Date: 23 May 2012

Report of: Director of Planning and Environment

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications and miscellaneous items

RECOMMENDATION

The recommendations are detailed individually at the end of the report on each planning application.
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### Locks Heath

- **Reference**: P/12/0276/FP
  - **Address**: 112 LOCKS ROAD - LAND REAR OF - LOCKS HEATH SO31 6NR
  - **Proposal**: ERECTION OF DETACHED CHALET BUNGALOW WITH ATTACHED GARAGE AND CAR PARKING
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- **Reference**: P/12/0072/FP
  - **Address**: EASTLANDS BOATYARD COAL PARK LANE SWANWICK SOUTHAMPTON SO31 7GW
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- **Reference**: P/12/0184/CU
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  - **Proposal**: PROPOSED CHANGE OF USE FROM ANGLING CLUBHOUSE AND OWNERS RESIDENTIAL ACCOMMODATION TO A SINGLE DWELLING WITH RETENTION OF TWO BED AND BREAKFAST ROOMS AND THE RECREATIONAL ANGLING USE OF THE TROUT LAKE
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### Titchfield

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ERECTION OF 8NO. CHALET HOLIDAY HOMES FOR PROVIDING SHORT TERM HOLIDAY RENTAL ACCOMMODATION AND ASSOCIATED SERVICE BUILDING.

EASTLANDS BOATYARD COAL PARK LANE SWANWICK SOUTHAMPTON SO31 7GW

Report By
Arleta Miszewska ext. 4666

Site Description
The application site consists of a grassland field lying at the northern end of Coal Park Lane on the edge of the upper River Hamble. The site area is approximately 0.74 hectares.

The site boundary is determined by physical features, including an embankment that extends along the northwest edge, mature trees to the northeast and southeast, industrial buildings to the southeast, a field and access way to the Eastlands Boatyard to the south. The field currently separates the developed land of Eastlands Boatyard from the industrial units to the southeast.

Other than the development form mentioned above, the nearby area, surrounding the application site, is mainly woodland and grassland. Moreover, the application site is in a sensitive position, within 100 m of European sites associated with the River Hamble and also designated SINC habitat.

The site area lies just outside of the Eastlands Boatyard boundary within a countryside location, as identified on the Fareham Borough Proposals Map.

Description of Proposal
Planning permission is sought for rental holiday accommodation consisting of eight detached chalet mobile homes. Each mobile home would provide two bedrooms, a kitchen, a bathroom and living room space and would be supported by an external balcony space and gravel car parking area for two cars and a trailer. The size of a chalet mobile home would measure: 6m x 12.3m with a 4m high dual pitch roof (2.65m to the eaves). The mobile homes would also be served by a separate outbuilding, to the north of the site, providing a services area, including water pumps, laundry and storage area.

The application site would be accessed from a private road leading from Coal Park Lane towards the business park and Eastlands Boatyard. The lane is narrow in places (just over 3 metres wide) and has very limited provision for pedestrians.

The applicant has stated in the Design and Access Statement that the accommodation will be rented to customers who book a boating holiday through Eastlands Boatyard and who already own a trailer boat or canoes/kayaks and require overnight accommodation.

Policies
The following policies apply to this application:

Approved Fareham Borough Core Strategy
CS14 - Development Outside Settlements
Relevant Planning History

The following planning history is relevant:

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Representations

One representation has been received supporting the proposed development, commenting as follows:

Good for the local area;
Encourage tourism.

Consultations

Director of Regulatory and Democratic Services (Contaminated Land) - no objection subject to conditions.

Director of Regulatory and Democratic Services (Environmental Protection) - not enough information provided to fully assess the potential impacts. At the time of writing this report, no further comments received with regard to a noise and vibration report submitted to the Council on 2nd May 2012.

Director of Planning & Environment (Ecology) - The site is in a sensitive position, within 100 m of the European sites associated with the River Hamble and also designated SINC habitat. There is some limited information provided with the application relating to ecology, within the Design and Access Statement. It is suggested that further information should be sought prior to determination of this application. Natural England must be consulted (should they not already have been) and their advice sought regarding any concerns about impacts to the adjacent SSSI, SPA, SAC and Ramsar sites.
Natural England - no significant impact on the interest features of the SPA/Ramsar/SAC sites, no objection subject to conditions and informatives.

Director of Planning & Environment (Highways) - the use of the chalets is likely to give rise to some additional movements but this is likely to add relatively few additional daily movements to the lane. There will no doubt also be a degree of variation (notably seasonal) in terms of movements associated with the use. This proposal would not result in any material increased use of the lane nor give rise to any safety reason to resist this proposal.

**Planning Considerations - Key Issues**

Planning policy consideration:

The application site lies within a countryside area, where development is strictly controlled through planning policy CS14 (Development Outside Settlements).

The National Planning Policy Framework states that the development plan is the starting point for decision making and that proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise.

Policy CS14 of the adopted Fareham Borough Core Strategy clearly states that:

"Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure."

The proposed use does not fall under any of the above categories, and therefore, it proves to be contrary to the Policy CS14.

Further considerations:

This proposal, consisting of eight chalet bungalows, would result in a significant development encroaching into the countryside location and would introduce intrusive features into the existing grassland and woodland landscape.

In light of the context of the site, namely the presence of other buildings immediately adjoining the application site, the proposed development would contribute towards increased coalescence and intensification of built development, harmful to the appearance and character of this countryside location. Furthermore, by virtue of the size and scale and associated activity, the proposal would result in a visually intrusive form of development harmful to the character and appearance of this countryside location.

Whilst the applicant considers the boat holiday/rental business and chalets will be associated with the marine-related industry, the holiday accommodation could be used independent of whether a boating holiday was being booked. Officers consider that this matter could not be controlled through a planning condition restricting the use of the proposed accommodation to be ancillary to the Boatyard only. Paragraph 26 of Circular 11/95 (The Use of Planning Conditions in Planning Permissions) states that "a condition should not be imposed if it cannot be enforced". Paragraph 27 goes onto to explain that "sometimes conditions will be unenforceable because it is in practice impossible to detect a contravention". In this instance the use of a planning condition is not considered to provide
sufficient safeguards to ensure the mobile homes are only used for purposes ancillary or incidental to the Boatyard.

Furthermore, no evidence has been submitted by the applicant to suggest the operation of the boatyard as a whole rests on the provision of holiday accommodation. Officers are aware there are a number of existing accommodation options currently available nearby.

It has been suggested by the applicant that saved Policy R9 (Camping and Caravanning) of the Local Plan Review is a relevant policy. Contrary to this assertion, it is considered that the holiday accommodation proposed is of a permanent nature and does not fall within the definition of a 'camping or caravan site'. Policy R9 is not considered relevant to this application.

Conclusion:

In the absence of relevant overriding needs, the development proves to be contrary to the Policy CS14 of the adopted Fareham Borough Core Strategy which seeks to prevent development in the countryside which is not essential for agricultural, forestry or horticultural purposes.

Furthermore, by virtue of the size and scale and associated activity the proposal would result in a visually intrusive form of development harmful to the character and appearance of this countryside location.

**Reasons For Refusal**

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out above, in particular Policies CS14 & CS17 of the Fareham Borough Core Strategy and Policy DG4 of the Fareham Borough Local Plan Review. In the absence of relevant overriding needs, the development proves to be contrary to the Policy CS14 of the adopted Fareham Borough Core Strategy which seeks to prevent development in the countryside which is not essential for agricultural, forestry or horticultural purposes. Furthermore, by virtue of the size and scale and associated activity the proposal would result in a visually intrusive form of development harmful to the character and appearance of this countryside location. There are no other material considerations judged to have sufficient weight to outweigh this harmful impact. In accordance therefore with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

**REFUSE**

Contrary to policy; no overriding need for development; visually intrusive; harmful to character and appearance

**Background Papers**

P/12/0072/FP

*Site Location Map follows on next page*
PROPOSED CHANGE OF USE FROM ANGLING CLUBHOUSE AND OWNERS RESIDENTIAL ACCOMMODATION TO A SINGLE DWELLING WITH RETENTION OF TWO BED AND BREAKFAST ROOMS AND THE RECREATIONAL ANGLING USE OF THE TROUT LAKE

FIVEOAKS FISHERY CRABLECK LANE SARISBURY GREEN SOUTHAMPTON HAMPSHIRE SO31 7AL

Report By
Kim Hayler - Ext 2367

Site Description
The site is located to the south of Crableck Lane within the countryside. The site accommodates a recreational fishing lake and a timber lodge which is sited to the north of the site adjacent to Crableck Lane.

