

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 18 JUNE 2012**

The Mayor (Councillor Dickson) (ex-officio), Chairman of the P & O Board (Councillor Hook) (ex-officio) (P); Councillors Ms Ballard (P), Beavis, Carter CR (P), Ms Diffey (P), Farr (P), Gill (P), Henshaw (P), Mrs Hook (P), Jessop (P), Langdon (P), Ronayne (P) and Wright (P).

7 APOLOGIES

Apologies for inability to attend the meeting were received from the Mayor and Councillor Beavis.

8 DECLARATIONS OF INTEREST

Councillor Gill advised that he resided in Bury Road, but that number 40 was not visible from his property.

9 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meetings held on 10 April and 16 May 2012 be approved and signed by the Chairman as true and correct records.

10 DEPUTATIONS

Deputations had been received on the following applications:

- K10024/9 – Land to the Rear of 40 Bury Road
- K18044 – 100 Rowner Lane, Gosport

11 PUBLIC QUESTIONS

No public questions had been received.

PART II

12 REPORT OF THE BOROUGH SOLICITOR

The Borough Solicitor submitted a report on applications received for planning consent setting out the recommendation in each case (a copy of which is attached in the Minute Book as Appendix 'A').

RESOLVED: That the decisions be taken on each application for planning consent as detailed below:

**13 K10024/9- 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

Mr McIlraith was invited to address the Board. He advised that he was representing a number of residents residing in Bury Road, Walton Road and Gordon Road. He advised that the proposed design was at odds with the existing properties in both Walton Road and Bury Road. He advised that the proposal was at odds with the existing street scene and would not blend in with the surrounding properties and that it was evident that the building was trying to be squeezed in. He felt the proposal would not enhance the area and would not compliment the Regency villa style properties in Bury Road, bordering the Conservation Area.

Mr McIlwraith advised the Board that 40 Bury Road was advertised as Bury Tower House, a holiday let that can sleep up to 16 people, with parking for 4-6 cars and potentially space for a boat. The Board was advised that the site was currently a garage and parking for 40 Bury Road. Concern was expressed that, not only would there be an overspill from the cars of 40 Bury Road that would be displaced, but that the proposed building had the potential to bring an extra 3 cars to the site.

The Board was advised that the access ways provided vehicular access to 29 different properties and the proposal would disrupt the access. He concluded by advising that the proposal would be detrimental to pedestrian and highway safety.

Trevor Ayles was invited to address the Board. He advised that he was the agent for the application and that initial pre-application advice had been given in June 2011. He advised that the reduction in scale and mass, from previously refused applications had been welcomed and that the response from Officers to the pre-application proposals had been overall positive.

Mr Ayles questioned the reliability of the pre-application process as the Planning Officers had subsequently recommended that the formal planning application be refused.

The Board was advised that the separation distances proposed were acceptable and that vehicle movements to the site would be low.

Mr Ayles advised the Board that it was presumptuous to assume that number 40 Bury Road was to continue as a residential letting and that the Planning Inspector had previously indicated that the proposal would not have any implication on highway and pedestrian safety.

The Board was advised that the proposal was acceptable and of a reasonable size and that it would enhance the area. Mr Ayles advised that the proposed parking levels were acceptable and that the area was well served by local bus routes. Mr Ayles advised Members that the Local Highway Authority had not objected to the proposal.

Mr Ayles advised that the opinions on the scale design and layout of the proposal would vary, but that the proposal was acceptable.

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Mr Ayles advised that the dimensions of the rear garden were comparable to the guideline dimensions set out within the Gosport Borough Local Plan Review.

To clarify, Mr Ayles advised that he believed that 40 Bury Road was currently used as a residential letting, that he could not confirm whether it would continue to be used for this purpose, but that he felt the report of the planning officer was presumptuous in assuming that it would continue to be used as a holiday let.

Councillor Scard, Ward Councillor for Anglesey, was invited to address the Board. He advised that he was making the deputation on behalf of his colleague, Councillor Forder, who was unable to attend the meeting.

