
Site Address:	262 Milton Road, Cowplain, Waterlooville, PO8 8TX		
Proposal:	Retention of log cabin.		
Application No:	APP/13/00726	Expiry Date:	17/09/2013
Applicant:	Mr R Horwood	Team:	Team 2
Agent:		Case Officer:	Richard Nash
Ward:	Hart Plain		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The application site comprises a detached single dwelling of traditional design and brick, render and tile finish, located within a generous plot on the east side of Milton Road, north of its junction with Birch Close. There is fencing to the rear boundaries and trees on a raised area at the rear of the site are subject of a Group Tree Preservation Order. The area is predominantly characterised by medium density residential development of a broadly similar character.

2 Planning History

None

3 Proposal

The current application has been submitted retrospectively and seeks the retention of a log cabin to the rear of the dwelling. The building houses a hot tub, which the Applicant explains is necessary for therapeutic purposes. A letter from a health professional has been submitted in support of the application.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Listed Building Grade: Not applicable

Conservation Area: Not applicable

5 Statutory and Non Statutory Consultations

Arboriculturalist:

The cabin and slab are located within the Root Protection Area of the adjacent Ash. In this instance it would not be beneficial to ask for its removal as this could lead to

potential damage in the rooting area.

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: 1

Summary: Structure is close to boundary fence and looms over neighbouring garden, especially in Winter when no greenery disguises even part of it. It is nearly half the width of the adjoining garden. More material concern is water run-off from roof and/or hot tub. Neighbouring patio has flooded on either side after significant rain - believe this is a direct result of rain falling on the cabin roof, instead of absorbent land beneath, then running down either side of the cabin and flowing under fence. Would have hoped that guttering and perhaps soak-aways should have been compulsory considering use and with a building area of over 12 square metres. Concerned about emptying of hot tub - will hot water be allowed to flow on to garden surface and into adjoining garden?

Comment: The impact of the proposal on the amenities of neighbouring properties is discussed below.

7 Planning Considerations

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 on application site
- (iii) Impact on neighbouring amenities
- (iv) Impact on Protected Trees

- (i) Principle of development

It is considered that the provision of a detached building, to be used for domestic purposes, is acceptable within the curtilage of a dwelling of this scale and location.

- (ii) Impact on application site

The building is of a quite substantial size but is nevertheless considered of an appropriate scale within the context of the site. The building is sited close to the trees to the rear, but at a lower ground level, and the presence of an adjacent further mature (but unprotected) tree assists with the building's assimilation in to the site. Furthermore, a good degree of external amenity space has been retained. It is therefore considered that the development does not have a detrimental impact on the character and appearance of the site.

(iii) Impact on neighbouring amenities

The building is located approximately 7 metres from the boundary with the property to the north and is screened by trees from the property to the east. The gable of the shed is visible above the boundary fence with the property to the south, but the protected trees on site provide a considerable degree of backdrop to views of the building from this direction (NB: A visit was made to this adjoining property during the application process). The building has been stained in a brown colour that should weather to the extent that visual impact will be mitigated to a reasonable degree. It is therefore considered that the development does not have a detrimental impact on the amenities of occupiers of neighbouring properties in terms of outlook, shadowing or overbearing impact.

The occupiers of the neighbouring property have expressed concern regarding the impact of water run-off from the building, particularly as their garden is at a lower level than the application site. It is understood that, because of its proximity to the boundary and the material used in its construction, approval should also have been obtained under the Building Regulations for the building.

The building has a significant roof area (approximately 28 square metres) with rainwater currently running off directly on to the adjacent ground. The Applicant has explained that they have not yet installed guttering as the outcome of the planning application is not known. Should the application be approved, then guttering would be provided to allow water to drain in to water butts. The advice of the Building Control Team is that if this methodology is employed then a soakaway would also be likely to be required.

Drainage from the hot tub is via a hose leading directly to an existing drain, using a pond pump and syphon. The Applicant advises that if the hot tub were to be drained directly on to the garden it would kill grass and other planting because of the chlorine in the water. The Building Control Team has advised that the drainage from the hot tub is not a matter for control under the Building Regulations.

Given that drainage should be provided to an appropriate level under the Building Regulations, it is not considered necessary to impose drainage requirements by way of a planning condition. However, the Building Control Team has been notified of the development and this requirement should also be notified to the Applicant in an informative to the planning permission.

(iv) Impact on Protected Trees

The building has been sited on a concrete base, laid within the Root Protection Area ('RPA') of a protected Ash tree at the rear of the site. The Applicant has advised that the depth of the base is 90mm and no soil was removed to accommodate it, although the surface was levelled. During the ground preparation no roots were disturbed, or even visible, and there are no underground services provided to the building - the electricity supply is provided above ground.

As the cabin and slab are located within the RPA of the adjacent Ash, the Applicant would normally have been expected to have demonstrated how the proposal would not impact on the protected tree. However, in this case the development has already been completed and it is considered that the removal of the unauthorised works for investigation purposes could lead to further potential damage to the rooting area.

8 **Conclusion**

The retention of the log cabin would be acceptable in principle and would not have a detrimental impact on the character and appearance of the application site or locality, or on the amenities of occupiers of neighbouring dwellings (the latter provided an appropriate standard of drainage is provided to the building). The unauthorised development has potentially damaged the roots of protected trees, but its removal (whether on a permanent basis or temporarily to allow for further investigation of this issue) is likely to result in further damage. The planning application should therefore be approved.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/13/00726.

- 1 The cabin hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used as a separate unit of accommodation.

Reason: In the interests of clarity, to avoid the creation of a separate accommodation, to safeguard the amenities and character of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.