
Site Address:	Malinrose, 154 Sea Front, Hayling Island, PO11 9HP		
Proposal:	Erection of summerhouse with overhanging canopy.		
Application No:	APP/15/00041	Expiry Date:	06/03/2015
Applicant:	Mrs L Jones	Team:	Team 2
Agent:		Case Officer:	Tina Pickup
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

154 Sea Front is a detached chalet style dwelling located on the western corner of Sea Front with Sea Grove Avenue. Its private rear garden and residential curtilage is bounded to the north with a 1.8m high wall with a pedestrian gate onto an access and parking area that is owned by the applicant but also used by No 156 who have a right of access to their double garage located to the west. A single detached garage, having hipped pitched tiled roof, sits within the north-west corner of the site, with its garage door and access off this shared access area.

The site currently contains a summer house sited in the north east corner which measures approximately 3m x 3.6m having a shallow pitched roof with the small gable facing north & south. There is a further shed on the west boundary and other pergolas in the garden - all with the aim of providing privacy from surrounding dwellings. Notably No 9 and 11 Manor Way are located to the north and are two storey dwellings having modest rear gardens such that their first floor windows do have an outlook over the rear garden of the application site. Recently No 11 installed a large dormer in its rear roofslope including two juliette style opening full height doors which have significantly added to the perception of being overlooked by the applicant.

2 Planning History

08/73171/000 - conservatory to rear PP 13/08/2008

Also of relevance the planning history at No 11 Manor Way -

APP/14/00633 - Retrospective application for rear dormer window, 3 rooflights on the front elevation and side window to gable end

Permitted at Committee on 22/8/14

3 Proposal

This application proposes replacing the existing summer house in the north east corner with a slightly smaller summer house having a footprint of 2.4m deep and 3m wide but with a steeper pitched roof and re-aligned such that the gable ends face east/west. This allows for the ridge of the summer house to be extended across the rear of the garden as a 2m deep canopy supported on posts. The eaves of the summer house would be 2.3m high and the ridge would be 3.5m. The effect of this roof is to block the perceived lines of sight across the rear boundary from No 11 Manor Way. It is proposed to use a brown/red tiled shaped roofing felt to match as far as possible with the plain tiles of the garage and dwelling.

4 Policy Considerations

National Planning Policy Framework

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)

Havant Borough Design Guide SPD 2011

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

5 Statutory and Non Statutory Consultations

Hampshire Biodiversity Information Centre screening - site noted as being within 50m of protected/notable early meadow grass

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: 3

Summary: 1 commenting that development appears to be p.d. and this application not needed

2 objecting to height which will affect views, block light; small garden swamped by buildings; precedent set for industrial size storage; if pp granted should prohibit business use as access not suitable for large vehicles; posts & netting originally erected at given height and created an eye-sore due to height - to make a solid structure would be intrusive; exceeds p.d. and government sets these limits for a reason; HBDesign Guide states obstruction of sunlight to an existing property or its garden is likely to be unacceptable; new summer house closer to public highway than primary dwelling which is contrary to government guidance; excessive number of buildings in rear garden, tall metal chimney which is reflective, solar panels etc all added in last 18 months without neighbourly consultation - again breaches government guidelines of no more than half the area of land be covered; proposed summer house & canopy would compromise government guidance; shared driveway to rear often parked - if high winds damage canopy could be ensuing damage to vehicles/persons; would set precedent; should be refused or lowered to more reasonable height

Comment: many of the 'government guidelines' referred to are the permitted development criteria which, if exceeded, necessitate a planning application rather than indicating unacceptability; Class E for outbuildings is applicable in this instance and permission is required because it is considered the shared driveway to the rear is beyond the residential curtilage - as such the boundary wall of the garden, not the ownership, is considered to be the relevant boundary against which the height criteria in clause d) apply - which, although buildings with pitched roofs can be up to 4m high under p.d. where within 2m of a boundary will require permission if they exceed 2.5m. Any future damage to private property is not a relevant planning consideration but a private matter

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 proposed development will not be visible from the Sea Front and from Sea Grove Road only the side gable and roof will be visible above the side boundary which includes a 2m high evergreen hedge. This roof will be seen against the backdrop of the roof of the existing garage and will not project higher than surrounding development. From the private rear access area, again the roof will be visible above the boundary, and sit adjacent the roof of the garage. As it would adjoin a private access at right angles to and set back 1.5m from the boundary and highway, it would present a width of 3m when viewed from the east, with the 6m length visible at an angle, receding way from the street. The added height and bulk is unlikely to make a significant impact on the general public street scene. Accordingly the proposal is not considered to cause undue harm to the street scene and local context and be compliant with Policy CS16 clause 1 c.

(iii) Impact upon residential amenity

The aim of the proposal is to improve privacy within the applicants own garden by providing some screening from the lines of sight from the windows of the properties to the rear. The rear facades of No 9 & 11 Manor Way are some 15m from the rear garden wall and with the buffering private access/parking area, the proposed summer house and canopy would not be adjacent their shared boundaries but some 5m from the boundary walls of No 9 and 11. As such it is considered that no overshadowing or direct loss of light would result to private garden areas (as required by Policy CS16 clause 1. e)), the impact on the shared parking area that falls within the applicants ownership shared with the neighbour, is not considered so serious as to justify refusal.

Whilst the roof of the summer house and canopy would be visible from the rear windows of No 9 & 11, in such a residential area with other garages and outbuildings, the introduction of additional roof across the rear boundary would not detrimentally harm their outlook. The letters of objection indicate that the proposed structure, by virtue of its height, would be intrusive - but such structures are part of the character of the built up residential areas and outbuildings can be up to 4m in height if set in from boundaries - it is only because the proposal is located close to the rear boundary that it needs planning permission. But in fact, due to the shared parking area, the structure is not against the boundary of No 9 or 11 and is some 5m from their gardens and with this intervening space the structure is not considered to be intrusive. Loss of a view is not a valid material planning consideration and hence any minor effect on the longer views of the sea from the windows of No 9 & 11 are not relevant.

Letters of objection also raise concern about potential business use - whilst not the intention of the current applicant, to protect the neighbouring residential amenity and in the interests of certainty a condition can be imposed to ensure that it can only be used for purposes incidental to the dwelling, reflecting the standard condition which applies to buildings constructed under Permitted Development rights.

Due to the location of the summer house and canopy adjacent a parking/access area and buffered from adjacent gardens, then the replacement building and canopy is not considered to have a significant effect on the amenity of adjacent occupiers and will actively improve the level of amenity for the applicant in terms of privacy. In summary it is considered to be compliant with policy CS16 clause 1.e).

8 **Conclusion**

The proposal is considered a good design solution to mitigate against the current perceived overlooking felt by the applicant, without causing any undue loss of amenity to other neighbours. The proposal is therefore recommended for permission.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00041, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The summerhouse hereby permitted shall be used only for purposes incidental to the enjoyment of the existing dwellinghouse.
Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

1:1250 Location Plan

Proposed Elevations, as amended having ridge height of 3.5m and eaves height of 2.3m

Site Layout Plan

Reason: - To ensure provision of a satisfactory development.