
Site Address: 9 Nightingale Park, Havant, PO9 2SE
Proposal: Pitched roof with two dormer windows over existing flat roof garage to provide storage.
Application No: APP/14/00317
Applicant: Mr Vine
Agent: Mr Kirk
Ward: St Faiths
Expiry Date: 20/05/2014
Team: Team 1
Case Officer: David Eaves
Creative Heritage Ltd

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The property lies at the end of Nightingale Park which is a cul-de-sac which contains substantial detached houses with open plan front gardens. To the northern side of the road is a mature fir hedge with tennis courts beyond. A turning head for the cul-de-sac is positioned adjacent to the application property. To the rear of the site is a One Stop Shop and a residential property 4 Southleigh Road.
- 1.1 The site has an existing block of three garages which has been enlarged in the past and forms a visual 'end stop' to the road. The garage currently includes a short false pitched roof.

2 Planning History

01/63281/001 Single storey garage extension to existing garage Permitted
Feb 2001

98/63282/000 Conversion of dwelling house into 2 units of residential accommodation (retrospective) and proposed conversion of car port into garage.
Refused July 98

3 Proposal

Pitched roof with two dormer windows over existing flat roof garage to provide storage.

4 Policy Considerations

National Policies
National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF
CS16 (High Quality Design)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)

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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5 letters with 8 names

Summary:

Would dominate the road

Loss of Privacy

Goods stored will not be for domestic purposes

Vans will be parked in the turn to use storage leading to road congestion

Dominate the view down the road

Affect the peaceful enjoyment of our property

Need for storage questioned

Need for dormers questioned

History of development by stealth at property

Dormer suggests future self contained residential use contravening covenants

Comment:

Use as a self contained residential unit would require a further planning consent.

Covenants are not a material factor in the determination of a planning application and a private legal matter.

House occupied by tenants who appear to have no rights to use the garages.

Therefore we regard this as evidence that storage will be for commercial use by owner in conjunction with his business in Chichester, rather than for the benefit of the family resident in the house. Such use contravenes covenants.

Comment:

The agent has stated that the garage is and will be used for private collectors cars and this will continue to be the case by the applicant and there is no intention to use the building for commercial purposes.

Over bearing

Out of keeping with existing residential properties

Over development of site as a whole

Applicants business appears to be involved in the motor trade, hiring commercial vehicles and motor cars to public from premises in Chichester.

Residents of Close have suffered greatly over years from site appearing to be used as base for business.

Close used as private vehicle park with commercial vehicles and others parked sometimes for days on end outside residents houses.

Commercial vehicle transporters delivering vehicles (often damaged) to property at all hours of day and night.

In past (applicant) operated a tow truck/breakdown vehicle from property and 'smashed up' and demolished commercial vehicle on drive fronting garages.
 Previous complaints made to HBC and Police in connection with applicants activities.
 Concern over business use.
 Request for condition solely for domestic use in relation to 9 Nightingale Park and not connected with business.
 Concern over potential for more traffic movement.
 Overlooking
 Obtrusive
 Character of road
 Garage would be a small warehouse and totally unsuited to cul-de-sac of family homes
 Can be no effective control over what is stored or activity

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) The impact on the character and appearance of the area
- (iii) The proposed use of the building
- (iv) The impact on nearby residents
- (v) Highway issues

(i) Principle of development

7.2 The property lies within the built up area as defined in the Local Plan and the proposal involves an addition to an existing outbuilding within the curtilage of a dwelling house. Such proposals are considered acceptable in principle subject to other development control criteria considered below. In this case it is also necessary to consider the proposed use of the building and the applicants relationship to the occupation of the main house.

(ii) The impact on the character and appearance of the area

7.3 The proposal involves the provision of a first floor above an existing flat roofed garage (with small false pitch). The site is located at the end of a cul-de-sac and the proposal would add a first floor to the existing garage mainly within the roofspace. The garage would have a relatively shallow roof pitch (approx 35 degrees) and incorporate 2 small dormer windows. The front eaves line would be raised and the overall height of the building would be 5.65m. There would be limited floorspace with a standable height at first floor level and the dormers would help make the space more useable.

