

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)

Submission Version Havant Local Plan

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Not required

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: 1

Comment	Officer Comment
I do not recognise the application from Mr Nicholson (Planning Portal Reference: PP-10349237) as representative of the work that has been carried out at his property, and consequently I wish to make the following observations. I wish to draw your attention to the following points in the document APPLICATION FORM REDACTED (i) The answer to Question 6. (Trees and Hedges: Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development?) should have been "Yes" as there is a ca. 10 m high mature oak tree within ca. 5 m of the new extension. (ii) The answer to Question 9. (Site Visit: Can the site be seen from a public road, public footpath, bridleway, or other public land?) should have	An amended application form and plan were submitted answering yes to Section 6 and a plan provided to show the neighbouring tree.

been "Yes" as the front entrance to the shed is clearly visible as someone enters the lower part of the cul-de-sac at Priory Gardens. (This may be seen in the submitted plans)

I wish to draw your attention to the following points in the document
SUBMITTED PLANS

- (i) The plans mask the fact that there are two wooden sheds: Shed 1 is positioned at 80 cm from the front of the house and Shed 2 is separated from Shed 1 by a gap of 75 cm. Access to Shed 1 is via the front of the now blocked side-path whereas Shed 2 is accessed via the back garden. (By blocking the side-path of his property Mr Nicholson cannot service the air-conditioning unit or clear the gutters at that part of his house.)
- (ii) The existence of Shed 1 is not revealed in the submitted plan.
- (iii) [redacted] shed 1 is positioned at 80 cm from the front of the house, is 395 cm long and 241 cm at minimum height.
- (iv) Shed 2 is measured [redacted] to be 500 cm long at 241 cm at minimum height.
- (v) Shed 2, which is presented in the submitted plans as a replacement to an old shed, is in fact a new structure. (Please note that a few months ago, Mr Nicholson had his south facing window blocked in order to accommodate the new structure.)

I wish to register my objections to the application for retrospective planning application for the following reasons:

- (a) The application submitted by Mr Nicholson misrepresents the facts.
- (b) I believe that the roofs of the sheds breach the boundaries [redacted] by several millimetres.
- (c) Both Sheds are constructed of low-quality timber, which is not in keeping with the standards of other structures in the cul-de-sac (Priory Gardens).
- (d) Neither shed is fitted with gutters [redacted]
- (e) [redacted]
- (f) [redacted]

There are two sheds but only one is to be considered as part of this application.

A site visit to the application site showed that the shed is wholly within the application site boundary with no encroachment.

This is not a planning consideration

(g) The side-path [redacted] receives far less sunlight than it did before the construction of Shed 2, which in turn impacts upon the rate at which rainwater evaporates. (h) The presence of ground vegetation and static water makes the side-path slippery at times [redacted] (i) Owing to the nature of materials used for the construction of the sheds the side-path [redacted] becomes dark well before full sunset [redacted] (j) The presence of the sheds prevents the maintenance of the fences at the boundary between the two properties at 5 and 7 Priory Gardens, which is the responsibility of the person residing at 5 Priory Gardens. (k) If I was to build a structure that mirrors that at 5 Priory Gardens, the two houses would become semi-detached, which would have a considerable negative impact on the value of both properties. [redacted]	This is a civil matter and not a planning consideration See Section 7 This is a civil matter not a planning consideration This is not a planning consideration and all applications are judged on their own merits.
The height of the two shed walls at the boundary between the two properties at 5 & 7 Priory Gardens PO7 7RS is in both cases 2.21 metres. Since the shed walls are of similar (wood) appearance as the existing fence and are positioned exactly at the border between the two properties, they are akin to an extension to the height of the fence. Considering that the maximum permissible height of a fence panel is 2.00 metres, I present the reasonable request that the height of the sheds should be reduced to the maximum permissible of 2.00 metres.	See Section 7

Officer Comments:

An email has been sent to the objector addressing all the concerns raised.

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 application is for the retention of a timber shed located to the south side elevation of the property, the shed is constructed with timber, it has a 5m depth, a 1.1m width, with an eaves height of 2.1m and a maximum height of 2.2m, the front entrance and door of the shed facing the rear garden is painted in a black paint, the side elevation is not painted and is in its natural state.

- 7.4 This section of the shed is not readily visible from the streetscene as it is located to the rear side elevation of the property, although the materials are not matching the existing property they do not cause a visual harm to the character of the streetscene.

- 7.5 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

- 7.6 The retention of the shed would not be visible to the neighbouring property to the north (side), the neighbouring property to the west (rear) or the neighbouring properties to the east (front), it is therefore considered that any impact would be acceptable.

- 7.7 The timber shed is partially visible to the neighbouring property to the south, it would be mainly screened by the 1.8m timber fencing along this shared boundary, the retention of the shed would not create any further loss of light than is already existing from the side elevation of the main dwellinghouse of the application site, although the upper side elevation of the shed is visible from the conservatory area to the rear of this neighbour property is not considered that the impact would be significant enough to warrant a refusal of the application. It is therefore considered that the retention of the shed has a limited and acceptable impact.

- 7.8 Many concerns have been raised regarding the retention of the shed, many of which are not planning considerations such as the use of guttering and maintenance issues. A further objection was received requesting the height of the shed be lowered to 2m, the eaves height of the shed is approximately 2.1 and the maximum height if approximately 2.2m therefore the reduction of the height to 2m. As highlighted above, the application as submitted is not considered to have a significant adverse impact on the amenities of neighbouring properties, in terms of loss of sunlight/daylight or overbearing impacts, and as such it would not be reasonable to justify a reason for refusal on this matter. It is for the neighbouring property to discuss with the applicants to negotiate changes to the development.

- 7.9 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/21/01297 subject to the following conditions

- 1 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.

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

Application Form - Received 03 February 2022
Planning Statement - Received 15 November 2021
Location Plan - Received 15 November 2021
Block Plan - Received 03 February 2022
Existing Elevations - Received 15 November 2021
Proposed Elevations - Received 15 November 2021

Reason: - To ensure provision of a satisfactory development.