

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

5.1 No consultations required for this application.

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: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary:

a. (Occupier of No. 7 Berkeley Square) The 'trellis' element is actually a solid fence panel of 0.5m which severely restricts the amount of sunlight to main bedroom and living areas. A framework to include the brick wall and a trellis that allows the transmission of light would be more acceptable. *This has been addressed in Section 7.5.*

b. (Occupier of No. 5 Berkeley Square) The total height of the fence, in accordance with Havant Council bylaws should not exceed 1.8m. *The combined height of the wall and trellis are being considered by this application as they total 2.5m in height which exceeds the height allowed under permitted development (2m). There is no Havant Council byelaw restricting the height to 1.8m, it may be that there is a covenant on the property but this would not be a planning consideration.*

c. (Occupier of No. 5 Berkeley Square) Should permission be granted there would be no grounds for refusal should the applicant wish to extend the fence along the whole border to No. 5, which would greatly impact on our enjoyment of our garden. *Any new application submitted would be considered by its own merits and would not be permitted purely on the basis that some elements of fencing are existing. The areas being considered in this application include two small sections on the boundary with No. 5 which surround a shed and therefore it is not considered that this would cause any detriment to the occupiers of No. 5.*

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) Impact upon the streetscene
- (iii) Impact upon residential amenity

- (i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the streetscene

The proposal is set away from the streetscene of Berkeley Square and as such will not have any significant impact visually on the character and appearance of the area. It is therefore considered that the development would accord with the principles and objectives of Policy CS16 of the Havant Borough Core Strategy March 2011.

(iii) Impact upon residential amenity

This application has been subject to revision by the applicant, following an objection letter received from the occupier of No. 7 Berkeley Square, whereby it has been agreed by the applicant that alternate panels within the trellis will be removed, therefore allowing the transmission of light into the windows to the southern elevation of No. 7 Berkeley Square. It has been agreed that this alteration will be completed within 4 weeks of the date of this decision. The other elements of the scheme obscure a shed located in the rear garden of No. 5 Berkeley Square, and are not considered to have any detrimental impact on the neighbouring properties, therefore complying with the tolerances of Policy CS16 of the Havant Borough Core Strategy 2011.

8 Conclusion

The proposal is considered to be acceptable and in accordance with Policy CS16 of the Havant Borough Core Strategy 2011. The proposal is therefore recommended for approval subject to the following conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/16/00804 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 external materials used 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 development hereby permitted shall be carried out in accordance with the following approved plans:
Amended proposed floor and site plan - received 04.08.16
Location and block plan - received
Email from applicant received 8th September confirming alternate strips will be removed from the erected trellis within 8 weeks of the date of the planning permission
Reason: - To ensure provision of a satisfactory development.

- 4 The slats on the fence panel on the northern boundary closest to No. 7 Berkeley Square should be removed as agreed within eight weeks of the date of the decision notice.

Reason: To safeguard the amenities of the occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.