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8 June 2012

S U M M O N S

MEETING: Regulatory Board
DATE: 18 June 2012
TIME: 6.00pm
PLACE: Council Chamber
Democratic Services contact: Lisa Young

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Dickson) (ex officio)
Chairman of the P and O Board (Councillor Hook) (ex officio)

Councillor Ronayne (Chairman)
Councillor Carter CR (Vice Chairman)

Councillor Ms Ballard	Councillor Henshaw
Councillor Beavis	Councillor Mrs Hook
Councillor Ms Diffey	Councillor Jessop
Councillor Farr	Councillor Langdon
Councillor Gill	Councillor Wright

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm being activated, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

Legal Democratic and Planning Services: Linda Edwards – Borough Solicitor
Switchboard Telephone Number: **(023) 9258 4242**
Britdoc Number: **DX136567 Gosport 2** Website: **www.gosport.gov.uk**

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Councillors are requested to note that, if any Councillor who is not a member of the Board wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

Recommended
Minute Format

PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. MINUTES OF THE EXTRAORDINARY MEETINGS OF THE BOARD HELD ON 10 APRIL 2012 AND 16 MAY 2012

4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Thursday, 14 June 2012. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Thursday, 14 June 2012).

6. REPORTS OF THE BOROUGH SOLICITOR

*Schedule of planning applications with recommendations.
(grey sheets – pages 1 –17/1)*

PART II
Contact Officer:
Debbie Gore
Ext 5455

7. ANY OTHER ITEMS

- which by reason of special circumstances the Chairman determines should be considered as a matter of urgency.

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

18th June 2012

ITEMS WITH RECOMMENDATIONS

1. Copies of drawings and accompanying planning applications referred to in this schedule will be made available for inspection by Members from 5.00 pm immediately prior to the meeting. Unless otherwise advised, these plans will be displayed in the room in which the Regulatory Board is to be held.
2. The number of objections and representations indicated in the schedule are correct at the time the recommendations were formulated. Should any representations be made after this date, these will be notified to the Regulatory Board during the officer presentation.
3. Copies of all representations received from the public will be made available for inspection by Members in the same way as drawings will be made available, referred to in Note 1 above.
4. An index of planning applications within this schedule can be found overleaf, together with a summary of each recommendation.

INDEX				
<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	03	K10024/9	Land To The Rear Of 40 Bury Road Gosport Hampshire	Refuse
02.	12	K18044	100 Rowner Lane Gosport Hampshire PO13 0DT	Grant Permission
03.	15	K18046	1 Shoot Lane Lee-on-the-Solent Hampshire PO13 9PA	Grant Permission

ITEM NUMBER: 01.
APPLICATION NUMBER: K10024/9
APPLICANT: Mr Alex Thomson
DATE REGISTERED: 15.11.2011

**DEMOLITION OF EXISTING GARAGE AND PART DEMOLITION OF BOUNDARY WALL
AND ERECTION OF 1NO. THREE BEDROOM DWELLING WITH ASSOCIATED PARKING
AND AMENITY SPACE (CONSERVATION AREA)**
Land To The Rear Of 40 Bury Road Gosport Hampshire

The Site and the proposal

The application site is a triangular shaped plot located within an established residential area and the Urban Area Boundary, as defined on the Proposals Map of the Gosport Borough Local Plan Review. The site forms part of the curtilage of number 40 Bury Road, a two storey, six bedroom, Grade II Listed Building. Literature on the internet suggests that 40 Bury Road is available for short let holiday rental and that the property is capable of sleeping up to 16no. people. The southern half of the site is located within the Bury Road Conservation Area. The application site comprises a parcel of land where a service road splits to provide access to the rear gardens of the properties fronting Bury Road, Walton Road and Gordon Road. The service road is 3.2 metres wide, increasing to over 9 metres where it abuts the rear boundaries of numbers 42 and 44 Bury Road. The service road encloses the application site on its western, eastern and northern sides. The southern side of the site abuts a Grade II Listed wall which separates the application site from the private rear garden of number 40 Bury Road. The original wall is constructed from red brick and is approximately 2 metres high. More recent additions to the wall have raised the overall height to approximately 2.3 metres. The rear elevation of number 40 Bury Road is located approximately 25 metres from the application site.

The application site is currently occupied by a single, brick built garage with a corrugated fibre cement and plastic mono-pitched roof with a maximum height of approximately 3 metres. The garage, which is located at the northern end of site, outside of the Bury Road Conservation Area, is showing signs of disrepair. The rest of the site (on the southern side of the garage) is laid to hardstanding and is used as an informal area of car parking by number 40 Bury Road. It provides parking space for up to 6no. vehicles. The car parking area is enclosed on its southern, western and eastern sides by red brick and block work walls. The eastern boundary comprises a 1.5 metre high block work wall, with a gap in centre providing vehicular access into the informal car parking area. There is a raised planted bed adjacent to the wall which contains a telegraph pole and the stump of a Beech tree which was felled under tree notification K17796.