Planning permissions exist for the use of the lodge as a clubhouse and for overnight accommodation for anglers with an owners flat within the roofspace.

Description of Proposal
The existing building currently comprises utility and storage areas within the lower ground/basement, clubhouse/letting rooms on the main ground floor and owner’s accommodation within the roof. The proposals would involve the change of use of the clubhouse area into residential accommodation for the owners, creating a two storey dwelling, along with the retention of the two existing letting rooms.

Policies
The following policies apply to this application:

Approved Fareham Borough Core Strategy
CS14 - Development Outside Settlements

Fareham Borough Local Plan Review
DG4 - Site Characteristics

Relevant Planning History
The following planning history is relevant:

P/92/1353/FP - Construction of Lake - Permission 19 July 1993


P/97/0628/FP - Erection of Trout Fishing Club Facility (replacement to existing commercial building) - Permission 12 August 1997

P/02/1257/VC - Relief of Condition 3 of P/97/0628/FP to Allow Use of Building for Overnight
Representations

Six Representations have been received.

Two Representations object to the application on the following grounds:
- Concerns over development at the site have not been taken into account by previous planning permissions including lake being built too large, overdevelopment of the clubhouse, pollution from lake and septic tanks
- Resultant health problems experienced by objectors
- Resultant loss of enjoyment of objectors' home
- Abuse of previous planning permissions
- No reason to change the use of the clubhouse because current owner cannot make it pay
- Owners already actively seeking sale of property as a residential house
- Planning Supporting Statement contains unverifiable statements and facts:
  - Lower part of building is already used as residential
  - Raised balcony has been erected without permission
  - Application for overnight bedrooms was for a single storey extension but is a 3 storey building
  - Stated difficulties with adjacent owner are totally unfounded
- If permission is granted then all previous permissions should be adhered to and the lake should be reduced to its original planned size
- Failure of business does not justify change of use

Three Representations (2 from Australia as previous users of the facility) support the application on the following grounds:
- Sign on neighbouring property indicating the direction of the application site with the word 'poachers' actively encourages criminal activity to the detriment of the business.
- Proposed use would assist owners in protecting their property
- Firsthand experience as a visitor of having been abused by local resident
- Site adjoins other residential properties and is therefore in line with Policy
- Business has declined in part due to financial turndown as well as other more local factors
- Restrictions have prevented relative of applicant from staying at the site despite poor health

One representation has been received which is neither overtly for or against the proposals. It is pointed out that the site should be one thing or another; the proposal will not help a
Consultations

Planning Considerations - Key Issues

The application site is located beyond any defined settlement boundary and is therefore deemed to be within the countryside and subject to adopted policies relating to the countryside. In this case the principal policy is Policy CS14 of the Adopted Fareham Borough Core Strategy. This policy seeks to strictly control built development on land outside defined settlements in order to protect the countryside against development that would adversely affect its character.

The current planning proposal would alter the overall emphasis of the site such that the principal use of the building would be residential with the business use being subordinate. This is a significant change which runs counter to aims of protecting the countryside against development which does not have an overriding need for a countryside location. The establishment of an unfettered residential dwelling in the countryside should be resisted unless there are compelling reasons why permission should be granted.

The applicants have offered what they consider to be compelling reasons which are now examined.

The principal case involves the decreasing viability of the trout fishing business for which a
number of reasons have been cited, such as difficulties created by an adjacent land owner, repeated Council involvement through complaint, threats to fishermen, local disputes over access and the blockage of a watercourse and resistance to the growth of the business.

The applicants have cited costly legal expenses and planning expenses in contributing to losses incurred over recent years. Whilst it is understandable that legal expenses may cause financial issues these are generally private matters which can be given only limited weight in considering the planning proposal. Further, the suggestion that planning costs have contributed to the lack of viability is not fully substantiated. The planning history clearly shows that the Council has been both reasonable and consistent in its approach to the development of the site which has been incremental, despite some of the developments being implemented without prior permission and applications having been made following enforcement investigation.

Permission was granted for the lake for commercial trout fishing. Subsequently permission was granted for the construction of the clubhouse as an associated use to the fishing use. Overnight accommodation was permitted. All of these permissions were granted ultimately in order to assist the viability of the use. Whilst permission was refused for the owners accommodation, subsequent increase of the visitor accommodation was permitted. The owners accommodation was in part granted on appeal for security reasons and because there would be little change to the appearance of the site.

The Council has resisted the addition of lodges separate to the main clubhouse building and this has been supported on appeal. The applicant cites these refusals as being for development that would have assisted the business, however, both decisions predated the grant of permission for additional bedroom accommodation by extension to the clubhouse (which may reasonably be viewed as providing similar alternative accommodation to lodges) so that the case of the applicant is not substantiated in fact.

The applicants provide profit/loss figures from 2006. These indicate increasing losses the largest of which is attributed to planning and legal expenses. However, a small profit is indicated for 2010-11. Figures provided also show a gradual reduction in fishermen attending the site. No specific information has been provided as to how the business is publicised so that the applicants have not proved that the business use of the site under its current arrangement could not be made profitable. Their website is not overly helpful in this respect and does not clarify that accommodation is available within the lodge, stating:

"There is room to camp on site, either with a tent or a caravan, and stay overnight or for a few days"

It is difficult to see how the extension of the residential accommodation and the loss of the business/visitor facility are likely to improve the business since the facilities of the lodge form a positive element in their website:

"We have a lodge on site where you can pre-order food and then eat either on the decking or in the lodge. There are also toilet facilities for the abled and disabled fly fishing person. We have a full bar licence so you can purchase both beer and wine as well as tea and coffee."

The applicants already have an onsite presence for security, in the form of the existing flat.
The applicant has stated that the primary reason for the proposal is to assist in the future viability of the business. It should also be noted that a letter of support has been received from a relative of the applicant indicating that the proposal would enable the property to accommodate an extended family. It has also previously been brought to the attention of Planning Officers on more than one occasion that the site was being advertised for sale as a four bedroom dwelling with private fishing lake. This most recently occurred late last year. The marketing details were subsequently withdrawn after Planning Officers informed the marketing agents of the authorised use of the site.

The planning statement provides a table demonstrating that the applicants have been seeking to sell the property since 2006 which is also the point in time from which the table of losses appear to begin. The applicants do suggest that groups of anglers using the clubhouse now hardly ever attend the site, but loss of the facility will only serve to ensure this cannot happen and prevent such groups attending in the future. The applicants suggest that a new, younger owner with family occupying a larger premises supporting anglers in their own home appears to be the only viable route for revival of the business. However, for the above reasons this is not convincing, along with the concern that the revival of the business could then lead to pressure for the very facilities for which permission is now sought to remove.

The applicants finally refer further to the 2004 appeal decision granting permission for the owner’s accommodation. They refer to the conclusion that the proposal would not result in any significant outward change to the appearance of the site or the surrounding area and they seek to equate this with the application proposal. However, as previously referred to, the appeal proposal did not seek to separate a residential curtilage; this application does and it is considered that the impact of this would be significant since it would result in effectively two planning units, the lake for which permission would continue for angling purposes and a residential property.

Whilst the proposal includes the retention of two bedrooms for bed and breakfast use, the principal use of the building would be as residential dwellinghouse. It is commonly the case that a small element of bed and breakfast in a dwelling does not represent a material change away from residential to commercial. Further, there would be likely to be pressure for residential paraphernalia within such a newly established curtilage and, despite the stated aim to accommodate anglers within the dwelling it is more likely that if the business were to be sufficiently well managed to become viable then there would be additional pressure for further facilities to be built which are currently supplied by the clubhouse built and intended for that purpose.

RECOMMEND:

REFUSE: Contrary to policy; no overriding need for a residential dwelling in the countryside; lack of information to support claim that business is unviable and that business would be assisted by residential use; loss of the existing facilities could result in future pressure for their replacement should the viability of the business improve.

Background Papers
See relevant planning history.

Site Location Map follows on next page
FIVEOAKS FISHERY

FARHAM BOROUGH COUNCIL
www.fareham.gov.uk

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FIVEOAKS FISHERY
Scale 1:2500
This application relates to part of a communal garage court area located to the south of 29 Templemere, Fareham within the urban area. The site comprises thirteen garages arranged essentially in a long terrace and an adjacent area of hardsurfacing currently in use as a parking space. A large tree is located immediately adjacent to the parking space.

Permission is sought for the erection of a further garage attached to the western end of the row of existing garages. The garage roof would continue the line and shape of the existing units before finishing in a hipped end.