He advised that he supported the objections of the residents and the recommendation of the Planning Officer. He acknowledged that there was a large amount of history of previous applications for the proposal and that five previous applications had been refused and two appeals to the Planning Inspector dismissed. Councillor Scard noted that in the most recent appeal, the Inspector had advised that it was unlikely that any future proposal would be acceptable.

Councillor Scard advised that the plot of land in question was an odd shaped plot surrounded by access roads. He advised that the architectural styles of Bury Road and Walton Road were both dominant, but very different and that the proposal would not compliment either.

He advised the Board that the proposal was a classic example of back land development on an awkward triangular plot.

Councillor Scard stated that the property was currently advertised to let as a holiday home that could sleep 16 and had parking facilities for up to 6 cars. It was advertised as being suitable for hen parties and stag parties and was situated 10 minutes from the beach. The Board was advised that a number of the advertised existing spaces would be forfeited if the proposal was approved. The proposal also stated that there would be two parking spaces allocated to the new building, leaving 40 Bury Road with 3 parking spaces; a reduction of half.

The Board was advised that the development would adversely affect the residents of 2 Walton Road. It was accepted that the proposal had a smaller footprint than previous proposals but that as the proposal was closer to the boundary the impact on 2 Walton Road would be greater.

In conclusion, Councillor Scard expressed concern that the proposal site was surrounded by access roads and that they could not be maintained as available during construction, the proposal should not be approved.

In answer to a Member's question, it was clarified that pre-application advice was provided to applicant's assist them on the submission of their application and offer advice on the likelihood of planning permission being granted. The Board was advised that the advice offered would be in line with the planning policies in place but that a proposal can only be fully tested and considered once a formal planning application had been submitted and the publicity had been undertaken as this may

raise further material planning considerations that must be taken into account.

It was confirmed that a member of the public had identified to Officers that 40 Bury Road was used as a holiday let.

The nature of a brick soldier course was also clarified for Members.

Members felt that the proposal was unsuitable for a Conservation Area and that it would be out of character and detrimental to the amenities of local residents.

RESOLVED: That application K10024/9 – Land to the rear of 40 Bury Road Gosport be refused for the following reasons:-

1. The proposed dwelling, by reason of its inappropriate design, siting, layout, elevation 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.

14 K18044 - ERECTION OF DETACHED GARAGE WITH ANCILLARY ACCOMMODATION
100 Rowner Lane Gosport Hampshire PO13 0DT

Members were advised that the letter of objection submitted by residents at 102 Rowner Lane had been withdrawn. Members were also advised, for clarification, that there was approximately 15 metres between the annex and that rear elevation of the

dwelling in Green Crescent and 37 metres from the property at 100 Rowner Lane.

Mrs Burns was invited to address the Board. She advised that the Site Plan was out of date and did not show the current proximity of existing properties and requested that consideration be given to the Appendix B of the Gosport Borough Local Plan Review relating to Design Guidance for Residential Development “external space around buildings” when determining this application.

She advised the Board that the two storey extensions at 90 & 92 Green Crescent were completed prior to the two storey extensions at 98 & 100 Green Crescent, yet only the latter of the two were shown on the site plan.

The Board was advised that a Section 106 agreement would detail the conditions of development and, wouldn't become public knowledge unless the application was granted approval, Mrs Burns questioned what procedure was in place to ensure that specified conditions would be met. She also questioned what prevented an agreement being revoked at a later date.

Mrs Burns advised the Board that the Planning Officer's report refers to other “large detached buildings in gardens”. She advised that they were in fact the detached, flat roofed, single garages erected when the houses were constructed in the 1960's.

The Board was advised that other examples of buildings with pitched roofs mentioned in the report were her single storey, attached dining room and garage and her neighbour's single storey, attached garage.

She advised the Board that the proposed building was the same length and width in some parts as the 3 bedroom houses in Green Crescent.

Mrs Burns advised the Board that the Planning Officer's report stated that adding a second storey would require a separate planning application and, if the proposal was approved it would be a concern as it could be turned into a two storey separate dwelling over time, ignoring Central Government policy of June 2010 on the development of residential gardens.