To the west of the site, and beyond a section of service road, are the rear gardens of numbers 18-26 (evens) Gordon Road. These dwellings are two storey semi detached properties with single storey rear additions. The properties, which each have 2no. first floor windows on the rear elevations, have rear gardens approximately 15-17 metres long. The rear boundaries of the gardens comprise a variety of wooden fencing and brick walls ranging from 1.6-1.8 metres in height. Numbers 20 and 22 have garages at the eastern end of their rear gardens, accessed from the service road. The garages have a domestic scale and range from between 2-3 metres in height. Number 26 Gordon Road, which is located on a corner plot, at the junction with Walton Road, has a pitched roof garage in the rear garden. The garage is constructed from corrugated iron and is set back approximately 10 metres from Walton Road. Access to the garage is from Walton Road, through a set of double metal gates. The side boundary of number 26, adjacent to the Walton Road, comprises a low wall, approximately 1 metre high.

To the north-east of the site and on the opposite side of the service road is the side elevation of number 2 Walton Road, the western half of a pair of two storey semi detached properties. The property has been finished in pebble dash render and has a kitchen window and 2no. smaller ground floor windows in the western elevation facing onto the service road and towards the application site. The rear elevation contains a large first floor bedroom window and a small lean-to

extension. The property has a rear garden approximately 10 metres long which is bordered by a low fence with trellising. There is a mono-pitched roof garage approximately half way down the garden, which is accessed via the service road, where it passes along the property boundary. This part of the service road then turns eastwards and provides rear access to numbers 4-26 Walton Road and 24-28 Bury Road. Walton Road is characterised by two storey semi-detached properties with the ridge tiles running from west-east. The properties have double bay windows and are finished in a pebble dash render.

The properties to the south and south-east, are the two storey detached and semi detached dwellings fronting Bury Road, many of which are Grade II Listed Buildings and lie within the Bury Road Conservation Area. The properties have rear gardens in the region of 25 metres long. Some of the properties have garages and outbuildings at the northern ends of their gardens, accessed via the service road.

In 2008, the application site was the subject of planning application K10024/5, which was for the demolition of the existing garage and eastern and western boundary walls and the erection of a two storey, four bedroom dwelling. The application was accompanied by an application for Conservation Area Consent, reference K10024/4, for the demolition of the existing garage and boundary walls, to facilitate the erection of the dwelling proposed under application K10024/5.

The applications were considered at the Regulatory Board on 9 December 2008. Members refused to grant planning permission for the new dwelling on the grounds that the proposed development, by reason of its location, density and design, would result in an undesirable form of backland development that would be out of keeping with the character of the area, creating an incongruous feature in the streetscene. It was further considered that the proposed development would adversely affect the living conditions of the occupiers of number 2 Walton Road. The proposed access and parking arrangements were considered inadequate and the service road was considered to have insufficient width to maintain safe and convenient passage for all vehicles, to the detriment of highway safety and the free flow of traffic. It was also considered that inadequate facilities were provided for short stay bicycle parking. In the absence of a satisfactory redevelopment scheme, Members also considered the proposal to demolish the garage and boundary walls unacceptable and, therefore, also refused application reference K10024/4.

The proposal refused under planning application K10024/5 comprised a two storey, flat roof building of varying heights with a contemporary appearance, built onto the application boundaries, with a footprint that covered the vast majority of the site. The drawings showed that the western elevation of the building would have been curved to create a semi circular shaped external court yard for prospective occupiers. The plans showed that the building would have had an overall length of over 24 metres and that it would have been constructed in facing brickwork with red cedar cladding and white painted render. The building was shown to have grey, aluminium powder coated double glazed windows. The plans showed the provision of an integral garage in the northern elevation for vehicular parking (including designated refuse and bicycle storage facilities) with an outward opening door of vertical timber panels. An additional parking space was shown in front of the proposed garage, on the northern side of the building.

Applications K10024/4 and K10024/5 were dismissed on appeal. At that time, the Planning Inspector noted the benefits of re-developing the land but considered that the proposed development, by reason of its flat roofs and siting right onto the application boundaries would create a monolithic structure of too great a mass, dominating its surroundings, to the detriment of the character and appearance of the area. He, therefore, considered the development to be contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

The Inspector noted that the proposed development would bear little resemblance to surrounding development, however, accepted that there is no requirement for new development to duplicate the existing. The Inspector noted that the proposed development would be visible from the rear windows and rear garden of number 2 Walton Road, but did not consider that it would appear overbearing or have an unduly detrimental affect on the living conditions of its residents, or any other neighbouring occupiers. The Inspector considered that 2no. car parking spaces was an

acceptable provision and did not consider that the creation of a parking space on the northern side of the building, would harm the ability of vehicles manoeuvring into and out of the service road. The Inspector also considered that there would be no significant implications for road safety if the development resulted in additional parking in the adjoining road network. He noted that the site was already occupied by a garage and considered that the development would not adversely affect the continued safe use of the service road by other neighbouring occupiers. Although the Inspector recognised that the proposed development may generate deliveries to the site, he noted that the proposed dwelling would be in reasonable carry distance of Walton Road and that it would not, therefore, be essential for delivery vehicles to block the service area in order to make deliveries to the proposed dwelling. The Inspector considered that in the absence of a satisfactory redevelopment scheme for the site, the demolition of the existing garage and boundary walls would fail to preserve the character and appearance of the Conservation Area at the southern end of the site and he, therefore, dismissed the appeal of planning refusal K10024/4.