The following policies apply to this application:

**Approved Fareham Borough Core Strategy**
CS17 - High Quality Design

**Fareham Borough Local Plan Review**
DG4 - Site Characteristics

Three letters have been received objecting to the application on the following grounds:
- Inaccuracies on application form
- Removal of tree and impact on wooded area to south of site
- Area indicated is not big enough to accommodate two garages / garages not big enough to store a vehicle in [application since amended to propose just one garage]
- Added problems to existing parking congestion
- Restrictions in access to area as manhole will have to be relocated

Director of Planning & Environment (Highways) - Whilst the garages are quite narrow, with there consequently being no expectation for these to be used to accommodate parked vehicles, there would nevertheless be no highway reason to resist this proposal.

Director of Planning & Environment (Arboriculture) - There are no arboricultural grounds for refusal and therefore no objection is raised to the proposed scheme.

This application originally proposed the erection of two garages of equal dimensions to the existing individual garages within this garage court. The application has since been amended to propose just one garage.
amended to propose one larger garage unit occupying the same footprint which extends from the end flank wall of the existing block of garages to the boundary fence enclosing the rear garden of 42 Harcourt Road.

The letters of objection received raise several concerns over this proposal however officers do not consider that these matters carry sufficient weight for the application to be refused as a result.

The proposal would not materially change the parking situation in this area. The existing privately owned parking space does not appear to relate to any of the nearby dwellings and therefore it cannot be certain that it would be used by a local resident on a continuous long term basis. The new garage would replace this surface parking space and, whilst there is no guarantee that the garage would be used for the parking of vehicles, its generous internal dimensions mean that it is far more likely to be used as such compared to the other garage units in the garage court. Nonetheless, were the garage to be used for domestic storage purposes as opposed to parking, as many of the other garages nearby are, any potential impact from the loss of this single parking space would not be significant enough to warrant refusing the application.

The proposal will inevitably involve the loss of the large tree on the site as it will need to be felled to make way for the new garage. The tree is not covered by a preservation order and so it could be felled at any point by the applicant. The Council's Tree Officer has advised that he sees no reason to object to this proposal. The site is currently hardsurfaced and so any development on it is unlikely to have any significant impact on the root system of the trees located within the coppice to the south of the site.

The physical appearance of the garage would be entirely in keeping with the existing row of garages onto which it would be added. There would be no harmful effect on the character of the area. Notwithstanding the close proximity of the flank end of the garage to the rear garden of 42 Harcourt Road located to the immediate west of the site, following an appraisal of the proposal on site officers are satisfied there would be no harmful effect on the amenities of the occupants of that dwelling.

**Reasons For Granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The garage would have no adverse implications on parking provision in the local area, the character and appearance of the area or the amenities of neighbours living near to the site. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

**Recommendation**

PERMISSION: use restricted to parking of vehicles/storage of personal or domestic items (no commercial/business use)

**Background Papers**

P/12/0194/FP

*Site Location Map follows on next page*
Report By
Richard Wright x2356

Site Description
This application relates to the residential curtilage of a detached chalet bungalow located on the western side of Fleet End Road. The dwelling has a large conservatory attached at the rear and a modest sized rear garden enclosed by a 2.8 - 3.0 metres high hedge along the western site boundary and a brick wall approximately 1.5 metres high along the southern party boundary.

The site lies within the urban area.

Description of Proposal
Permission is sought for the retention of a timber outbuilding located in the south-west corner of the rear garden. The outbuilding measures 3.05 x 3.66 metres in area and has a mansard style roof with an eaves height of approximately 1.8 metres and ridge height of 2.73 metres. The outbuilding is orientated with the set of double doors facing eastwards and the roof ridge running parallel to the southern party boundary.

Policies
The following policies apply to this application:

Approved Fareham Borough Core Strategy
CS17 - High Quality Design

Relevant Planning History
The following planning history is relevant:

P/05/1620/FP Erection of Rear Conservatory
PERMISSION 09/01/2006

Representations
One letter has been received objecting to the proposal on the following grounds:
- The roof is oversized and very near the boundary.
- It is an eyesore.

Planning Considerations - Key Issues
The outbuilding is located at the western end of the application site some way from the roadside from which it is not easily visible. It has very little overall effect on the appearance of the streetscene and so the main point for consideration by members is how the structure affects the living conditions of neighbours living to the immediate south of the site at 8 Fleet End Road and from where the letter of objection has been received.

From the neighbour’s rear garden the outbuilding can clearly be seen above the level of the boundary wall. The wall measures approximately 1.5 metres high from the application site
side however owing to a difference in site levels the wall appears some 250 - 300mm higher on the neighbouring side. The southern side flank elevation of the outbuilding which is seen includes approximately 300mm of timber panelling and the structure’s felted roof slope raking away from the boundary. This acts to lessen the bulk of the outbuilding when viewed from the neighbour's garden despite the overall height of the building. Officers are also mindful of the fact that a similar sized outbuilding, albeit 200mm lower in height at 2.5 metres high, could be built in the same position under permitted development rights without any need for planning permission from the Council. With the above considerations in mind it is recommended that permission be granted for the retention of the outbuilding as its overall visual effect is not seen as being significant enough to be harmful to the amenities of the neighbours.

**Reasons For Granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The outbuilding does not detract from the visual appearance of the streetscene nor does it harm the amenities of neighbours living adjacent to the site. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

**Recommendation**

PERMISSION:

**Background Papers**

P/12/0204/FP

*Site Location Map follows on next page*
Site Description

The application site comprises the residential curtilage of this two storey detached dwellinghouse within the urban area. The site is located on the corner of Locks Heath Park Road and Milton Grove and a number of TPO protected mature trees line the north-west and south-west site boundaries adjacent to the highway. The rear south-eastern site boundary is lined with mature hedgerow/tree planting beyond which lies a shared driveway providing access to four detached houses (1 - 7 Milton Grove).

The dwelling itself features a roof line with a single storey eaves height at the front and a full two storey elevation at the rear. Four pitched roof dormer windows are set in the front roof plane.

Description of Proposal

Permission is sought for the erection of a two storey side extension on the south-western side of the house. The extension would feature single storey eaves heights with a pitched roof dormer window set in the front roof plane to provide additional headroom for the study proposed at first floor.

The application also seeks approval for several alterations to the existing part of the house - the conversion of the existing integral double garage into additional ground floor living space (a study and a playroom), the insertion of a set of French doors with a Juliet balcony into the south-east elevation at first floor level and the provision of sliding patio doors in that same elevation at ground floor level.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy
CS17 - High Quality Design

Approved SPG/SPD
RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document

Fareham Borough Local Plan Review
DG4 - Site Characteristics

Relevant Planning History
The following planning history is relevant:

**P/04/1778/FP**  
**Erection of Two/Single Storey Rear Extension and Front Garage**  
**PERMISSION**  
**19/01/2005**

**Representations**

One letter has been received objecting to the application on the following grounds:
- Concern about overlooking from proposed French doors and loss of privacy

**Consultations**

Director of Planning & Environment (Highways) - The proposal would not affect or alter the existing parking and turning arrangements. As such there would be no highway objection.

Director of Planning & Environment (Arboriculture) - There are no arboricultural grounds for refusal and no objection is raised subject to conditions (tree protection method statement)

**Planning Considerations - Key Issues**

The design and appearance of the proposed two storey side extension respects the scale and aesthetic of the existing dwelling. The materials to be used in its construction are proposed to match the existing house. The development would not be harmful to the appearance of the dwelling or detract from the character of the streetscene.

The side extension proposes no new windows other than the dormer window in the front facing roof plane and so would not give rise to any overlooking of nearby properties. Notwithstanding the fact that such additions could ordinarily be carried out without the need to apply to the Council for planning permission, the application also includes the provision of a set of French doors and a Juliet balcony at first floor level in the rear elevation of the existing house. A letter of objection has been received from the neighbour living at 7 Milton Grove to the rear of the site raising concerns about overlooking from this new opening, however notwithstanding this officers are minded to recommend that permission be granted in light of the distance between the opening and the front elevation of that neighbouring dwelling. The distance would be approximately 28 metres, which exceeds the recommended 22 metres minimum separation distance set out in the Council's approved Extension Design Guide. Even if the intervening screening in the form of the boundary hedgerow/tree planting were to be removed in the future this distance would remain unchanged. The French doors would not therefore give rise to the overlooking of the property at the rear so as to harm the privacy of those neighbours.

