

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

Developer Services, Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing surface water sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 300 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h
For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Officer Comment:

The applicant has been made aware of the Southern Water's advice and an informative is recommended if permission is granted.

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: 2

Comment	Officer Comment
In reference to the planning application submitted by my neighbour for continuation of the construction to a garage , you are probably aware that I have already put a letter of objection to planning enforcement after explaining my concerns to Mr Dickinson but to no avail. I find it difficult to understand why my neighbour has the need to continue to build garages on his land . Apart from the latest project he has a massive double garage with stairs leading to a second storage space above. Also alongside of this structure he has another garage . If he continues with the third construction I fail to see how either garage can be used to park a car as the new construction would prevent using the double garage being right in front of the doors. Secondly I am in dispute with Mr Dickinson over the gates he has built across the access road along the rear of the houses , as I believe are on a part of my property .	See Section 7. The applicant has a right to apply for planning permission for development within the curtilage of the application site. Any application received will be assessed on its own merits. Planning Permission 03/56047/001 contained Condition No.3 which states: <i>The garage hereby permitted shall be retained and kept available for the parking of vehicles at all times and shall not be converted into living accommodation without the prior written approval of the Local Planning Authority.</i>

After getting plans from Land Registry which indicates said portion runs parallel with the boundary fence and not as shown on his O/S map . This indicates he wouldn't have sufficient access to use said new construction . My concerns about the construction along with the fence height of three metres and being a domestic property it is beginning to take on the appearance of a builders yard and not visually attractive to say the least . I'm also lead to believe this construction is not in line with current planning rules, as the garage structure is increased in height by being raised on a plinth and to close to the boundary?	Upon a site visit the applicant stated that the garage elevation of the building is used for the parking and storage of Motorbikes. This condition is therefore still being fulfilled for the parking of vechiles. A parking plan has also been provided to show that there are 3No.spaces available for the parking of motor vehicles to the front of the application site. Ownership of the access is not considered to be a planning matter and would be a civil issue between the parties involved. The outbuilding falls out of the criteria for Permitted Development therefore is subject to assessment under the current application.
With reference to the planning update nothing seems to have changed its still like living alongside a builders yard , not a domestic property. Particularly with a unsafe unsightly three metre scaffold board high fence that has collapsed in onto my rear drive twice in the last two years . The last time it collapsed was as I was walking by and on both occasions I told Mr Dickinson it was dangerous and now the said fence lives again . Also the fence not being of original appearance as previously was fencing panels mounted on a two foot high wall that were more pleasant to look at than the scaffold boards that are also carrying a greater weight density . I have made these comments as a safety protest as to make it clear to Mr Dickinson my concerns about peoples safety and potential damage to property. Perhaps he needs to inform his insurance company for public liability? Having done some research this appears to be the rules .	The proposal was re publicised as an amendment to the description was made to ensure that the use of the outbuilding was confirmed for storage and not use as a garage. The applicant has been made aware that they have a duty of care with regard to the Health and Safety of the fence and wall. Any future Health and Safety concerns regarding the replacement fence and wall would be considered a civil matter between the parties involved. The replacement fencing and wall fall out of the criteria for Permitted Development therefore is subject to assessment under the current application.

Also, bear in mind that the taller the fence, the more vulnerable it can be to harsh winds. Standard 8' fence posts are designed to support a maximum of 2m/6ft. If you build higher than this you may increase the risk of wind damage Permitted maximum of total height for a boundary fence with trellis on top There are three answers to be had here, and they all depend on your local authorities. Check in with them and, depending on what their garden wall policy is, you will have options. The maximum height of a garden fence with trellis on top is defined when: * Your council treats a trellis as a fence or a garden wall. In this case, the total height of your fence and trellis should not exceed 2 metres; * Your council treats a trellis as a "temporary structure". The trellis on top can, therefore, exceed 2 metres. In this case, the fence itself falls under the category of "permanent structures" and thus its height limitation still remains. A "temporary trellis" are trellises that are being used to support plants for a limited period of time (up to 28 days) during the year; * Your council treats a trellis as a fence only if it's physically attached to your fence. Although rare, such regulation will require you to install a free-standing trellis with its own upright support in order to make use of its height. With reference to said garage , manufactured as a garage this is still a garage and probably twice the footprint and a metre more in height of the three original sheds he wants to replace . When you look at size of the original two story garage it is already par with a small industrial unit.	
Materials used in block plinth - 12mm dia High Tensile Strength Rebar (drilled and chemically bonded to existing foundations)	Response from Applicant

Concrete Hollow Blocks (7.3N) 215mm x 440mm. Hollows placed around Rebar, then filled with concrete and vibrated to reduce air pockets, to increase density and strength.	
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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.

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

7.3 The proposal is for the retention of an outbuilding adjacent to the rear western boundary. The outbuilding will have a depth of 6.8m, a width of 2.5m, with a pitched roof design with an eaves height of 2.360m and a maximum height of 3.160m. The materials used in the construction consist of concrete sections to the elevations, grey slate roof tiles to match the roof tiles on the existing dwellinghouse. The proposed use of the outbuilding is for storage purposes.

7.4 The second element of the proposal is for the retention of the replacement fencing with concrete posts placed upon a concrete reinforced brick wall along the western rear side boundary. The fence and wall are of a high quality design, constructed with high quality materials, as the proposed fence is a replacement the proposal would not have any further impact than was already existing.

7.5 The fencing and the roof of the outbuilding are visible from a private access road used by properties No's 13-23 Shaftesbury Avenue, 35m from the adopted highway of Queens Grove. It is not considered that the fence or outbuilding would have a harmful impact upon the visual amenities or character of the area.

7.6 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

7.7 The proposal would not be visible to the neighbouring properties to the front or to the neighbouring properties to the east.

7.8 The proposal would have a distance of 5m from rear southern boundary of the neighbouring property to the North (No.2 Queens Grove) and a distance of 16m from the rear facing elevation. It is therefore considered that any impact upon this neighbouring property would be considered minimal and acceptable.

7.9 The proposal has a distance of 0.4m from the shared boundary with the neighbouring property to the west (No.23 Shaftesbury Avenue). The area directly adjacent to the outbuilding is a hardsurfaced area used for the parking of vehicles for this neighbouring property, only a small section of the roof is visible from the rear and would not have such a significant impact as to warrant a refusal of the application. The impact on the neighbours with regard to the brick wall and fence along the shared boundary would be minimal due to the fence and wall being a replacement and is not any higher than that of the existing fence which was replaced. The applicant is aware that they have duty of care regarding the health and safety of the fence. Any concern raised with regard to the future safety of the fence posts would be a civil matter between the parties involved. It is therefore considered the retention of the outbuilding and boundary treatment would have a limited but acceptable impact upon this neighbouring property.

7.10 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

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 and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/22/00347 subject to the following conditions

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

Application Form - Received 24 June 2022
Location Plan - Received 24 June 2022
Existing Block Plan - Received 24 June 2022
Existing Fence Plan - Received 24 June 2022
Proposed Block Plan - Received 24 June 2022
Proposed Fence Plan - Received 24 June 2022
Proposed Elevations (outbuilding) Existing and Proposed Fence Drawings - Received 24 June 2022
Proposed Floor Plans and Elevations (Outbuilding) - Received 24 June 2022
Parking Plan - Received 01 August 2022

Reason: To ensure provision of a satisfactory development.

- 2 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, 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.

- 3 The storage use hereby permitted shall be ancillary to the residential use of the site.

Reason: The location of the site is unsuitable for the establishment of this type of activity as a principal use having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.