In 2008, the Local Planning Authority also refused planning applications K10024/6 and K10024/7 for the demolition of part of the boundary wall at number 40 and the erection of a detached garage within the rear garden. The plans showed that the garage would be 5.84 metres wide and 6.515 metres deep. The garage would have been 4.95 metres high.

The applications were also considered at the Regulatory Board on 9 December 2008. Members refused to grant planning permission on the grounds that the partial demolition of the wall would have an adverse impact on the historic character and setting of the Listed Building and would neither preserve nor enhance the character of the Conservation Area. Members considered that the proposed garage would be out of keeping with the historic character of the area. The roof was considered to be too high and the provision of a metal roller shutter doors was considered unacceptable in this location.

In 2009, the Local Planning Authority also refused planning application K10024/8 for the formation of a new opening in part of the Listed boundary wall at number 40 Bury Road and the installation of gates to provide a new vehicular access and parking area in the rear garden of number 40 Bury Road. The proposal also included the demolition of an existing shed. An existing opening in the northern Listed wall, which provides access into the informal car parking area, was to be bricked up as part of the proposal. The application was refused on the grounds that the demolition of the wall would have an adverse impact on the historic character and setting of the Listed Building, to the detriment of the special character of the building and its setting within the Conservation Area. It was also considered that the provision of hardstanding within the rear garden of number 40 would be out of keeping with the historic character of the area, harming the setting of the Listed Building and providing an unacceptable design within the context of the largely soft landscaped rear garden.

The application was dismissed on appeal. The Inspector considered that the existing walled garden at number 40 complemented the historic character of the property and that the introduction of car parking within the rear garden would introduce a discordant feature within the setting of the Listed Building. The Inspector considered that the introduction of car parking within the rear garden, which would be visible from the rear windows, would introduce a modern, utilitarian feature, at odds with the traditional domestic appearance of the garden. He, therefore, considered the proposal would harm the special architectural and historic character and setting of the Listed Building.

This latest planning application is for the demolition of the existing garage and eastern and western boundary walls and the erection of a two storey, three bedroom dwelling. The proposed dwelling would have a pitched roof with the ridge orientated north-south. It would be 8.9 metres deep, 6.2 metres wide, 5 metres high to the eaves, rising to 7 metres with the slope of the roof. The northern elevation, facing towards Walton Road, would contain 2no. ground floor kitchen windows and a door and 2no. first floor bedroom windows. A brick soldier course would wrap around the building between the ground and first floors. Due to the triangular shape of the plot, which narrows at its northern end, the western side of the proposed dwelling, which contains the front door, has been set back approximately 3.5 metres from the principle front elevation. A canopy would be erected over the front entrance door, constructed onto a single supporting post with timber cladding to its gable end. A flat roof refuse store would be attached to the front elevation of the building. The

refuse store would extend 1.6 metres beyond the principal front elevation and would be approximately 1.25 metres high.

The eastern elevation, facing towards number 2 Walton Road, would contain 1no. high level ground floor kitchen window and 1no. first floor window, which would serve a stairwell. Both of the windows would be obscure glazed. This elevation would also contain 1no. ground floor and 1no. first floor recessed false window. The western elevation, facing onto the rear gardens of the properties fronting Gordon Road, would contain a small ground floor bathroom window. 2no. rooflights in the western roofslope would provide natural light to a first floor bathroom and bedroom. The southern elevation, facing towards number 40 Bury Road, would contain 2no. ground floor lounge windows, and a set of double doors. The first floor would contain 2no. bedroom windows.

Unlike planning application K10024/5, the proposed development would only occupy the northern part of the plot. The front elevation would be set back approximately 10 metres from Walton Road. The eastern elevation would be sited approximately 5.5 metres from the opposing side elevation of number 2 Walton Road. There would be a separation distance of approximately 20 metres between the western elevation of the proposed dwelling and the opposing rear elevations of the properties fronting Gordon Road and over 40 metres between the rear elevation of the application property and the opposing rear elevation of number 40 Bury Road.

The proposed dwelling would be constructed from facing brick with brick and plain tile creasing/corbel details, brick arches and brick cills. The roof would be finished in slate.

Amenity space at the site would comprise a private garden positioned at the rear of the dwelling, measuring approximately 8 x 9 metres. The garden would be enclosed by a new 1.8 metre high brick wall. The existing service road would pass the rear garden on its eastern and western sides.

Parking for the proposed dwelling would comprise 2no. car parking spaces. 1no. of the spaces would be positioned on the northern side of the dwelling, adjacent to the front elevation. The second space would be positioned towards the southern end of the plot, accessed via the section of service road that runs along the eastern boundary of the site. Access into the space would necessitate the removal of the existing raised planting bed and tree stump and the relocation of a telegraph pole. 3no. spaces would also be provided for use by number 40 Bury Road. 2no. of the spaces would be provided in a tandem arrangement. The spaces would be positioned at the southern end of the site and would be accessed via the section of service road that extends along the western boundary of the application site.