**Reasons For Granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The development would not have unacceptable implications in respect of its effect on the visual appearance of the dwelling or character of the area, amenities of neighbours living nearby or on site parking provision. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

**Recommendation**

PERMISSION: materials to match; tree protection method statement

**Background Papers**
Site Location Map follows on next page
ERECTION OF DETACHED CHALET BUNGALOW WITH ATTACHED GARAGE AND CAR PARKING

112 LOCKS ROAD - LAND REAR OF - LOCKS HEATH SO31 6NR

Report By
Emma Betteridge Extn.2677

Site Description
The site once formed part of the large rear garden of 118 Locks Road and lies within the urban area;

Vehicle access is established adjacent to 112 Lock Road;

A public footpath runs adjacent to the southern boundary linking Locks Road with Laxton Close;

No.112 Locks Road adjoins the site to the west with properties served from Laxton Close to the east.

Description of Proposal
Planning permission is sought for the erection of a detached chalet style bungalow to the rear of 112 Locks Road and to the south of 112B Locks Road.

The dwelling would be a 3-bed property, comprising two bedrooms within the roof, a single integral garage and two car parking spaces.

Policies
The following policies apply to this application:

Approved Fareham Borough Core Strategy
CS15 - Sustainable Development and Climate Change
CS16 - Natural Resources and Renewable Energy
CS17 - High Quality Design
CS21 - Protection and Provision of Open Space
CS4 - Green Infrastructure, Biodiversity and Geological Conservation
CS5 - Transport Strategy and Infrastructure

Fareham Borough Local Plan Review
DG4 - Site Characteristics

Relevant Planning History
The following planning history is relevant:

P/05/0530/OA Erection of Detached House and Bungalow with Integral Garages (Outline Application)
Representations
One letter has been received from the neighbouring property to the east in Laxton Close, objecting on the following grounds:-

· The proposal does not follow the previous outline approval
· The application has again been turned into a large planned building, the width of which covers nearly the whole width of the plot
· The plans are inaccurate with the distance shown

Consultations
Director of Planning & Environment (Highways):- No objection

Director of Regulatory and Democratic Services (Environmental Health):- Awaiting comments

Planning Considerations - Key Issues

Principle of development

An outline application was submitted and approved in 2005 for the erection of a detached house and bungalow with integral garage on land to the rear of 112 Locks Road. Following this application a reserved matters application was submitted and approved for the two storey house which was subsequently built, 112B Locks Road. The outline permission in relation to the bungalow has since lapsed.

This application seeks full planning permission for the erection of a 3 bedroom chalet style bungalow on a similar footprint to the original outline approval. The outline permission included two planning conditions securing a single storey bungalow on this part of the site and removing permitted development rights in relation to the construction of windows and openings within the roof. The reason for these conditions were in order to protect the privacy of the occupiers of the adjoining residential properties.

The proposal would be visible from the adjacent public footpath and therefore the prevailing pattern of development within this immediate location is an important factor. Laxton Close to the east consists of two storey houses on average sized plots, whilst Church Road to the north consists of two storey houses and bungalows on larger plots.

Officers consider that the proposal would not be harmful to the character of the area or represent overdevelopment; the principal of development is therefore acceptable.

Impact on the amenities of neighbouring properties

The proposal has been assessed, both in terms of the impact that the scheme would have on adjoining properties as well as living conditions (in terms of outlook and privacy) for future residents. The distances between the rear of the proposed chalet bungalow and the neighbouring property to the east, 1 Laxton Close, slightly exceed the minimum separation
Reasons For Granting Permission

Recommendation

PERMISSION

distances set out in Appendix 6 of the adopted Fareham Borough Local Plan Review. The dwelling is designed with two rear facing dormer windows within the rear roof plane. The proposed rear garden would measure 12.75 metres in depth, measured from the dormer windows to the rear garden boundary and 22.46 metres from the dormer windows to the rear facing windows within 1 Laxton Close.

One dormer window is proposed within the front elevation which would comprise a secondary bedroom window. The distance between this window and the garden boundary and the property, 112 Locks Road, would not meet the minimum separation distances normally sought. In light of this it is proposed that this window would be obscure glazed and fixed up to 1.7 metres in order to secure the privacy of the neighbouring property to the west.

Highways

The parking requirement for the proposed dwelling would meet the Council's adopted Residential Car and Cycle Parking SPD.

Conclusion

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in this report. The changes to the dwelling design are not considered to impact on the amenity of adjoining occupiers, the character of the area, or the local highway network.

Reasons For Granting Permission

The development is acceptable taking into account the policies of the Local Plan as set out in this report. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers and the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Recommendation

Subject to:

i) The comments of the Director of Regulatory and Democratic Services (Environmental Health;

ii) The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure a financial contribution towards off-site public open space and/ or facilities and highway infrastructure improvements by the 30 June 2012.

PERMISSION

Materials, Boundary Treatment, Parking, Construction Hours, No Burning on Site, no mud on Road, first floor window within the west elevation to be fixed shut and obscure glazed; no further openings within north, east and west roof plane.

OR: In the event that the applicant/owner fails to complete the required Section 106
Agreement by 30 June 2012.

**REFUSE**
Contrary to Policy; inadequate provision for public open space and highway infrastructure.

**Background Papers**
P/05/0530/OA,P/05/1145/RM

Site Location Map follows on next page
112 LOCKS ROAD - LAND REAR OF -

FAREHAM BOROUGH COUNCIL
www.fareham.gov.uk

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pc-120523-r04-rsm
ZONE 2 - FAREHAM

Fareham North-West
Fareham West
Fareham North
Fareham East
Fareham South
MRS MELANIE COLQUHOUN  
FELL TEN LEYLANDII TREES COVERED BY FTPO 252  
23 REGENCY PLACE FAREHAM PO15 5JE

Report By
Emma Betteridge Extn.2677

Site Description
This application relates to a detached dwelling situated at the eastern end of Regency place.

Description of Proposal
Consent is sought to fell ten leylandii trees covered by F.T.P.O 252 situated on land between the rear gardens of the application property and 76/78 Blackbrook Road. The land was conveyed to the applicant when the property was purchased from the builder.

Policies
The following policies apply to this application:

Fareham Borough Local Plan Review
DG4 - Site Characteristics

Relevant Planning History
The following planning history is relevant:

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<th>Description</th>
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Representations
One letter has been received objecting on the following grounds:-

· Removal of these trees exposes the neighbouring property, resulting in loss of privacy;
· More critically the noise nuisance from the supposedly light industrial activities of the Blackbrook Business Park
· With the reduction of foliage on the south westerly aspect there will be no privacy and the quality of life for Blackbrook Road residents would be compromised.

Consultations
Director of Planning & Environment (Arboriculture): Tree preservation orders seek to protect trees in the interest of public amenity, therefore it follows that the removal of a protected tree should only be sanctioned where its public amenity value is outweighed by other considerations.

In this instance it is considered that the trees are in a poor overall condition due to previous unsympathetic management, which has denuded them of their public amenity value and the trees now offer little screening, which is technically no longer required given the change from industrial to residential development. Replacement trees and hedging is recommended.

Planning Considerations - Key Issues
The trees are sited on land slightly higher than the host property. Levels rise northwards towards the dwellings in Blackbrook Road. The distance between these dwellings and the application property is some 40 metres away.

The trees were originally protected in order to preserve the amenities, in relation to noise and disturbance, of the occupiers of the properties in Blackbrook Road as the site formed part of the Blackbrook Business Park. The application property and its immediate neighbours were constructed recently on part of the former industrial site. The existing industrial park boundary lies further to the east.

The representation received has raised concerns that the removal of the trees would create loss of privacy and overlooking. The trees were not protected in order to secure privacy and the distances between the neighbouring properties and the application property far exceed that normally sought when considering new residential development. The trees have very little public amenity value.

Officers are of the opinion that subject to a condition seeking replacement trees and hedging, the application is acceptable and complies with the Fareham Borough Local Plan Review.

Recommendation
CONSENT: Work to be undertaken within 2 years; Work to accord with BS3998; Specification of consented work and replacement trees/hedging required

Notes for Information
Notice of work commencement; Right to carry out work over property other than applicant’s own; Terms as BS3998 and work in accordance with recent arboricultural research; Care to wildlife and bat protection.

Site Location Map follows on next page
ZONE 3 - EASTERN WARDS

Portchester West
Hill Head
Stubbington
Portchester East
P/12/0111/FP

HILL HEAD

MR COSGRAVE & MRS PENFOLD

AGENT: SPACE & STYLE HOME DESIGN

DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 4-BED DWELLING WITH DETACHED DOUBLE GARAGE

67 OLD STREET HILL HEAD PO14 3HQ

Report By

Richard Wright x2356

Introduction

This application has been called onto the committee agenda by the Councillor A Mandry.

