
Site Address:	34 Mitchell Road, Havant, PO9 3QB		
Proposal:	Garden building (Retrospective application)		
Application No:	APP/21/00892	Expiry Date:	28/10/2021
Applicant:	Mrs T Lane		
Agent:		Case Officer:	Julie Terzoudis
Ward:	Bedhampton		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

- 1.1 The subject site relates to a two-storey end-of-terrace dwelling at 34 Mitchell Road, within Havant. The application relates to an existing unapproved outbuilding set within the rear garden of No. 34. The rear gardens serving this row of dwellings are approximately 15-18m in depth and incorporate a west to east orientation.
- 1.2 Several residential outbuildings can be seen within the neighbouring rear gardens, and within the large allotment situated behind the site to the east.

2 Planning History

No planning history exists for this site.

3 Proposal

- 3.1 The application seeks retrospective planning permission for a garden outbuilding with dimensions of 4.5m x 6.6m and a flat roof height of 2.9m. The outbuilding has been finished in grey textured shiplap cladding, with uPVC cladding on the rear elevation where it abuts the rear boundary fence and is not visible.

4 Policy Considerations

National Planning Policy Framework 2021
Planning Practice Guidance 2016
Havant Borough Council Borough Design Guide SPD December 2011

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)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan
E1* (High quality design)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor D Guest

No comments received.

Councillor Gary Robinson

No comments received.

Councillor Mark Inkster

No comments received.

Developer Services, Southern Water

Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

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: 1

Statutory advertisement: Not applicable

Number of representations received: 1

Comment	Officer Comment
Noise concerns.	The outbuilding would be ancillary to the main dwelling and any noise issues would be dealt with under the relevant statutory noise nuisance laws.
Increased parking on the pavement.	Within existing local planning policy, there is no additional parking provision required for ancillary outbuildings.
Non-compliance with Building Regulations.	Adherence with building regulations is not a material planning consideration and instead would be considered as part of a building regulations application after planning approval is granted.
Health & safety concerns and fire hazard.	Any fire or health and safety elements would be assessed within the building regulations application.
Flooding from roof.	The site falls within Flood Zone 1 as defined by the Environment Agency. The minor scale of the outbuilding does not require the provision of guttering or an intricate

	surface water management scheme. Part H3 of the Building Regulations would assess any relevant requirements for surface water management. If flooding issues do result from the development and cause problems on surrounding sites, this would be a civil matter.
There are also trees and hedges within falling distance of building.	There is no planning policy requirement to prevent trees and hedges from being in proximity to an outbuilding. None of the trees on or adjoining the site are covered by a Tree Preservation Order.
Proximity of outbuilding to boundary.	There is no planning policy requirement for a specific minimum setback from a boundary, providing there are not considered to be any significant amenity impacts to the surrounding neighbours - this is assessed at 7(iii) below.

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 retrospective building is a considerable outbuilding in terms of height and scale, set within a relatively small garden area. Notwithstanding this, sufficient open rear garden space remains for an acceptable level of outside amenity for the occupiers of No. 34.

7.4 The outbuilding is finished in inoffensive light grey cladding, and although the outbuilding is of a significant scale, it does not appear visually incongruous in its setting as an outbuilding ancillary to the main dwelling No. 34.

7.5 The outbuilding abuts both side boundary fences to the north and south of the site, and the rear boundary fence to the east with narrow gaps of approximately 100-200mm each side. The minimal access between the boundaries does create difficulty for clearing rubbish and debris, however, this would not be a reason for refusal of planning permission.

7.6 Most importantly, it is accepted that that an outbuilding of identical footprint and design, but with a flat roof height of 2.5m, set within 2m of the boundary, could be constructed under permitted development rights (the 'fallback position'). The increase in visual harm resulting from the additional height of 0.4m cannot be considered

significant enough to warrant refusal of the retrospective planning permission.

- 7.7 Having regard to the design and appearance of the retrospective outbuilding, coupled with the fallback position, it is therefore deemed appropriate in context to the surrounding area and is considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy 2011). 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

- 7.8 The location of the retrospective outbuilding on the rear boundary of the garden results in the nearest dwelling being located over 10m away from the outbuilding. Therefore, no overshadowing or overbearing impacts would result to the neighbouring dwellings.
- 7.9 Although there may be limited overshadowing from the height of the outbuilding to a small section of the adjoining neighbouring gardens, this would be inconsequential as it would be a very small section of the gardens, and only at limited times of the day and year. Therefore, there are no significant overshadowing or overbearing concerns raised from the outbuilding.
- 7.10 It is noted that noise concerns were raised in the representation received for the retrospective application. The incidental use of an ancillary residential outbuilding for domestic purposes would not be considered an inappropriate 'noisy activity' and would be an anticipated use within a residential area. Any excessive noise issues that result from the use of this building would be dealt with under the relevant statutory noise nuisance laws.
- 7.11 Concerns have also been raised regarding overshadowing of the allotment to the rear of the site. Although there is no specific planning policy to prevent overshadowing to an allotment, the outbuilding is not considered of a scale large enough to have any significant overshadowing impact to the adjoining allotment. Mature vegetation also exists along the rear boundary, and the boundary treatment itself casts existing shadows upon the allotment.
- 7.12 As a single-storey building, no concerns are raised with any overlooking.
- 7.13 On balance, despite the outbuilding being a sizable structure, its siting to the rear of the garden, at the greatest distance from the surrounding dwellings, means there are no significant impacts on the existing level of amenity currently enjoyed by the neighbouring occupiers. Consequently, it is considered that the proposal does 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 2011).

8 Conclusion

- 8.1 The scale, siting and design of the retrospective outbuilding has a limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/21/00892, subject to the following conditions:

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

Location Plan Drw. No. TQRQM21214195754437
Block Plan Drw. No. TQRQM21214192311823
Garden Room Plan and Elevations Drw. No. (pl)01

Reason: - To ensure provision of a satisfactory development.

- 2 The outbuilding hereby permitted shall be occupied solely for purposes incidental and/or ancillary to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation.

Reason: The outbuilding is not appropriate to be occupied separately from the main dwelling having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.