Visitor bicycle parking facilities are shown on the western side of the building, with long stay bicycle parking facilities shown within a lean-to element on the western elevation, towards the rear of the dwelling.

Relevant Planning History

K10024/1 - change of use and conversion of existing dwelling (Class C3) to bed and breakfast accommodation (Class C1) (6 letting rooms) including erection of two storey rear extension, conservatory, replacement front boundary wall and car parking (Listed Building in Conservation Area) - withdrawn 24.03.05

K10024/2 - Listed Building Application - erection of two storey rear extension, conservatory and replacement front boundary wall and internal alterations to facilitate use of premises as bed and breakfast accommodation (Class C1) (Conservation Area) - withdrawn 24.03.12

K10024/3 - cutting down of 8no. trees and pruning 3no. trees (Conservation Area) - 14.12.07

K10024/4 - Conservation Area Application - demolition of double garage and boundary walls (Listed Building) - refused 12.12.08 - Appeal dismissed 09.11.09

K10024/5 - demolition of existing garage, outbuildings and boundary walls and erection of a 2 storey dwelling (Conservation Area) - refused 14.04.09 - Appeal dismissed 09.11.09

K10024/6 - erection of detached double garage in rear garden (Listed Building in Conservation Area) - refused 12.12.08

K10024/7 - Listed Building Application - demolition of part of boundary wall, garden shed and erection of detached double garage (Conservation Area) - refused 15.12.08

K10024/8 - Listed Building Application - formation of new opening in boundary wall with installation of set of gates to provide new vehicular access and parking area and repair and reinstatement to northern boundary wall and demolition of shed (Conservation Area) - refused 07.04.09 - Appeal dismissed 09.11.09

K17796 - application at the rear of 40 Bury Road for the felling of 1no. Beech tree (Conservation Area) - no objection raised 17.06.11

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/DP3

Provision of Infrastructure, Services and Facilities

R/BH1

Development in Conservation Areas

R/BH3

Development Affecting Listed Buildings

R/H4

Housing Densities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/OS8

Recreational Space for New Residential Developments

Consultations

The Gosport Society	No objection.
Building Control	No objection. Access for the Fire Brigade is acceptable. The applicant should note that there are storm drains on both sides of the site.
Local Highway Authority	No objection. A road closure may be required during the construction period and this will require a license from Hampshire County Council. The license could ensure that access for existing residents is retained. Transport Contributions would be required to take account of the increased number of multi modal trips to and from the site.
Streetscene (Waste & Cleansing)	No objection. Adequate facilities are shown for the storage of refuse bins, which would be collected from Walton Road.
Streetscene (Parks & Horticulture)	No objection.

Response to Public Advertisement

1 letter of observation

Issues raised:-

- no objection, so long as the width of the service road is not reduced

11 letters of objection

Issues raised:-

- disruption and blocking of the service road during construction
- questions the reliability of the Design and Access Statement
- the drawings do not include measurements
- the plans do not accurately reflect the width of the service road
- the plans show that the bin store would be located on the service road
- number 40 Bury Road is often used as a guesthouse
- byelaws restrict residents from blocking the rear service road and would prevent the erection of scaffolding etc during construction
- a similar development has already been refused at this site
- the proposed development is contrary to Policy R/DP1 of the Gosport Borough Local Plan Review
- the proposed development, by reason of its design, siting and materials, will be out of keeping with the area
- the modern design is at odds with the Conservation Area and the adjacent Listed Building
- the design is unimaginative
- a 'Mews' style house would be more appropriate
- the proposed development will result in a loss of privacy, noise disturbance and light pollution to a number of neighbouring properties
- the proposed development will result in overshadowing and overlooking of number 2 Walton Road
- the proposal development provides an insufficient provision for parking
- the proposed development will result in parking problems
- the increased use of the rear service road by vehicles will be harmful to pedestrian safety
- vehicles manoeuvring could damage adjacent walls/property
- visibility when pulling out onto Walton Road is often restricted by parked vehicles

Principal Issues

1. A certain level of disruption is inevitable during the construction period. If, however, vehicles are blocking the highway, the matter should be referred to the local police. If it became necessary to erect scaffolding onto the public highway, the applicant would be required to obtain a license from Hampshire County Council and this could be used to control/retain access to adjacent properties. A Design and Access Statement is a statutory requirement to be submitted by the applicant to explain and support their proposal. Notwithstanding this, planning applications are assessed on the basis of the submitted plans and a site visit to check accuracy and make a balanced planning judgment. The submitted plans are accurate and have been drawn to a recognised metric scale. Covenants and byelaws are private legal matters between the interested parties and are not a material consideration in the determination of this planning application. All planning applications must be considered on their individual merits and against the National Planning Policy Framework (NPPF) and the policies of the Gosport Borough Local Plan Review. The main issues to consider in this case, therefore, are the acceptability of the principle of the development, given the change in Government policy and guidance, and the acceptability of the design, density and layout of the development, whether it preserves or enhances the character and appearance of the Bury Road Conservation Area and its impact on the character and visual amenity of the locality, the amenity of adjacent and prospective occupiers and the adequacy of access, parking and servicing

arrangements and the provision for cycle parking, refuse storage and collection, amenity space and highway infrastructure improvements.