Site Description

The application site comprises the residential curtilage of this bungalow located on the western side of Old Street, Hill Head. The site is mainly level and has a number of mature protected trees within the western half of the site. The existing bungalow stands in the centre of the site frontage and there is a detached single garage to the northern side of the dwelling. Vehicular access is provided by two separate entrances onto Old Street. At present there is a large mobile home sited in the south-eastern corner of the land close to the boundary with Old Street and an adjacent private track which runs adjacent to the southern site boundary.

The site lies within the countryside and the Meon Gap strategic gap. Old Street itself represents the edge of the urban area with properties on the opposite, eastern side of the road falling within the urban settlement area whilst the application site lies outside of that designation.

Description of Proposal

Permission is sought for the demolition of the existing bungalow on the site and the erection of a detached two storey house with accommodation within the roof space and a detached double garage.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision
CS4 - Green Infrastructure, Biodiversity and Geological Conservation
CS5 - Transport Strategy and Infrastructure
CS14 - Development Outside Settlements
CS15 - Sustainable Development and Climate Change
CS17 - High Quality Design
CS22 - Development in Strategic Gaps

Approved SPG/SPD
Relevant Planning History
The following planning history is relevant:

**P/11/0259/FP**  ALTERATIONS AND EXTENSIONS TO FORM TWO STOREY DWELLING (ALTERNATIVE TO P/10/1122/FP)
PERMISSION  23/05/2011

**P/10/1122/FP**  ALTERATIONS AND EXTENSIONS TO FORM TWO STOREY DWELLING
PERMISSION  08/03/2011

**Representations**
None

**Consultations**
Director of Planning & Environment (Arborist) - No objections subject to conditions (tree protection method statement)

Director of Planning & Environment (Highways) -

Given that this is a like for like replacement dwelling, there would be no in principle objection.
The proposed site plans show the provision of two vehicular access points, which whilst against HCC Policy, would nevertheless in this location be difficult to resist as neither access would create any particular safety issue through their use or result in the displacement of parking elsewhere, as evidently there are few on-street parking demands. The design and access statement does state that these are existing access points, the more southerly however seems to be an informal crossing of the verge that would need to be formalised through a bound vehicular crossover. The Applicant should contact HCC Highways to obtain the appropriate permissions to undertake works within the public highway.

Discounting the garage, the site can accommodate a sufficient number of parking spaces to satisfy the parking standards.

There would be no highway objection, subject to condition.

Director of Planning & Environment (Ecology) - The application is not supported by any ecological information. It is recommended that information is sought from the applicants (to be provided by a qualified ecologist) with regards internal and external inspection for bats.

Director of Regulatory & Democratic Services (Environmental Health) - No adverse comments
Planning Considerations - Key Issues

Planning permission was previously granted in 2011 under officer delegated powers for alterations and extensions to the bungalow to form a two storey dwelling (planning ref P/10/1122/FP). A second application secured permission for a very similar set of alterations but with an increased width to the garage and changes to the fenestration arrangement (planning ref P/11/0259/FP).

This current application before the committee seeks permission for the complete demolition of the existing dwelling and the erection of a replacement house.

a) Design and appearance of replacement dwelling and garage

In principle, the erection of a replacement dwelling on the site is considered acceptable subject to further consideration of how its scale and appearance may affect its countryside setting.

Policy CS14 (Development Outside Settlements) of the adopted Fareham Borough Core Strategy is relevant. It says that "development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which adversely affect its landscape character, appearance and function". It goes on to advise that "replacement buildings must reduce the impact of development and be grouped with other existing buildings, where possible" meaning that careful consideration should be given to how the visual intrusion into the countryside can be limited through the respectful design, siting and overall massing of buildings. Policy CS17 (High Quality Design) of the Core Strategy is also a material consideration and expects development to "respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials".

In considering this application it is important to take into account the surrounding built environment including any development which has happened in recent years and how this has affected the character of the streetscene. The application site is the northernmost plot in a ribbon of development along the western side of Old Street which is outside of the urban area. With the exception of the old Meon View farm house at no. 57 the prevailing style is of dwellings with single or 1.5 storey height roof eaves and first floor accommodation provided within the roof space. Planning permission was granted in 2007 for two dwellings on land adjacent to no. 57 both of which featured 'barn-style' designs with roofs with low eaves heights, dormer windows and velux windows. The designs acted to reduce the overall scale and massing of the dwellings to a satisfactory degree in order to gain a favourable officer recommendation. There are no dwellings of comparative scale and appearance to that which is hereby proposed and whilst the dwellings on the eastern, urban side of Old Street are two storey in nature their overall design, size and massing are not easily comparable to the proposed dwelling either.

It is also important to compare the scale of the proposed development to the existing dwelling on the application site as well to that of the previously approved extensions and alterations to the house. The existing single storey dwelling is modest in terms of both its footprint and height with a roof ridge height of 5.5 metres. Both the previously approved
scheme to extend the house and this currently application would increase the footprint of the development to approximately 175 sq metres however the notable difference between the two is in the bulk and massing of the front and side elevations. The approved scheme to extend the house would have resulted in a chalet bungalow style house with single storey eaves at a height of 2.9 metres at the front and two storey height eaves at the rear at 5.1 metres. By comparison the proposed replacement dwelling would have two storey height eaves all around at 5.5 metres high and a roof ridge around 500mm higher. The end result would be a notable increase in the massing of the front elevation of the dwelling from that previously approved and a dramatic increase from the scale of the existing dwelling. Although the proposed dormer windows do not physically add to the scale of the building, their inclusion highlights the elevated scale of the proposal with accommodation provided at third storey height. The massing of the side elevations of the dwelling would be similarly increased, the north side elevation for example comprising a 14 metre long, two storey expanse of brick with the additional bulk of the large gable end further increasing this mass. The application site is the northern most plot in a ribbon of development along the rural edge of Old Street and so there would be no building to screen this elevation. Notwithstanding some screening provided by trees and hedgerows along the northern site boundary, views of this very large flank elevation would be gained southwards down Old Street and across the adjacent field. Little attempt has been made to reduce the impact of development through the appropriate design and scaling of the dwelling or, since the dwelling is proposed to be sited hard up to the northern boundary of the site, by grouping the building closer to the ribbon of development to the south of the plot.

Officers consider that the two storey height, depth and resultant massing of the proposed replacement dwelling would result in a visually intrusive and excessive form of development, out of keeping with the prevailing character of development in the local area and harmful to the appearance and character of the countryside setting. The proposal is therefore considered to be contrary to Policies CS14 and CS17 of the adopted Core Strategy.

b) Ecology

The applicant has submitted a brief biodiversity checklist in support of the proposal, the purpose of which is to establish what further information is required to demonstrate that the impact of the development on protected species is known and is not considered unacceptable. After reviewing this preliminary checklist, officers have invited the applicant to provide further information in this regard, specifically an initial internal and external inspection for bats by a qualified ecologist. Despite this request no ecological information has been provided.

A bat inspection would identify the potential for the existing dwelling and garage to support roosting bats, based on an assessment of the construction and condition of the structures to identify if any suitable features may be present. Should the buildings have the potential to support bats, it is considered that there is a reasonable likelihood of bats being present due to the suitability of the habitat in the wider area for bats, for example the nearby wetlands to the west of the site that are well linked to the site by strong hedges / tree-belts. Should a bat roost be present, it would be impacted by the proposals which involve complete demolition. Bats are protected by UK and European legislation via the Conservation of Habitats and Species Regulations, and planning authorities are required to engage with these regulations. Sufficient information, typically a formal bat survey/impact assessment of the type requested from the applicant in this case, is required at the point of determination and cannot be dealt with by way of a planning condition. This is in order for the LPA to
ensure that its planning decision is made on the basis of full and up to date information about any impacts of development in line with para 118 of the National Planning Policy Framework (NPPF), Circular 05/2006 and the Natural England standing advice, and that any necessary mitigation can be secured in line with Policy C18 of the Fareham Borough Local Plan Review.

In the absence of satisfactory ecological information to support the application officers consider the proposal to be contrary to national and local planning policy in that it has not been demonstrated that the impact of the development on protected species is known and acceptable.

c) Other material considerations

The western half of the site is covered in tree preservation order protected trees. Had officers been minded to recommend permission be granted a planning condition securing a tree protection method statement would have been imposed. Subject to the inclusion of such a condition the Council's Tree Officer was satisfied that the proposed replacement dwelling would not harm the protected trees on site.

