
Site Address:	21 Kennedy Close, Waterloooville, PO7 5NY		
Proposal:	Erection of garden room.		
Application Type:	Full Planning Permission		
Application No:	APP/22/00370	Expiry Date:	02/06/2022
Applicant:	Mr Bendon		
Agent:	Mr Andrews	Case Officer:	Lewis Ford
	SDA Planning and Architecture		
Ward:	Purbrook		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is 21 Kennedy Close, Waterloooville, PO7 5NY. The site includes a 1960s, two-storey, end-of-terrace dwellinghouse comprising traditional brick and tile construction with white vertical cladding boards and UPVC windows and doors. The site is accessed via a dropped kerb off Kennedy Close and includes a single garage and conservatory-style porch on its front elevation. The site is separated by its neighbour – No.19 Kennedy Close – to the west via an access path which leads to a sub-station adjacent to the rear of the property. Finally, the streetscene is residential in nature and includes a variety of materials, finishes and colour palettes on front and rear elevations.

2 Planning History

15174/Scheme A – REFUSAL in Feb 1963 for residential development.
15174/Scheme B – OUTLINE PERM in Feb 1963 for residential development.
15174/1 – PERM in May 1963 for residential development.
15174/2 – PERM in Dec 1963 for the erection of 75 dwellings

3 Proposal

Erection of garden room.

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)
CS19 (Effective Provision of Infrastructure)
DM10 (Pollution)

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 G Hughes - Purbrook Ward

No comment.

Councillor H Patel - Purbrook Ward

No comment.

Councillor C Howard - Purbrook Ward

No comment.

Developer Services, Southern Water

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

Please note:

- The public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public foul 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 a public foul sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: <https://www.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 following hierarchy – reuse, infiltration, watercourse, storm sewer, combined sewer - for surface water to be followed which is reflected in Part H3 of Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse of new developments.

Guidance on Building Regulations is here:

<https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h>

Officer comment: *The Southern Water Foul Sewer Line runs along the front curtilage of the property, whilst the proposed development would be at the rear of the property. A standard planning condition has been included to address the possibility of a public sewer crossing the development site.*

Portsmouth Water Company

The Portsmouth Water Catchment Management Team has reviewed this application from a groundwater quality protection perspective and have no subsequent adverse comments to make. This is due to the development's small nature and location within SPZ1c of the groundwater catchment.

Southern Electric plc, Network Investment Team

No comment.

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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having due 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 on the Character of the Area & Appropriateness of Design
- (iii) Impact on Neighbouring Properties
- (iv) Impact on the Source Protection Zone (SPZ)
- (v) Impact on Utilities

(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 the Character of the Area & Appropriateness of Design

7.3 The proposed development would comprise the erection of a detached, rectangular, flat-roofed outbuilding at the northern end of the existing rear garden of the site. The proposed outbuilding would have a depth, width, and height of approximately 4.8m, 6m, and 3m respectively. It is noted that the proposed flat roof extends further beyond the southern front and eastern side elevations by 0.7m to provide an external cover/shelter. Finally, the proposed outbuilding would comprise:

- Non-combustible grey fibre cement cladded **walls**; and
- Dark grey framed UPVC **windows and doors**; and
- A felt, flat **roof**.

- 7.4 The proposed outbuilding could have been delivered under **Schedule 2, Part 1, Class E** of the Town and Country Planning (General Permitted Development) (England) Order 2015 – hereon referred to as the GPDO – if it was 0.5m smaller in height. However, as the proposed outbuilding will expand the entire width of the rear garden (and therefore be within 2m of the boundary), formal planning permission is required as the proposed outbuilding would more than the 2.5m height restriction set out under Class E.
- 7.5 The proposed outbuilding has a large footprint but is considered acceptable. This is because the length of the retained amenity garden space between the outbuilding and the existing dwellinghouse would be approximately 10m which is the recommended standard garden depth in the Havant Borough Design Guide SPD. In terms of height, there was some initial concern that the outbuilding would appear dominant and, therefore, alter outlook and have a visual impact on the locality and streetscene. This was because of the existing level changes (the rear garden is slightly raised whilst the alleyway and rear properties are downslope of the site) and due to certain vantage points within the streetscene between the dwellings along Kennedy Close and Shaftesbury Avenue. However, on balance, the proposed development would not warrant refusal in this instance as it is recognised that a similar outbuilding could still be constructed under permitted development (PD) allowances and the additional 0.5m in height would not lead to demonstrable harm beyond the PD height limit.
- 7.6 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 development, due to the level changes, would appear large, it is considered on balance that the proposed development would not lead to demonstrable harm given the plot size, separation distances and permitted development (PD) allowances. In considering all the above, the proposed development would not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iii) Impact on Neighbouring Properties