2. Notwithstanding his concerns regarding design, when considering the appeal of refused planning application K10024/5, the Planning Inspector considered the principle of residential redevelopment at the application site to be acceptable. Since this decision was made, the government has published the National Planning Policy Framework (NPPF). The NPPF states that decision takers may continue to give full weight to relevant policies adopted since 2004. The Gosport Borough Local Plan Review was adopted in 2006 and together with the NPPF, its Policies are, therefore, a material consideration in the determination of this planning application.

3. In accordance with the National Planning Policy Framework (NPPF), the key objective is that Local Planning Authorities make effective use of land by re-using that which has previously been developed. The overall aim of the Local Plan Policies is to prevent harmful development in inappropriate locations, having regard to the merits of each individual case. The application site forms part of the curtilage of the residential property number 40 Bury Road and does not, therefore, constitute Previously Developed Land (PDL). In addition to this, due to the irregular shape of the plot (which narrows significantly at its northern end) and the constraints imposed by the existing service roads, the western side of the proposed dwelling has been stepped back, with a further recessed single storey element beyond, creating a confused and awkward detail when viewed from the front of the property. Due to the limited space available, the proposed bin store is shown attached to the northern elevation of the property, creating a discordant feature on the front of the dwelling which further exemplifies the appearance of a cramped, contrived and awkwardly designed development. At approximately 8 metres long, the proposed rear garden does not comply with the guideline dimensions set out within Appendix B of the Gosport Borough Local Plan Review and is shorter than adjacent gardens. Moreover, the garden would be bordered on its western and eastern sides by the existing service road and on its southern side by the proposed car parking area, which includes the retained spaces for number 40 Bury Road. The noise associated with the use of the car parking spaces and service roads (whether in vehicle or on foot) would be undesirable for prospective occupiers, creating a poor level of residential amenity.

4. A suitable visual gap will be retained between the rear elevation of the proposed dwelling and the rear boundary of the adjacent Listed Building and as a result, the proposal will not harm the setting of number 40 Bury Road or the adjacent Listed wall. The proposed boundary walls would replace existing boundary treatments and subject to the use of appropriate external materials, need not detract from the appearance of this section of the service road. Due to the width of the entrance to the service road, however, and its siting relative to number 2, the proposed dwelling would be clearly visible from Walton Road and will be read within the context of the adjacent two storey dwellings. The existing garage at the site is approximately 3 metres high and has a very shallow, 9 degree, mono pitched roof. It, therefore, sits comfortably within the overall context of service road, where low and innocuous, single storey garages and outbuildings predominate. By contrast, the proposed dwelling would be 7 metres high and would have a steep, 42 degree, roof pitch. It would, therefore, be considerably higher than the existing garages/outbuildings which front the service roads within the vicinity of the application site. This significant increase in height, coupled with the introduction of a prominent pitched gable fronting the entrance of the service road, would result in an incongruous development that would be out of keeping with the established pattern of development in the area. Furthermore, the proposed dwelling would not have a conventional frontage with the road, thereby failing to reflect the established pattern of development in the locality. The use of brick in this location (as opposed to pebble dash rendering as prevails in Walton Road), would serve to reinforce the anomalous appearance of the dwelling when compared to the existing built form and will emphasise the incongruous nature of the proposal. Despite the provision of a single brick soldier course, the front elevation would appear flat and featureless when compared to the double gabled and bay frontages of the properties in Walton Road, further exacerbating the differences between the proposed and existing built form and contributing to a development that would appear discordant when viewed from Walton Road. Unlike the roofs of the adjacent properties, which slope away from the highway, the roof of the proposed dwelling has been designed with the ridge tile orientated west-east, upsetting the rhythm and uniform appearance of the properties on the southern side of Walton Road.

5. In light of the above, it is considered that the proposed development has been unsuccessfully modelled to overcome the constraints of this small and irregularly shaped plot. Whilst it is recognised that there is no requirement for new development to replicate the existing, the proposed dwelling would create an incongruous feature when viewed from both the service road and Walton Road. It would harm the visual amenity of the locality and would not preserve the character or appearance, or setting, of the Conservation Area which covers the southern section of the site. As such, the development is considered to be contrary to the NPPF and Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