The proposal would not have any adverse implications for highway safety. A simple condition could have been imposed to ensure the car parking areas proposed were provided before the unit was first occupied.

**Reasons For Refusal**

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out above, in particular Policies CS14 & CS17 of the Fareham Borough Core Strategy. The two storey height, depth and resultant massing of the proposed replacement dwelling would result in a visually intrusive and excessive form of development, out of keeping with the prevailing character of development in the local area and harmful to the appearance and character of the countryside setting. There is insufficient ecological information in support of the application to demonstrate that the impact of the development is known and acceptable. There are no other material considerations judged to have sufficient weight to outweigh this harmful impact. In accordance therefore with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

**Recommendation**

REFUSE: harmful to appearance and character of countryside setting - contrary to Policies CS14 & CS17 of the FBCS; insufficient ecological information - contrary to Policy C18 of the FBLPR

**Background Papers**

P/12/0111/FP

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*Site Location Map follows on next page*
CONVERSION OF SINGLE DWELLING INTO SIX FLATS AND ERECTION OF TWO
STOREY SIDE/REAR EXTENSION
26 TITCHFIELD ROAD STUBBINGTON PO14 2JH

Report By
Jim Bennett  Ext. 2412

Site Description
The application site is on the north east side of Titchfield Road, Stubbington and within the urban area defined by the Core Strategy. It is currently occupied by a single, large detached dwelling, set within a generous garden curtilage to the front and rear of the building. The area is characterised by residential development, with a mixture of detached and semi-detached, single and two storey dwellings fronting Titchfield Road. To the rear of the site is a terrace of elderly persons' bungalows in Cains Close to the east and two storey semi-detached houses in Ditton Close to the north. Two trees on the northern boundary and a single tree on the site frontage are protected by Tree Preservation Order FTPO584.

Description of Proposal
It is proposed to convert and extend the existing dwelling on the site to provide 4 no. two bedroom dwellings and 2 no. one bedroom dwellings. Parking would be provided for 7 no. vehicles to the front of the development with access directly off Titchfield Road. It is intended that the design and the materials of construction would match those of the existing dwelling. It is proposed to bound the site with a 2m high close boarded timber fence, with the exception of the frontage, where a new hedge and landscaping would be established.

Policies
The following policies apply to this application:

Approved Fareham Borough Core Strategy
CS2 - Housing Provision
CS5 - Transport Strategy and Infrastructure
CS6 - The Development Strategy
CS15 - Sustainable Development and Climate Change
CS17 - High Quality Design
CS18 - Provision of Affordable Housing
CS20 - Infrastructure and Development Contributions
CS21 - Protection and Provision of Open Space

Fareham Borough Local Plan Review
DG4 - Site Characteristics
C18 - Protected Species

Relevant Planning History
The following planning history is relevant:

Q/0439/11 - Pre-application advice was given on a similar scheme to that proposed in December 2011. It was supportive of the proposal, subject to some modifications to the design, access and parking arrangements and subject to appropriate contributions being made.

P/10/0069/OA - Extend and convert dwelling to create 3 no. aged persons flats and warden's flat and erect 27 no. aged person flats, 2 no. bungalows and 3 no. houses - refused October 2010 - dismissed at appeal June 2011, where the main issues considered were:

(a) the effect of the proposed development on the character and appearance of the surrounding area;
(b) whether the proposed development would be in a suitable location for its future occupiers, with particular reference to footways and crossings;
(c) whether the proposed development would meet the needs of future occupiers, with particular reference to parking, refuse stores and the accessibility of first floor units; and
(d) the effect of the proposed development on the living conditions of the adjoining occupiers

Representations
Neighbours have been notified by letter and a site notice posted for the requisite period. Four letters have been received, objecting to the proposal for the following reasons:

- The design would detract from the appearance of the existing dwelling;
- The two storey nature and scale of the proposal is not in-keeping with the single storey nature of surrounding development;
- The filling of the gap between properties impacts adversely upon the character of the area.
- Flats are not in keeping the area;
- Additional traffic;
- Detriment to highway safety;
- Lack of parking;
- The potential impacts on ecological interests are queried;
- The proposal site is not sustainably located;
- Garden land should be protected;
- The reliance on obscure glazing for Flat 6 demonstrates the unsuitable siting/impacts of the proposed development.
- Approval of the proposal would set a precedent to develop adjoining land in the applicant's ownership in a similar manner.

Consultations
Director of Planning and Environment (Highways) - No highway objections, subject to securing a financial contribution in respect of Transport Contributions Policy and subject to conditions to ensure access, parking and turning is provided in accordance with the approved plans.

Director of Planning and Environment (Arboriculture) - No objections are raised to the proposed development, subject to conditions to safeguard existing trees on site.
Director of Planning and Environment (Ecology) - No objections, subject to a condition to ensure the findings of the Updating Phase I Ecological Survey (Ecosa, February 2012) are adhered to.

Director of Regulatory and Democratic Services (Environmental Health) - No objections.

Director of Regulatory and Democratic Services (Contaminated Land) - No objections, subject to contaminated land condition.

Department of Community & Streetscene (Strategic Housing) - The proposal would deliver a net gain of 5 homes, where Policy CS18 of the Fareham Borough Core Strategy places a requirement "to provide 30% affordable units or the equivalent financial contribution towards off-site provision". Given the nature of the scheme a financial contribution is the most appropriate way to meet the affordable housing provision arising from this site. An offer has been made by the applicant in lieu of off-site provision, though agreement has not been reached on the final figure to be contributed.

Hampshire Constabulary (Crime Prevention Design Officer) - No objections, but give informatives on securing the form of development proposed.

Planning Considerations - Key Issues
The main issues to be considered in the determination of this application are:

- Principle of Development;
- Layout, Design and Effect on Character of Area
- Highways, access and parking
- Impact on the Amenities of Neighbouring Properties and Future Occupiers;
- Tree Impacts and Ecological Implications of Development
- Affordable Housing and Open Space Contributions

Principle of development

Strategic Objective (SO6) and Policy CS6 of the Adopted Fareham Borough Core Strategy (2011) focus new housing development on previously developed land within the urban area. The scheme proposed is primarily by way of conversion, with operational development predominantly over the footprints of an existing hardstanding and outbuilding, with limited encroachment into the rear garden area.

The suitability of the location and the proposed design and layout of the previously refused scheme was brought into question, due to the fact that that it was a proposal for housing the elderly. The current scheme is not aimed at a specific age group, would diversify the mix of housing offered in the locality and the principle of the proposed development is not unacceptable in relation to its likely future occupiers.

Considering the proposed siting and given its location within the urban area, the principle of further residential development on this site is considered acceptable, subject to its impact upon the character and appearance of the surrounding area, other provisions of the Development Plan and any other material planning considerations outlined below.

Layout, Design and Effect on Character of Area
The design of the extension incorporates pitched roofs, bay windows and gable features reflective of the distinctive architectural style of the retained dwelling (no.26) and it would be finished in materials to match existing.

The frontage properties on Titchfield Road are predominantly detached and semi-detached residential houses and bungalows, sited in large gardens and set back from the highway. In terms of building design, the proposal is considered to follow the established building line fronting Titchfield Road in this location. Although wider than other dwellings in the same row, the proposal still maintains adequate gaps between dwellings. In terms of building height, the proposal offers a stepped increase in roof heights from the chalet bungalows either side, which is only marginally higher than the existing building (no. 26), though the ridge height is similar to other two storey dwellings in the same frontage. The submitted street scene drawing indicates that the proposed extension would not be unacceptably high in relation to adjoining dwellings and it is considered to be of acceptable design, scale and massing.

It is proposed to provide off-street parking to the front of the development. In terms of street scene the parking would be laid out to maintain a gap between the pavement and parked cars within the site, which would be landscaped to soften the appearance of cars within the street scene, which the Inspector alluded to in their decision in June 2011.

While providing a different type of accommodation, over a larger footprint than existing dwellings in the locality, the design, scale and massing of the proposal would be in keeping with the prevailing character, form and appearance of buildings within Titchfield Road and area generally, in accordance with Policy CS17. This would be subject to incorporation of appropriate boundary treatment and landscaping, particularly on the Titchfield Road frontage.

Highways, access and parking

The vehicular access is to remain in its present position, though will be widened to facilitate easier entry and exit. Visibility splays of 2.4m by 43m are proposed at the access onto Titchfield Road and the the Director of Planning and Environment (Highways) raises no safety concerns with regard to the use of the improved vehicular access and has no concerns with regard to the layout of spaces.