7.4 The building would be relatively prominent in the street scene and effectively form an 'end stop' to the view to the west down Nightingale Park. The building is however considered to have an acceptable appearance and would incorporate a design in keeping with the road and have the appearance of an ancillary building to the main two storey dwelling. The building is not considered to be out of keeping with its context and it is not unusual for rooms above garages to incorporate dormer windows. The building is sited on a large plot and would not in my view constitute over development. The height of the proposed extended building remains subservient

to the main house.

(iii) The proposed use of the building

- 7.5 The application is for a storage use for the applicant. The agent has provided further details of the proposed use and states that the building would not be used for commercial purposes.
- 7.6 The applicant has indicated that the storage use at first floor level would be used *for general storage of tools and household equipment and only domestic items and not in any way for commercial items.*
- 7.7 The agent has also commented that *all vehicles to be kept within the garage are for the applicants own vehicles, all collectors cars (pre war MG's) and no commercial vans.*
- 7.8 It is considered that subject to conditions preventing commercial use of the building that these uses are tantamount to uses that would be expected within a garage in the curtilage of a dwelling house notwithstanding the fact that the applicant does not currently reside in the main property which is occupied by a tenant. The uses proposed are therefore considered to be acceptable.

(iv) The impact on nearby residents

- 7.9 A number of objections have been received from nearby residents and many of the concerns raised relate to a history of issues associated with alleged commercial vehicle activity. These alleged breaches have been investigated a number of times, however any issues identified appear to have been resolved although concern remains for residents in relation to future intentions.
- 7.10 It is considered to be necessary to ensure that the use of the building is properly constrained in order to seek to prevent an unacceptable commercial use taking place, to avoid unacceptable noise or disturbance issues to nearby residents and to seek to ensure that no additional off site vehicle parking results from the development.
- 7.11 It is considered necessary to impose a non-commercial use condition, to make the use either ancillary to the main dwelling house or for the applicants own (non-commercial) use. Whilst it would not be reasonable to limit normal works to vehicles taking place on the site (as would be the case in any other domestic garage), given the residential context a condition preventing noisy or potentially fume producing works taking place is considered appropriate. Subject to these conditions it is considered that the use of the building would have a limited and acceptable impact on the residential amenities of nearby residents.
- 7.12 Concern has been expressed in relation to potential loss of privacy from the proposed dormer windows, however, any view from these windows to the fronts of other properties in Nightingale Place would be at a distance of at least 20m (No.8) and at an angle such that there would be a very limited and acceptable impact on residential amenities, insufficient to warrant a refusal of planning permission in my view.
- 7.13 The mass and bulk of the first floor remains relatively modest and it is set off the boundaries of properties in Nightingale Park. The building is closer to No.4 Southleigh Road and adjacent to a the One Stop shop, however its position, existing screening and design result in an acceptable relationship between buildings. It is not considered

that the proposal would result in an overbearing or unneighbourly impact.

(v) Highway issues

- 7.14 The proposal would appear to result in the loss of 1 parking space within a bay of the garage to accommodate a staircase. There remains parking for three cars to the front of the garage and two cars within the garage, the three spaces are considered to serve the needs of the house tenants under the current arrangements. Parking would therefore conform to Havant Borough Residential Parking and Cycle Provision SPD.

8 Conclusion

- 8.1 In conclusion, the proposed development is considered to be acceptable in principle and would not be harmful to the character and visual amenities of the area. Subject to appropriate conditions the proposed use of the building is considered acceptable in this residential area and any impact on neighbours residential amenities would be insufficient to warrant a refusal of planning permission in my view. Finally sufficient car parking is retained on site. Planning permission can therefore be recommended subject to appropriate planning conditions.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00317

(A) 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 Construction of the building works hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The extended building shall be used only for purposes incidental to the enjoyment of the dwelling house as such or for the use of Mr T. Vine whilst the owner of 9 Nightingale Park, and shall not be used for any business, commercial or industrial purposes whatsoever.
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.

- 4 The building as extended shall be retained and kept available for the parking of cars at ground floor level at all times and shall not be converted to living accommodation.

Reason: To accord with the terms of the planning application and in the interests of the character and visual amenities of the area having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The extended building shall not at any time be used for noisy or fume producing work to vehicles such as tuning, noisy body work, or paint spraying. Any work to vehicles shall be carried out only within the building.

Reason: In the interests of the residential amenities of the area 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:

Location Plan Serial Number 45674

Block Plan Drawing Number 9584S

Proposed Elevations and Ground and First Floor Plans Drawing Number 9584B

Reason: - To ensure provision of a satisfactory development.