6. The proposed dwelling would be provided with 2no. car parking spaces. Census information suggests that car ownership within the Leesland ward averages 0.73 cars per household. It is likely, therefore, that the provision of 2no. spaces would be sufficient to meet the demand for parking associated with the 3no. bedroom dwelling. Notwithstanding this, in accordance with the Supplementary Guidance Note to Policy R/T11 of the Gosport Borough Local Plan Review, applicants are required to demonstrate, with appropriate evidence, that the level of parking provided will be adequate to meet the demand for resident and visitor car parking. The car parking for the existing dwelling, 40 Bury Road, has been reduced from 6no. spaces to 3no. spaces. 2no. of these spaces would be arranged in tandem form making their use impractical and inconvenient, further evidence of the contrived and constrained layout. It is likely, therefore, that the spaces will be under used. No evidence has been provided to demonstrate that the provision of 3no. spaces will be adequate to meet the car parking demands of number 40, which is advertised on the internet as being available for short term holiday lets for up to 16no. people. Without evidence to the contrary, and despite the application site being located close to well serviced bus routes, it is considered that the reduction in existing car parking is likely to result in overspill parking in the local highway, to the detriment of highway and pedestrian safety, contrary to the NPPF and Policy R/T11 of the Gosport Borough Local Plan Review.

7. The proposed eastern elevation contains a small, high level secondary kitchen window and one first floor window serving a stairwell. In light of this, and given the position of the windows relative to the windows at Number 2 Walton Road, and the intervening boundary treatment and garage, the proposal will not result in an unacceptable level of mutual overlooking between the proposed dwelling and the occupiers of number 2. The separation distances between the proposed and existing dwellings exceed the guideline figures set out in Appendix B of the Gosport Borough Local Plan Review. In light of this, the orientation of the properties and the siting of the dwelling relative to Number 2 Walton Road, the proposed development will not have an unacceptable impact on the amenities of any neighbouring occupiers in terms of loss of light or outlook. The site is already used for car parking and the comings and goings associated with the provision of a three bedroom dwelling are unlikely, therefore, to result in harmful levels of disturbance to adjacent occupiers when compared to the existing arrangements, taking into account the activities associated with 40 Bury Road. Similarly, as the site is located in an established residential area, the use of the proposed rear garden, refuse store and bicycle parking facilities, is unlikely to harm the amenities of existing occupiers through noise disturbance, in accordance with the NPPF and Policy R/DP1 of the Gosport Borough Local Plan Review.

8. In considering the appeal of planning application K10024/5, the Inspector considered that the provision of a dwelling at the application site need not compromise the continued safe use of the service road. The Planning Inspector also did not consider that the provision of a parking space at the front of the site would harm the ability of vehicles to manoeuvre into and out of the service road. As this arrangement is unchanged when compared to planning application K10024/5, it is not considered that this part of the proposal will harm highway or pedestrian safety. The proposed spaces on the southern side of the proposed garden would be positioned where the service road has sufficient width to allow safe and convenient entry and egress and where there is sufficient turning space to allow a vehicle to manoeuvre so as to exit the service road in a forward gear. Given their siting, the use of the spaces will not compromise the continued safe use of existing garages and pedestrian accesses, while the provision of a visibility splay will ensure that there is adequate intervisibility between all users of the highway. Adequate provision is shown for long stay and visitor bicycle parking and sufficient space has been allocated for the storage of refuse bins,

which can be placed out on the public highway on collection days. The proposed access, bicycle parking and refuse storage arrangements are, therefore, acceptable and comply with the NPPF and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

9. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and transport and highway improvements, in accordance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review. Without this obligation the proposal would be unacceptable in this respect.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposed dwelling, by reason of its inappropriate design, siting, layout, elevational detailing and constrained location would result in an inappropriately contrived development that will be out of keeping with the established pattern of development in the area. The resultant built form would appear incongruous when viewed from the rear service road and Walton Road and would be harmful to the character and appearance of the locality. The proposed development would not preserve the character or appearance of the Bury Road Conservation Area and is, therefore, contrary to the National Planning Policy Framework (NPPF) and Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

2. The proposed outside amenity space is smaller than the guideline dimensions set out within Appendix B of the Gosport Borough Local Plan Review. The garden would be bordered on its eastern, western and southern sides by service roads and car parking areas. The use of the garden would, therefore, be undesirable for prospective occupiers, creating a poor level of residential amenity, contrary to the National Planning Policy Framework (NPPF) and Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The proposed development makes inadequate provision for on-site car parking for number 40 Bury Road, which is likely to result in overspill car parking in the surrounding road network, to the detriment of highway and pedestrian safety, contrary to the National Planning Policy Framework (NPPF) and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

- development may harm trees in neighbouring gardens
- application form was completed incorrectly and the site plan is out of date
- will set a precedent for similar developments
- the development exceeds the height allowed under Permitted Development
- building could be developed further in the future, with another storey being added
- desired development could be accommodated at side of property
- queries over council tax monitoring
- loss of amenity to neighbouring residents in terms of noise
- development is out of character with the area
- access for emergency vehicles