Mrs Burns advised the Board of a similar application at 65 Bury Crescent that had been refused four times, including at appeal, to convert an existing garage and workshop to single storey living accommodation in 2007. The decision notice stated that its location and design would be detrimental to the privacy and living conditions of numbers 63 & 65 Bury Crescent contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

Mrs Burns advised that, contrary to the report of the Planning Officer, she felt that the proposed Rowner Lane development would have an unacceptable impact on the amenities of occupiers in terms of loss of light, outlook and privacy, contrary to Policy R/DP1.

She advised that a further example of a refusal was 31 Bury Close in 2008. The Board was advised that the decision notice stated that due to its scale and visible roof form it would clearly be evident when viewed from the rear of adjoining

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properties contrary to R/DP1 & R/H4 of the Gosport Borough Local Plan Review. She again felt that this was at odds with the recommendations for the proposed Rowner Lane development which would also have a visible roof form.

The Board was advised that the site plan showed 1.8 metre high fences existing at all boundaries. Mrs Burns advised that this was the current situation but may not always be the case.

The Board was advised that currently from the bus stops on Green Crescent, looking to the north, you could see trees and sky. If the development was to go ahead, a large, hipped roof would be visible and, therefore, Mrs Burns did not consider that it would be a visual improvement for the residents of Green Crescent to the south.

Mrs Burns advised that her original objection was that an outbuilding should be incidental to the enjoyment of the main dwellinghouse, but should not be a dwellinghouse in its own right.

The Board was advised that the proposed development was not attached to the main dwellinghouse, would not be internally accessible from the main dwelling house and would have it's own entrance and, therefore, Mrs Burns did not believe that it could be classified as an extension.

Mrs Burns concluded by reiterating that she had no objection to a householder extending their property appropriately to accommodate family needs but that the proposal did appear to be the start of the construction of a whole separate dwelling.

Rachel Brown was invited to address the Board. She advised that she resided at 100 Rowner Lane with her parents and that they had not considered that the application would prove to be so problematic when it was originally made.

She advised that the Planning Officers had recommended the application be approved and that a Section 106 agreement was in place to ensure that the Unit would not be extended or used as a separate residential unit.

Miss Brown advised that her family were finding the situation distressing and that there had never been any intention to upset their neighbours. She advised that the motives behind the extension were that the existing garage was now in a poor condition and needed replacing. She was currently residing at her parent's house with her partner and son to allow a deposit to be saved to purchase a house. In addition to this, her partner had two daughters that stayed with them alternate weekends. It was, therefore, hoped that the proposal could be used as a playroom, with the facility for her partner's children to stay on alternate weekends.

Miss Brown advised that the request was reasonable and practical and would allow them to save money. She advised the Board that her family were trying to make best possible use of the space and that the proposed hipped roof would be a visual improvement to the site.

Councillor Philpott, Ward Councillor for Peel Common, was invited to address the Board.

He advised that the proposal site was situated within his ward, Peel Common, but that the objectors to the proposal resided in Bridgemary South. He advised that he understood that neighbours had concerns at the potential noise that could be generated, but that there were other similar buildings used for this purpose that did not create a problem.

Councillor Philpott advised the Board that a Section 106 agreement was in place that would ensure the proposal could not be used or sold on as a separate dwelling.

Councillor Philpott advised that he did not share neighbour's concerns about the proposal and that he felt there would be no effect on visual amenity. The proposal would not be visible from Rowner Road.

In answer to a Member's question, the Board was advised that any legal agreement covered the land and would therefore bind any new owners, should the property be sold.

In addition, any proposal to the use the building as a separate dwelling would need planning permission.

It was also confirmed that Planning Officer's believed the proposal would have no effect on neighbouring residents as the proposed height would not affect privacy, light or outlook.

RESOLVED: That application K18044 – 100 Rowner Lane, Gosport, be approved subject to a Section 106 agreement relating to the use of the building and subject to the conditions set out in the report of the Borough Solicitor, for the following reason:

- i That 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.

**15 K18046 - 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 Board approved the application.

RESOLVED: That application K18046 – 1 Shoot Lane, Lee-on-the-Solent, be approved subject to the conditions set out in the report of the Borough Solicitor, for the following reason:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the

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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.

The meeting commenced at 6.00pm and concluded at 6.46pm.

CHAIRMAN