The previously refused scheme on this site was for restricted age units with specific concerns raised in relation to the narrow width of the existing footway along Titchfield Road and its inability to accommodate buggies and mobility scooters, as well as road safety concerns with existing crossing facilities for vulnerable road users at the Titchfield Road/Mays Lane roundabout. These concerns were supported by the Planning Inspectorate. The current scheme does not specifically propose restricted age units, therefore the characteristics of pedestrians making use of the existing footway alongside Titchfield Road is not anticipated to significantly change. Whilst it would be beneficial to increase the footway width on the eastern side of the carriageway, this would require 3rd party land and therefore cannot be insisted upon as part of this proposal, nor would pedestrian activity increase significantly from this proposal to warrant an objection on safety grounds.

The HCC Transport Contributions Policy is applicable and a contribution would be required to mitigate the net increase of 25 additional multi modal movements arising from the
development. There are a number of schemes identified for Stubbington within the HCC Preferred TCP scheme list, which highlights issues pertaining to pedestrian/cyclist accessibility and traffic congestion on the roundabouts within Stubbington. It is therefore considered that the seeking of financial contributions towards the above schemes is justified and complies with the tests included within the CIL Regulations and Circular 05/2005. The applicant has prepared a draft unilateral undertaking, in relation to providing the requested TCP contribution.

The Director of Planning and Environment (Highways) raises no highway objection to the proposal, subject to securing the financial contribution and to conditions to ensure access, parking and turning is provided in accordance with the approved plans. The proposal complies with the provisions of Policy CS5 of the adopted Fareham Borough Core Strategy.

Impact on the Amenities of Neighbouring Properties and Future Occupiers

The proposal constitutes a significant reduction in site coverage and intensity of usage, than the development proposed and refused under ref. P/10/0069/OA. The refused scheme related to a larger site, incorporating the curtilages of numbers 20 and 22 Titchfield Road, proposed a total of 35 units and sought to utilise most of the garden areas to the rear, close to the boundary of properties on Cains Close. The impact of the previous scheme on occupiers of Cains Close was a significant concern in determining P/10/0069/OA, though the removal of development from the eastern extent of the garden addresses any concerns over the amenity impacts in this area, the nearest part of the current proposal being 46m from the boundary with properties on Cains Close.

The degree of separation (9m) and orientation between the south elevation of the proposal and number 22 Titchfield Road dictates that no overbearing impact or loss of light will occur. The use of obscure glazing in this elevation dictates that no loss of privacy would occur, though an appropriate opening mechanism for first floor windows in this elevation will need to be secured by condition. Similarly, the impact on occupiers of no. 30 Titchfield Road would be negligible and it is not considered that the proposed development would have a detrimental effect on the amenities of neighbouring residential properties.

Tree Impacts and Ecological Implications of Development

The development is located close to the position of oak and ash trees protected by FTPO584. The Director of Planning and Environment (Arboriculture) states that there are no arboricultural grounds for refusal of the proposed development, subject to conditions to safeguard existing trees on site. The proposal complies with Policy DG4 of the Fareham Borough Local Plan Review.

The application is supported by an Updating Phase I Ecological Survey (Ecosa, February 2012), which sets out the findings of surveys to update previous surveys carried out at the site, and presents mitigation measures to avoid and minimise impacts. The existing main dwelling is considered to support a single Brown Long-eared bat within the main roof void. There is historic evidence of bird nesting within the roof, and it is considered that the site supports a low number of slow worms based on the habitat suitability and known population in the adjacent land. The extension works will impact the south east corner of the property where it will join an existing gable and tie into the existing roof. This section of the loft space is separate from the main roof void where bat evidence was found. The works are not anticipated to impact the roost and result in an offence (and there is therefore no need to
consider the tests of the Habitats Regulations in the determination of this application). The Director of Planning and Environment (Ecology) is satisfied with the measures put forward to ensure that an offence is avoided and points out that enhancements for bats are proposed for the new extension. No objection is raised by the Director of Planning and Environment (Ecology), subject to a condition to ensure the findings of the Updating Phase I Ecological Survey (Ecosa, February 2012) are adhered to. The proposal complies with the provisions of Policy C18 of the Fareham Borough Local Plan Review.

Affordable Housing and Open Space Contributions

Policy CS18 requires the provision of affordable housing on all schemes that can deliver a net gain of 5 or more dwellings. On sites that can accommodate between 5 and 9 dwellings, developers will be expected to provide 30% affordable units or the equivalent financial contribution towards off-site provision. The proposal would result in a net gain of 5 dwellings and so Policy CS18 is applicable. The applicant has made an offer in respect of a contribution towards off-site affordable housing provision and has incorporated a relevant clause into their draft unilateral undertaking. However, the offer is below that requested by the Department of Community & Streetscene (Strategic Housing) and negotiations are ongoing in respect of the final figure. The outcome of negotiations will be reported to Members prior to the Committee meeting, but subject to agreement of the figure, the proposal would comply with the provisions of Policy CS18.

Policy CS21 of the Core Strategy relates to provision of open space and contributions towards enhancement of open space are supported by Policy CS20, where deficiencies are identified. Stubbington Ward is deficient in 4 categories of open space identified by FBC’s Open Space SPG, being; Outdoor Pitches, Other Outdoor Sports, Children’s Equipped and Other Recreational Playspace. The Department of Community & Streetscene confirm that schemes are identified including a new cricket square and practice net facilities at Seafield Park, currently programmed for 2014/15. The applicant has prepared a draft unilateral undertaking, in relation to providing the requested open space contribution.

Other Matters

With regard to the comments of notified parties, not addressed above, garden land is not strictly protected for its own sake. Planning Authorities must take a view on whether development of the garden would adversely the character of the area or impact adversely in terms of other material planning considerations. Similarly the setting of precedent is not sufficient to justify resisting development proposals in isolation, the Planning Authority must consider the proposal’s merits in terms of material planning considerations.

Conclusion

The proposal complies with the Adopted Fareham Borough Core Strategy (2011), the saved polices of the Fareham Borough Local Plan Review (2000) and National Planning Policy and is recommended for approval, subject to conditions and completion of the requisite Section106 planning obligation.

Reasons For Granting Permission

The development is acceptable taking into account the policies of the development plan as set out in this report. The proposal is not considered likely to result in any material adverse impact on the character of the area, highway safety, on the amenities of neighbouring
properties or future occupiers, on protected trees or ecological interests. Acceptable offers have been made in respect of contributions for transport infrastructure and open space and subject to agreement on the affordable housing contribution. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Recommendation

Subject to

The applicant/owner first entering a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms agreed by the Solicitor to the Council by 2nd July 2012 to secure:

i) a financial contribution towards off-site public open space and/or facilities;
ii) a financial contribution to mitigate the net increase of vehicle movements arising from the development, to be spent on improving local transport infrastructure;
iii) a financial contribution towards off-site affordable housing provision.

PERMISSION: Standard time limit, Drawing refs, Materials to Match, Levels, Access, Parking and Turning, Cycle Parking, Restricted Opening and Obscure Glazing of First Floor South Facing Windows, Measures to Safeguard of Protected Trees on Site, Adherence to Ecology Report, Contaminated Land, Landscaping Scheme; Landscaping Implementation, Boundary Treatment, Construction Site Management, No Mud on Road, Construction hours, No burning

OR

In the event that the applicant fails to complete the necessary Section 106 Agreement by 2nd July 2012.

REFUSE: Contrary to policy: open space provision; impact on local highway network and affordable housing.

Notes for Information

1. Applicant to contact HCC Highways to obtain the appropriate license prior to any works being undertaken within the public highway.

2. Potentially contaminated ground conditions include: imported topsoil, made ground or backfill, buried rubbish, car parts, drums, containers or tanks, soil with extraneous items such as cement asbestos, builders rubble, metal fragments, ashy material, oily / fuel / solvent type smells from the soil, highly coloured material or black staining and liquid fuels or oils in the ground. If in any doubt please contact the Contaminated Land Officer on 01329 236100.

3. Hampshire Constabulary advise that: communal entrance doors and the individual flat front doors to be security accredited to PAS 24 standard or better; installation of an appropriate audio / visual access control system; cycle store to be of robust construction; door fitted with a lock to British Standard 3621 and cycle anchor points installed within the store and; six general parking spaces to be allocated to specific flats.
Background Papers
File: P/10/0069/OA

Site Location Map follows on next page
Report By
Arleta Miszewska ext. 4666

Site Description
The application relates to a two storey detached residential dwelling located within Castle Street Conservation Area, in a linear historic settlement leading towards Portchester Castle.

The area retains much of its historic character and domestic village scale with a considerable number of statutory listed buildings along its length, including the application property, which is a designated Grade II Listed Building.