Principal Issues

1. The creation of a separate dwelling would need planning permission, however, the applicant has confirmed a willingness to enter into a legal agreement requiring the occupation of the annex to remain ancillary to the residential use of 100 Rowner Lane. The Agreement will prevent the building being separated from the main property and being lived in as an independent unit, or being sold or let as such. No trees of significant historic or landscape value would be lost as a result of the proposal and should trees in third party ownership be damaged, this would be a private legal matter. The application form and submitted plans are of adequate detail to show the relationships between the properties, and, in conjunction with the site visit, are sufficient to enable the application to be determined. Permitted Development legislation makes provision for certain types of development to be carried out without the need for planning permission and it does not follow that development exceeding the tolerances is automatically unacceptable. The height of the proposed structure exceeds Permitted Development tolerances, therefore, planning permission is required. Where planning permission is required for a proposal, an application is considered on its own individual merits and on the basis of the plans submitted by the applicant. A separate application for planning permission would be required to add a further storey to the building. Matters relating to Council Tax are dealt with by the Council's Council Tax section and are not a planning issue. Access by emergency vehicles is dealt with under the Building Regulations. Therefore, the main issues in this case are the acceptability of the garage and annex and the impact on the visual amenity of the locality and the amenities of the occupiers of the adjoining dwellings.

2. Due to its siting at the rear of the dwelling, the proposed building would not be readily visible from Rowner Lane. There are other large detached buildings in neighbouring gardens, and other examples of such buildings with pitched roofs, therefore, the development will not be out of keeping with the adjacent built form. Furthermore, the shallow pitch of the hipped roof helps to reduce the mass of the building and although it would project to the rear of the garden, it would be largely obscured by the garages in the neighbouring gardens and is a visual improvement on the existing flat roofed garage when viewed from Rowner Lane. The materials would be controlled by condition. The proposal is, therefore, acceptable and would not have a harmful impact on the visual amenity of the area, in compliance with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. Given the eaves height of the building, the hipped roof that slopes away from the boundaries and its siting towards the rear of the garden adjacent to, and obscured by, the garage in the neighbouring garden to the south, and the absence of windows in the southern elevation, the proposed building would not have an unacceptable impact on the amenities of the occupiers of number 102 Rowner Lane. Similarly, the neighbouring properties to the east that front Green Crescent are located approximately 37m away, beyond the intervening gardens and garages. With regard to the property to the north, number 98, the scale and location of the garage is such that, in conjunction with the orientation of the properties and that the roof that would slope away from the boundaries, there would be no harmful impact on the amenities of the occupiers of that dwelling. Whilst there would be some increase in living activity in the garden, as the use would remain ancillary to the occupation of the main dwelling, this increase in activity is considered to be acceptable. Given the above and having regard to the fact the windows would only look onto the application site, the proposed building would not have an unacceptable impact on the amenities of the occupiers in terms of loss of light, outlook or privacy. As such, the development complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The access to and from the site is adequate and there would be no reduction in the number of available parking spaces. The location of the garage is such that the door can be opened without it overhanging or obstructing the public highway. As such, the development is not detrimental to highway or pedestrian safety, in compliance with Policy R/T11 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. the use of the building

Reason(s) for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development, as proposed, is acceptable in this location. It is of an appropriate design and will not have a detrimental impact on the visual amenity of the locality, the amenities of adjoining residents or highway safety. As such, the proposal complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

Subject to the following condition(s):-

1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

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

Plan A, Plan B, Plan C and Plan D

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The materials to be used shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 03.
APPLICATION NUMBER: K18046
APPLICANT: Mr & Mrs T & T West
DATE REGISTERED: 27.01.2012

ERECTION OF EXTENSIONS TO CAR PORT/GARAGE INCLUDING ERECTION OF 2NO DORMER WINDOWS TO ROOMS IN ROOF (as amended by plan received 22.02.2012)
1 Shoot Lane Lee-on-the-Solent Hampshire PO13 9PA

The Site and the proposal

The application site is located on the southern side of Shoot Lane immediately to the west of its junction with Sandhill Lane. The site is located outside of the Urban Area and within the Strategic Gap as defined by the Gosport Borough Local Plan Review Proposal Map. The application site is adjacent to an area of open grassland that has been identified as being potentially used by waders and Brent geese, associated with the nearby Portsmouth Harbour Special Protection Area. The site contains a detached, chalet style, bungalow of brick construction with rendered gables, under a steeply pitched, tiled roof that contains pitched roof dormer windows. The site is generally rectangular in shape and is approximately 66m deep and in excess of 15m wide. The site slopes down from south to north by approximately 1-2m. The site is bounded by a low brick wall to the north and east and by a 1.6m high wall that rises to 2m high along the southern boundary. The site is accessed from Sandhill Lane to the east.

To the front of the property, alongside the southern boundary, is a 6.4m deep and 6.4m wide detached garage/car port with a gym and domestic storage space within the roofspace. It is constructed of brick and oak timber framing and similarly has a steep pitched tile roof that is 5.2m high and has timber clad gables. It is set off the southern boundary approximately 0.4m. The northern side of the ground floor is open and forms the car port and the southern side forms the garage, with a vehicle door in the eastern elevation and a pedestrian door in the western elevation. There is a window in the first floor east facing gable and two roof lights in the northern roofslope.

The neighbouring property to the north, number 2 Shoot Lane, is a similarly designed dwelling that is contemporary with the application property. This property projects forward of the application property, with the front elevation being forward of the existing car port by approximately 3.7m. It is set off the common boundary by approximately 2.5m and has a ground floor lounge window facing north. This room also received light from a window in the eastern (front elevation). Additionally, there is a bedroom window in the gable at first floor level. Beyond hedgerows, there are fields to the north, east and west. The site is only visible from the corner of Shoot Lane and Sandhill Lane.

