
Site Address:	58 Bedhampton Hill, Havant, PO9 3JP		
Proposal:	Conversion of garage to small home gym (part retrospective).		
Application No:	APP/14/00199	Expiry Date:	22/04/2014
Applicant:	Mr Piasco	Team:	Team 1
Agent:		Case Officer:	Stephen Andrews
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a two storey detached dwelling set some 35m back from Bedhampton Hill. The dwelling is of brick and tile construction with hipped roof and has been extended at first and ground floor level at the rear. There is a large detached double garage to the front of the dwelling, with a single detached garage to the rear (the subject of this application). The dwelling is accessed via a gravel driveway off Bedhampton Hill.

The area is residential in nature comprising largely of two storey detached dwellings in generous sized plots. The site is accessed via Bedhampton Hill Road, which is a spur road off Glebe Park Avenue.

2 Planning History

05/70870/000 - Retention of two storey rear extension. Refused - 13/12/2005.

07/70870/001 - Retention of two storey rear extension to depth of 5.4m at ground floor level and 3.8m at first floor level. Approved - 12/07/2007.

08/70870/002 - Two storey rear extension (Revised application). Approved - 17/03/2008.

3 Proposal

Part retrospective planning permission for the conversion of the existing garage to a home gym.

4 Policy Considerations

National Policies

National Planning Policy Framework, 2012

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning considerations

7.1 The key planning issues arising from this application are considered to be as follows:

- (i) Principle of Development
- (ii) Impact on Neighbour Amenity
- (iii) Impact on the Character of the Area

7.2 Principle of Development

This application seeks part retrospective planning permission to convert the existing detached garage, located to the rear of the dwelling, to a home gym. The use would be ancillary to 58 Bedhampton Hill.

The first aspect to consider is whether the work proposed constitutes development within the meaning of the Town and Country Planning Act 1990 as amended. Section 55 of the Town and Country Planning Act states:

Meaning of “development” and “new development”.

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act “building operations” includes—.

- (a) demolition of buildings;*
- (b) rebuilding;*
- (c) structural alterations of or additions to buildings; and.*
- (d) other operations normally undertaken by a person carrying on business as a builder.*

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—.

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—.*

(i) affect only the interior of the building, or
(ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;
(b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment]; .
(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose; .
(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;
(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class;
(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.

Section 55(2)(d) of the 1990 Act as set out above provides that the use of buildings within the curtilage of a dwellinghouse is not development if used for any purpose "incidental to the enjoyment" of that dwellinghouse. The Development Control Practice Manual recognises that "incidental to the enjoyment" may be interpreted generously to mean that existing outbuildings within a residential curtilage (as is the case here) may be used for any ancillary residential purpose whatever, for whatever the meaning of "incidental" might be, there is no material change of use provided the premises stay within the same planning unit.

The only physical change to the building is the removal of the garage door with patio doors; this can be carried out without the need for express planning permission under the property's normal permitted development rights.

It is therefore concluded that the proposed works do not require planning permission. Notwithstanding this assessment a planning application has been submitted and will therefore be determined. This position however, is a significant material planning consideration.

7.3 Impact on Neighbour Amenity

It is not considered that the proposed conversion of the existing garage to a home gym would be materially harmful to neighbour amenity as it would remain an ancillary function. This position is further supported by the above assessment.

7.4 Impact on the Character of the Area

The only physical change to the existing garage would be the removal of the garage door and replacement with patio doors. It is not considered therefore that there would be a material change in appearance to the structure. As such there would be no adverse impact on the character and appearance of the area.

8 **Conclusion**

Having regard to the above considerations it is concluded that the use of the existing garage building for ancillary accommodation in association with the dwellinghouse known as 58 Bedhampton Hill Road and the physical works to facilitate the conversion would not amount to development requiring planning permission in its own right.

However, as a planning application has been submitted the LPA is at liberty to determine the application. The above information is nonetheless material to the consideration of the application and has been considered as part of the formal assessment of the proposal. The development is considered in this context to be acceptable in terms of its impact upon neighbouring amenity and the character of the area.

Planning permission is therefore approved with no restrictive planning conditions.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00199 subject to the following conditions:

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

Block Plan 1
Floor Plan 1

Reason: - To ensure provision of a satisfactory development.