
Site Address:	22A Park Parade, Havant, PO9 5AD		
Proposal:	Retrospective application for erection of workshop and shed to rear.		
Application No:	APP/14/01099	Expiry Date:	22/12/2014
Applicant:	Mr Fowler	Team:	Team 2
	Mimi's Organics Limited		
Agent:		Case Officer:	Tina Pickup
Ward:	Battins		

Recommendation: **REFUSE PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The site relates to a maisonette flat that is situated above the retail units of Park Parade, the main retail and commercial centre of Leigh Park. Access to the site is via Bordon Road where there is some shared residents parking and pedestrian steps up to the flats above. Each maisonette has a roof terrace and most are free of large structures, but do have a variety of fencing to create private spaces for washing lines, benches etc. The only other shed in the vicinity was a very small one.

No 22A has a 1.8m high close boarded fence around its forecourt area and is located adjacent a stairwell block such that to its west is a brick projection with obscure glass windows. This separates the site from the flats beyond. To the east however is a terrace of other similar flats.

This application is retrospective and the shed already in situ.

2 Planning History

None

3 Proposal

This application seeks retrospective permission for the retention of a shed sited on the terrace of 22A Park Parade. This shed is made up of two parts - the main 'workshop' which measures 4.1m x 3.2m and this sits adjacent a smaller shed which measures 1.65m x 2.38m. The main shed is of a standard height with shallow pitched roof, whilst the smaller part is lower. It is a traditional wooden shed with shi lap pine elevations and felt roof, with glazed double doors in its side elevation.

The application seeks permission for the retention of this shed on the basis that it is ancillary to the residential occupation of the maisonette. However, it is known that the applicant is running a 'home business' (Mimi Organics) from the site and using the larger shed for a dual purpose for both a home room for additional play space for her child with special needs; and for the business - the space is partly used for the making up/mixing of organic creams and their storage before being sent out to customers. The business itself does not require planning permission - it is of a scale to be considered ancillary to the domestic use of the site and does not involve a material change of use. Therefore this application is for the retention of the domestic shed alone and does not involve the business.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS6 (Regeneration of the Borough)

Havant Borough Local Plan (Allocations) July 2014

LP3 (Leigh Park Mixed Use Allocations)
AL1 (Presumption in Favour of Sustainable Development)
AL3 (Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - on the basis that it is incidental to the residential unit, then no adverse comment; if for a business, further information 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: 9

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary: object - restrictions apply on lease - the roof terrace must not become obstructed or difficult to pass and private residential flat only (clauses within lease supplied); business being run from shed; planning portal info states outbuildings must not exceed 50% of land - this covers more; shed visible above fence; a fire risk blocking fire escape; devaluing property;
Freehold owner of property has also objected as building breaches restrictions

Comment: restrictions on the lease are separate from planning matters, and the freehold owner could take his own action against the shed, irrespective of the planning decision.

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
- (iv) Other considerations

(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. As a shed that is ancillary to the domestic use of the site this application is only considering the appropriateness of the actual structure.

(ii) Impact upon the site and streetscene

The shed has an overall footprint length of 5.75m and is set within the roof terrace that has a length of 7.68m. The shed therefore uses up the majority of the space leaving only very narrow margins/separation to the boundaries. This results in the shed being overly dominant and intrusive to this area. It is visible above the fence line and can therefore be seen from long distance views in Bordon Road. It is considered to be an over large structure that is visually out of keeping with the surrounding area having a negative visual impact and contrary to policy CS16.

(iii) Impact upon residential amenity

Due to the sheds large size and dominance on the roof terrace it is very visible from both the adjacent roof terrace and flat. It is considered to be an incongruous structure being overbearing and materially harms the outlook from the adjacent property at 20A. It is therefore considered to be contrary to policy CS16.

(iv) Other considerations

As noted above the shed is being used to run a home business and the applicant has received a "Bridging the Gap" grant from the Solent Local Enterprise Partnership to partly fund the purchase of this shed. One of the conditions of the grant is the fact that 2 new jobs must be created and sustained for a year (with payment of salaries proved by accountants). The applicant herself is one job, and the other is to be divided into two part time jobs - one doing social media/advertising; and the other marketing. If the applicant fails to meet this condition she has to repay the grant.

The creation of jobs is welcomed in principle and the Council generally supports small businesses. Whilst the shed is unacceptable as a structure and is recommended for refusal, it is however considered appropriate to give the applicant as much time as possible to either find alternative premises or relocate the shed to help this new business survive, before seeking removal of the shed. To be as sympathetic as possible, yet still refuse the application, it is recommended that Enforcement Action be taken with a 6 month compliance period.

8 Conclusion

The shed, by virtue of its size and location, represents an overly dominant structure that is visually incongruous and inappropriate to the site and surroundings, and harmful to the outlook of adjacent residents. It is therefore contrary to policy CS16 and recommended to refuse permission; and because this is a retrospective application, it

is further recommended to take the necessary enforcement action to seek the removal of the shed, with a 6 month compliance period.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PLANNING PERMISSION IN RETROSPECT** for application APP/14/01099 for the following reasons:

- 1 The shed, by reason of its size and location, is an overly dominant structure on the roof terrace and a visually incongruous feature inappropriate to the site and surroundings, to the detriment of the visual amenities of the area. Furthermore the excessive size of the shed adversely affects the visual outlook from the adjacent property in a manner detrimental to the amenities of the occupiers of this property. The development is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.