/2221758**. The Planning Inspector was not persuaded that the garage conversion would compromise parking within the area, or lead to a detrimental increase in on-street parking. The Inspector concluded that the conversion would not cause harm to highway safety and would not be in conflict with Policy CS16 in that it would not lead to streets which are dominated by vehicular traffic. Moreover, the Inspectorate noted that:
- The number of vehicles, including service vehicles that would park elsewhere as a result of the scheme, is unlikely to be significant.
 - Freeley Road is wide enough to allow cars to pass, and contains free visitor parking spaces.
 - There is no evidence to indicate / suggest that congestion is a particular problem in the area, nor the likelihood of this scheme being repeated.
 - The area has spaces to accommodate any additional parking without resulting in an appreciable increase in on-street parking.
 - Each planning application must be determined on its individual merits, and a generalised concern (i.e., setting a precedent) does not, in this case, justify withholding planning permission.

- 7.8 Although the above appeal decision is acknowledged, the Council must take into consideration that the feel of the estate, and the requirements of different households, in 2014 compared to 2022 will not be the same. Indeed, the appeal decision was made shortly after the estate was first completed, whereas now the estate has been occupied for well over ten years. In light of the above, the Council requested a car parking survey in mid-August 2022. The request was made because any breach of condition / non-accordance with standards must be justified. The requested parking survey was submitted to, and published by, the Council on 14 October 2022.

Section 171B of the Town and Country Planning Act 1990

- 7.9 **Section 171B** of the **Town and Country Planning Act 1990** states that where a breach of planning control comprises the building, engineering, mining, or other operations in, on, over, or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. The Act also explains that in the case of any other breach of planning control which is not captured by the above (excluding demolition), **no enforcement action may be taken after the end of the period of ten years** beginning with the date of the breach. In this instance, the part garage conversion was completed late October 2012. As this is more than ten years ago, no enforcement action can now be taken.

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

- 7.10 The garage conversion has not resulted in any change to the external appearance of the dwellinghouse from the streetscene. Indeed, the garage door has been retained and remains visible from the streetscene. In light of the above, it is considered that the garage conversion is not contrary to Criterion 1 of Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iii) Impact on Neighbouring Properties

- 7.11 The garage conversion has not resulted in any new windows or additional mass to the property. As such, the conversion has not led to any overshadowing, loss of light, overlooking and/or loss of privacy to neighbouring properties. In light of the above, it is considered that the garage conversion is not contrary to Criterion 1(e) of Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Parking

- 7.12 The Havant Borough Parking SPD states that the minimum vehicular parking requirements for a 3no. bedroom dwellinghouse is 2no. vehicular and 2no. bicycle parking spaces. The dwellinghouse originally included an integral garage with a gross internal area (GIA) of approximately 3m in width and 6m in length. The garage dimensions accord with the recommendations in the Parking SPD and, as such, the former garage would have constituted a vehicular parking space.
- 7.13 The part conversion of the garage into habitable accommodation has resulted in the front half of the garage being used for storage. Indeed, the front half of the garage now comprises a depth of approximately 3m and so cannot accommodate vehicular parking. Although the front half of the garage can still accommodate the parking of 2no. bicycles, the site now has a shortfall of 1no. vehicular parking space which is contrary to Policy DM13 in the Havant Borough Local Plan (Core Strategy) 2011.
- 7.14 The Council requested a "Parking Survey" which was received (and published) on 14 October 2022. The survey broadly follows the "Lambeth Council Parking Survey Guidance Note" (Lambeth Council 2009) which explains that local parking capacity is deemed to be "stressed" when on-street parking exceeds 85% capacity. The parking survey was carried out on Wednesday 28 and Thursday 29 September 2022 at 05:15am and 05:10am respectively. The survey shows that Quarely Road and Ramsdale Avenue are "stressed" whilst the immediate surrounding roads to the site (i.e., Freeley Road, Penfold Way, Shearer Close, and Spinner Drive) all appear to have capacity for some additional on-street parking.

Indeed, the site is on Penfold Way which exhibits a 68% on-street parking occupancy. Notwithstanding the above, it was observed during the case officer's site visit on 04 August 2022 (at 11:00am) that although there was evidence of on-street parking (5no. vehicles), there were still 3no. visitor parking bays available for additional vehicular parking on Penfold Way.

- 7.15 Moreover, the loss of a single vehicular parking space at Penfold Way is unlikely to result in a direct highway safety danger to users of the highway or pedestrians. Although the Council has concerns that a precedent would be set and that a "knock-on" effect could lead to indiscriminate parking elsewhere; it is considered in this instance that the loss of one vehicular parking space at the application site would not adversely impact the amenity of the area and the local highway network. This conclusion has been reached because the garage conversion occurred more than ten years ago (and so is immune from enforcement action), and that there appears to be some capacity on nearby roads to accommodate additional on-street parking for one vehicle. It should be noted that the above conclusion has been reached for this individual case and that the Council still holds the position that further garage conversions in this dense estate could be detrimental to the amenity of the area.

8 Conclusion

- 8.1 The loss of the integral garage as 1no. vehicular parking space is contrary to Policy DM13. However, in this instance, it is considered that there is no justified reason for refusing this retrospective application as; (1) the garage conversion was carried out over ten years ago and is now immune from enforcement action; (2) the parking survey suggests that there is capacity for on-street parking for one additional vehicle; and (3) no letters of objection have been received in relation to this retrospective planning application. In light of all the above, the part garage conversion is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00603 subject to the following condition:

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

Location Plan

(Published 24 June 2022)

Block Plan

(Published 24 June 2022)

Planning, Design & Access Statement

(Published 24 June 2022)

Drg No: 6104.22.1 – Existing & Proposed Ground Floor Plans & Elevations

(Published 19 July 2022)

Reason: To ensure provision of a satisfactory development.