It is proposed to enlarge the existing detached garage/car port. The car port would be extended to the west by 2.5m, the east by 1.5m and the north by 1m. The alterations would include raising the overall height of the roof by 1.9m with a roof pitch matching that of the main dwelling. There would be two pitched roof dormer windows erected on the north facing roof slope and a window in the east facing gable. The additions would be constructed using matching materials. A new internal staircase and a shower room within the roofspace would be provided within the enlarged structure.

Originally, it was proposed to extend the eastern elevation of the building by 2.5m, however, amended plans have now been received that show a 1.5m extension to reduce any impact on amenities of the neighbouring occupiers to the south.

Relevant Planning History

K16760 - Outline Application -Demolition of existing pair of cottages and erection of 2no. detached dwellings - withdrawn

K16760/1 - Outline Application -Demolition of existing pair of cottages and erection of 2no. detached dwellings and 2 detached garages - permitted 19.01.05

K16760/2 - Details Pursuant to K.16760/2 - Erection of 2 no. detached dwellings - permitted 19.07.2005

K16760/3 - Retention of existing works and further works for the erection of two detached dwellings and one double detached garage/car port and front boundary wall (as amplified by plans received 29 March 2006 and amplified by details and samples) - permitted 20.04.2006

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/OS1

Development Outside of the Urban Area

R/DP1

General Standards of Development within the Urban Area

R/OS2

Strategic Gaps

R/OS13

Protection of Habitats Supporting Protected Species

Consultations

HCC Ecology

No concerns over the potential impacts on biodiversity from this development proposal.

Response to Public Advertisement

Nil

Principal Issues

1. The main issues in this case are whether the proposal is appropriate outside of the Urban Area and within the Strategic Gap, the acceptability of the design of the extensions and the impact on the visual amenities of the locality and the amenities of the occupiers of the neighbouring property and the interests of nature conservation.

2. The application site is located outside the Urban Area boundary where new development is normally considered to be inappropriate, with the exception of appropriate recreational uses or for the operational requirements of the MOD, public or other essential services. However, in this case the site already accommodates a recently constructed dwelling and garage/carport located in the front garden of the property. The building is adjacent to the boundary with and forward of the backdrop of number 2 Shoot Lane and this householder development proposes no extension to the existing residential curtilage. The building would remain subservient in height to both the application property and the adjacent property to the south and the dormer windows would match those on the existing dwelling. The dormer windows are appropriate in size and would be set in so the form of the main roof would be retained. The additions would be constructed in matching materials and the roof would have a pitch matching that of the original dwelling. The location of the additions in conjunction with the slope of the site is such that the proposal will not be overly prominent in the streetscene and would not have a harmful on the visual amenity of the area. Moreover, given the building's location with an existing residential building envelope, the extensions are appropriate development outside of the Urban Area Boundary and would not physically and/or visually diminish the Strategic Gap. As such, the proposal is acceptable and complies with Policies R/DP1 and R/OS2 of the Gosport Borough Local Plan Review.

3. There would be no change in the nature of use of the structure as a result of the proposals. There would be no additional windows in the southern elevation, therefore, the development would not increase the propensity to overlook the neighbouring dwelling over and above that which currently exists. The roof of the building slopes away from the southern boundary and the rooms which have windows on the opposing elevation at number 2 Shoot Lane also have east facing windows which would be unaffected by the proposals. The proposals would not appear unduly

oppressive or overbearing to the neighbouring residents or result in an unacceptable loss of outlook and whilst the proposed extensions would result in some loss of light to the north facing windows, light to these northern facing windows is already limited given the position and scale of the existing garage/car port and, on balance, the proposal would not result in an unacceptable living environment for the occupiers of the neighbouring property. The proposed development, therefore, is acceptable and would not have a harmful impact on the living conditions of the adjacent occupiers in terms of loss of light, outlook or privacy and, as such, complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The application site is adjacent to an area of open grassland that has been identified as being potentially used by waders and Brent geese, associated with the nearby SPA. The proposal to extend an existing building will not have an adverse impact on biodiversity. The proposal, therefore, complies with Policy R/OS13 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Grant Permission

Reason(s) for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development, as proposed, is acceptable in this location. It is acceptable in design terms, is an acceptable form of development outside of the Urban Area, will not have a harmful impact on the amenities of the area, or on the amenities of the occupiers of neighbouring properties or nature conservation interests and will not physically and/or visually diminish the Strategic Gap and, as such, complies with Policies R/DP1, R/OS2 and R/OS13 of the Gosport Borough Local Plan Review.

Subject to the following condition(s):-

1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

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

Drawing No:01 & Drawing No:02A

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policies R/DP1 and R/OS2 of the Gosport Borough Local Plan Review.

3. The materials to be used shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policies R/DP1 and R/OS2 of the Gosport Borough Local Plan Review.