
Site Address: 29 Bath Road, Emsworth, PO10 7ER
Proposal: Variation of Condition 3 of Planning Permission 05/63317/000 relating to internal alterations to existing detached garage to allow for ancillary living accommodation alongside parking for one car.
Application No: APP/13/01215 Expiry Date: 28/01/2014
Applicant: Mr & Mrs Gray Team: Team 2
Agent: Mr Farrer Case Officer: Bee Crawford
 MF Designs Ltd
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is an older style two storey end terraced cottage with a flat roofed dormer to the rear, situated in Emsworth Conservation Area. It has a pitched tiled slate roof with white rendered elevations to front and rear. The site is open to the front with block paving providing a parking area, with a low hedge to the northern and southern boundaries. The rear garden is level and enclosed with 1.8 metre high fencing and shrubs and has a detached double garage which forms the western boundary and extends the width of the site.
- 1.2 The adjoining neighbouring two storey terraced properties are of a similar age, style and design, with the property to the south being end of terrace. There is an access road to the rear, with properties in Watersedge Gardens beyond and the front of the property faces onto Emsworth Mill Pond. The area is of medium density with a mixture of two storey detached, semi-detached and terraced properties of individual age, style and design, reflecting the nature of the Conservation Area.

2 Planning History

- 2.1 05/63317/000 - Demolition of existing rear extension, shed and detached garage. Erection of a single storey rear extension, single storey porch to the front elevation, dormer window to the rear elevation and erection of a detached garage to the rear of the dwellinghouse. Permission granted 12/04/2005.

3 Proposal

- 3.1 The proposal is for the variation of Condition 3 of Planning Permission 05/63317/000, for internal alterations to the detached garage to allow for ancillary living accommodation and parking for one car.
- 3.2 The relevant condition required that: 'The garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation without the prior written approval of the Local Planning Authority.' The reason for imposing the condition was in the interests of the amenity of the area and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and 8(b) of the Emsworth Town Centre Plan 1983.

- 3.3 It should be noted that this condition was not complied with and the present layout is for ancillary living accommodation, shower room and separate store. No vehicular access is currently available as an internal wall has been constructed behind the external garage door.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16 (High Quality Design)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Conservation Officer

No objection. No Heritage issues as modern garage structure and no external changes. Purley a matter of more general planning policy.

Development Engineer

No objection to this existing garage being used as part garage with the remaining space to be used as ancillary living accommodation.

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: 1

Statutory advertisement: 12/12/2013

Number of representations received: 3

Three letters of objection have been received from three addresses raising the following concerns:

- 6.1 The existing flue on the southern roof slope and subsequent emissions causing nuisance to neighbouring properties
- 6.2 Allowing garage to be used for living accommodation
- 6.3 Payment of additional rates - this is not a planning consideration

- 6.4 Why was condition 3 of planning permission 05/63317/000 not monitored - there is no enforcement history for this site and therefore the Council was not aware a breach had occurred
- 6.5 Omission of internal wall behind garage door on existing floor plan
- 6.6 Details of flue omitted from proposed floor plan

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
- (iv) Effect on the Conservation Area
- (v) 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 subject to development control criteria.

- (ii) Appropriateness of design

- 7.3 The proposal is for the variation of Condition 3 of Planning Permission 05/63317/000, for internal alterations to the detached garage to allow for ancillary living accommodation and parking for one car. There will be no changes to the external appearance of the existing garage.

- (iii) Effect on the Conservation Area

- 7.4 The property is an unlisted building in Emsworth Conservation Area and the proposal is for a variation of condition for the use and internal layout of the garage built under planning permission 05/63317/000 with no external alterations. Therefore it is considered it would have a neutral impact on the Conservation Area. A design and access statement has been submitted as part of the application which covers the requirements of policy DM20 of the HBLP (Emerging Allocations).

- (iv) Effect on neighbouring properties

- 7.5 The proposed floor plans indicate the relocation of the existing chimney as part of the development and its installation and impact can be controlled by way of a condition. There is currently no vehicular access to the garage owing to an internal wall behind the external garage door, as shown on the existing floor plan and documented in the design and access statement. Therefore a condition is recommended to remove this wall within three months of the decision notice being issued and notification sent to the Council confirming this work has been carried out. Despite the previously unauthorised use of the building for living accommodation and not the parking of vehicles, this would facilitate the building being used for its original purpose (ie one parking space).

- 7.6 Further to the original application 05/63317/000, and despite the previously unauthorised use of the building as living accommodation, this application seeks to regularise the use of the building for living accommodation, in addition to its use as a garage. This living accommodation is to be used wholly in conjunction with the existing dwelling and not established as a separate unit of accommodation. As this can be controlled by way of a planning condition the proposed use would not warrant a refusal of the application on these grounds.
- 7.7 The boiler flue which rises 1m above the lower roof slope produces vapour and it is understood, may momentarily produce some odour of fuel/gas when started up. This is not considered so serious as to warrant refusal and it is noted that other Regulations govern the operation of such equipment. A planning condition could be used to control the installation of any other flues, which might for instance, be larger or more prominent but it is also relevant that the installation of a boiler and external vent would often not require planning permission, even in a free-standing building.

8 Conclusion

- 8.1 The design of the proposal would not result in any harm to the character and appearance of the Emsworth Conservation Area and would not result in any significant loss in amenity to neighbouring properties. It is therefore considered to be acceptable and is recommended for approval.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/01215

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 ancillary living accommodation hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be occupied at any time as a separate unit of accommodation.
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 garage area shall be retained and kept available for the parking of a minimum of 1 car in accordance with the plans hereby approved at all times. It shall not be converted to living accommodation or any other use.
Reason: To ensure the retention of adequate on-site car parking in accordance with the standards adopted in the Havant Borough Core Strategy

2011 which forms part of the Local Development Framework and to discourage parking on the adjoining highway in the interests of local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The section of internal wall immediately behind the existing garage door shall be entirely and permanently removed within 3 months of the date of the decision notice and notification of its removal shall be sent to the Local Planning Authority immediately following the removal..

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.

- 5 No additional external flues or chimneys shall be installed on the building, including its roof, unless details have first been submitted to and approved in writing by the Local Planning Authority. **Reason:** To safeguard the amenities of the locality and/or occupiers of neighbouring property 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.

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

Drawing No. P_01 C - Location plan, block plan, existing and proposed floor and elevation plans.

Reason: - To ensure provision of a satisfactory development.