- 7.7 The proposed outbuilding would be approximately:
- 0.5m from the northern rear boundary.
 - 0.1m from the western side boundary.
 - 0.13m to 0.58m (due to boundary angle) from the eastern side boundary.
 - 34m from the neighbouring property to the rear – No.44 Shaftesbury Avenue.
 - 10m from the existing property and its adjoining neighbours.
- 7.8 The proposed outbuilding would only include double doors (2.05m x 1.5m) and 2no. windows (0.9m x 1m each) on its southern front elevation facing over the existing rear garden towards the existing dwellinghouse. It is accepted that the proposed outbuilding would increase activity in the rear garden. However, given the separation distances and the existing fence height, it is not considered that the proposed development would lead to overshadowing, loss of light, overlooking nor loss of privacy to neighbouring properties.

- 7.9 It is understood that the proposed outbuilding would be used for an incidental use to the main dwellinghouse. The submitted Covering Letter alludes to a “summer house”, the application description states a “garden room”, and discussions on site with the Applicant suggested a “games room”. These proposed uses are incidental to the enjoyment of the dwellinghouse and are, therefore, acceptable. However, it is considered necessary and reasonable to include a Planning Condition to prevent the proposed development from being used in the future for any business, commercial or industrial purposes, or as a separate unit of residential accommodation – see Planning Condition No.4. This is because of the variety of uses proposed, the location of the proposed development next to a sub-station, the size of the proposed development, and the size of the retained rear garden space.
- 7.10 Consequently, it is considered that the proposed outbuilding and its incidental use would have an acceptable impact on the surrounding properties. As such, the proposed outbuilding would not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011. Notwithstanding the above, it is noted that no letters of objection have been received with respect to the proposed outbuilding.

(iv) Impact on the Source Protection Zone (SPZ)

- 7.11 The site is entirely within Source Protection Zone (SPZ) 1c in the Portsmouth Water Ground Catchment. The Portsmouth Water Company has confirmed that it does not have any adverse comments from a groundwater quality protection perspective due to the location and small-scale nature of the proposed development in SPZ 1c of the ground water catchment. As such, it is considered that the proposed development would not have an adverse impact on the Source Protection Zone (SPZ).

(v) Impact on Utilities

- 7.12 There is a Southern Water Foul Sewer Line running across the front curtilage of the property. Although the proposed development would be located to the rear of the property, Southern Water has advised that it may be possible that a sewer (now deemed to be public) could be crossing the application site. Southern Water has advised that, in the instance that any sewer is found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further work can commence on site. In acknowledging Southern Water’s comments, an appropriate planning condition has been proposed – see Planning Condition No.5.
- 7.13 There is a sub-station adjacent to the rear boundary. Southern Electric has been consulted but unfortunately, in this instance, has not commented on the application. As such, an informative has been included.

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.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00370 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:

Cover Letter (dated 04 April 2022)

Materials Specification

Drg No: 001 – Location Plan and Block Plan

Drg No: 002 – Site Plan

Drg No: 003 – Proposed Floor and Roof Plan

Drg No: 004 – Proposed Elevations

Reason: To ensure provision of a satisfactory development.

- 3 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.

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

Reason: In the interests of the amenity of the area and having due regard to Policies CS16, CS19, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 In the event that public sewers are found at any time when carrying out the approved development which were not previously identified, development shall STOP until details of the measures which will be undertaken to protect the public sewer have been submitted to, and approved in writing by, the Local Planning Authority. Following approval, such measures shall be implemented on site in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the adequate protection of infrastructure having due regard to Havant Borough Local Plan (Core Strategy) Policies CS19 and DM10 and the National Planning Policy Framework.