The houses mostly sit in regular plots; narrow to the roadside and deep. Their long gardens provide a valuable green setting to the street and form a wider setting to the castle.

Description of Proposal
Retrospective planning permission is sought for a single storey outbuilding erected at the bottom of the garden. The outbuilding has a timber frame, clad with green timber boarding, felted flat roof and white UPVC windows and doors. The maximum height of the outbuilding does not exceed 3.1m.

The outbuilding has been erected to accommodate a gym.

Policies
The following policies apply to this application:

Approved Fareham Borough Core Strategy
CS17 - High Quality Design

Approved SPG/SPD

Relevant Planning History
There is no relevant planning history for this site.

Representations
As a result of the neighbour notification procedure three letters have been received. One letter from the adjoining property at no. 146A raising no objection, and two letters from other neighbours commenting as follows:

Concern over the size and visibility of the outbuilding, and the potential use as a separate dwelling;

The outbuilding which could accommodate a separate planning unit, is out of keeping with
the character of the conservation area. Furthermore, the outbuilding appears to extend beyond the boundary at the rear.

**Consultations**

Director of Planning & Environment (Conservation) - the outbuilding is sited at the bottom of a long garden and does not harm the setting of the listed building. It is not a prominent feature in the conservation area and does not harm its character and appearance.

**Planning Considerations - Key Issues**

Residential amenities:

The development under consideration, due to its orientation and location, has no impact on the residential amenities of adjoining neighbours, in terms of a loss of light, outlook and privacy. Therefore, the proposed development form proves to be in accordance with the adopted Fareham Borough Core Strategy.

Policy CS17 of the adopted Fareham Borough Core Strategy requires development to "be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials."

The outbuilding, due to its design and limited height, is not prominent when viewed from public vantage points and is not visually obtrusive to the visual amenities of the surrounding neighbours. Although the back of the outbuilding can be seen in part through the vegetation from the footpath running along the back of the rear gardens, Officers conclude that it has a limited impact on the character and appearance of the local character and visual amenities of the area.

It has been suggested that the size of the outbuilding is not appropriate for the area. Given the size of the host dwelling and the size of the rear garden, Officers do not consider this outbuilding to be out of proportion or out of keeping with the existing form of development within the site or the surrounding area.

The potential use as a separate accommodation has been also raised as a concern. This, however, can be secured by a planning condition, restricting the use of the outbuilding to ancillary use only.

Historic environment conservation:

Officers consider that the development respects the historic context in volume, scale, form, materials and quality and maintains the significance of the surrounding heritage assets.

PERMISSION: use of garden room limited to purposes incidental to the enjoyment of the dwelling and for no business, industrial or commerial purposes.

**Reasons For Granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. Other material considerations including impact on the appearance and character of the conservation area and residential amenities, in terms of a loss of outlook, privacy and overshadowing have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be
in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

**Background Papers**
P/12/0178/FP

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*Site Location Map follows on next page*
Report By
Emma Betteridge Extn.2677

Introduction
A previous planning application was reported to the Planning Committee on 9th November 2011 for the replacement of the flat roof of an existing rear outbuilding with a pitched roof including windows in new gable ends. Planning permission was granted subject to works being carried out strictly in accordance with the approved plans and the permitted works being completed by 31 March 2012 at the latest. The approved plans showed the roof to have a brick parapet with a built in lead gutter in order to deal with surface water run-off from the roof and to prevent any part of the building overhanging the property boundary.

Site Description
This planning application relates to the bottom part of the back garden of a house at the above address (No.33).

At the foot of that rear garden is a detached outbuilding built sometime ago with a flat roof. More recently works were undertaken to it to provide a new pitched roof.

No.33 is situated on the northeast side of Gosport Road, within the urban area.

Tight to the northwest of this outbuilding is a block built outbuilding and rearmost garden of 31 Gosport Road (No.31).

To the northeast is the rear garden boundary of 45 and 47 Alfred Road which themselves have some sheds and a glasshouse positioned right beside that boundary just beyond this application's outbuilding.

Somewhat further way to the southeast is the rearmost part of the back garden of 35 Gosport Road where a low post and rail fence marks its rear side boundary with No.33.

Description of Proposal
Planning permission is sought to vary condition 1 and 2 of the planning permission.

The applicant is seeking an alternative method of dealing with surface water drainage disposal and extending the period of completion of the works to 31 July 2012.

The development is currently held in abeyance pending determination of this planning application.

Policies
The following policies apply to this application:
Relevant Planning History

The following planning history is relevant:

P/11/0270/FP  REPLACEMENT OF FLAT ROOF OF EXISTING REAR OUTBUILDING WITH PITCHED ROOF INCLUDING WINDOWS IN NEW GABLE ENDS - RETROSPECTIVE APPLICATION
APPROVE  17/11/2011

Representations

One letter of representation has been received objecting on the following grounds:-

· The works on the roof did not commence until mid February when it became obvious that the project would not be completed by the end of March 2012;
· So little time has been spent on this roof but the applicant has found time to fit a burglar alarm;
· Dismayed in the suggested change of materials for the parapet/gully from lead as agreed;
· The use of the lead to construct the gully would have achieved a fairly permanent gutter which was one of the reasons the objection was withdrawn;
· If allowed to be built of timber, the torched on roofing felt will fall apart and leak all over the neighbour's building as it will be too difficult to keep clear once finished;
· Using torched felt inches from the neighbour's polycarbonate roof does not present itself as a good or safe idea.

Planning Considerations - Key Issues

Members concluded previously (P/11/0270/FP refers) that the proposed building as extended as acceptable in likely impacts, such as light and outlook effects upon neighbours' gardens, their outbuildings and property. The previous application was permitted subject to conditions. Condition 1 required the works to be carried out in accordance with the approved details and Condition 2 required the works to be completed by the 31st March 2012.

The applicant is seeking permission to amend the method of dealing with surface water run-off from the new roof. It is proposed to construct a timber frame upstand, 150 mm in height, faced with brown UPVC board effect with a torched on roofing felt gutter behind. Officers have spoken with the Council's Building Surveyors. They have advised that Building Regulation approval is not required, however they have commented that the proposed method of dealing with surface water run-off is satisfactory in all respects and would be a better solution as the previously approved brick parapet would have been too heavy for the structure below. Officers consider that the additional height of the upstand would not cause unacceptable living condition/amenity effects upon the immediately adjacent property, 31 Gosport Road.

Officers consider that an extension to the date for the completion of works to the end of July is not unreasonable and would not have an adverse impact on the neighbouring properties.

Officers are of the opinion that the proposal is acceptable and recommend approval of the
variations sought.

**Reasons For Granting Permission**

The development is acceptable taking into account the policies of the Local Plan as set out in this report. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers and the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

**Recommendation**

Permission - Development strictly in accordance with approved plans; Development to be completed by 31st July 2012; Slate tiling to roof.

*Site Location Map follows on next page*
PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

LODGED

P/11/0801/FP
Appellant: MR SCOTT SANDFORD
Site: 194 Swanwick Lane Swanwick Southampton SO31 7GZ
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 26 April 2012
Reason for Appeal: ERECTION OF FIRST FLOOR REAR EXTENSION ABOVE EXISTING GROUND FLOOR EXTENSION AND EXTENSION OF ROOF AT REAR TO PROVIDE ACCOMMODATION AT SECOND FLOOR LEVEL

P/12/0035/FP
Appellant: MR JOHN POWELL
Site: 18 John Bunyan Close Whiteley Fareham PO15 7LE
Decision Maker: Officers Delegated Powers
Recommendation: APPROVE
Council's Decision: APPROVE
Date Lodged: 27 April 2012
Reason for Appeal: PROPOSED TWO STOREY SIDE EXTENSION AND NEW FENCE - AGAINST CONDITION 4 OF THE PLANNING PERMISSION, THE FIRST FLOOR WINDOW PROPOSED TO BE INSERTED INTO THE WESTERN ELEVATION OF THE EXTENSION HEREBY PERMITTED SHALL BE GLAZED WITH OBSCURE GLASS AND BE OF A NON OPENING DESIGN AND CONSTRUCTION TO A HEIGHT OF 1.7METRES ABOVE INTERNAL FINISHED FLOOR AND SHALL THEREAFTER BE RETAINED IN THAT CONDITION AT ALL TIMES.

DECISIONS
PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

DECISIONS

P/11/0460/FP
Appellant: MR & MRS M TAGGART
Site: 47 Newtown Road Warsash SO31 9FY
Decision Maker: Officers Delegated Powers
Recommendation: PERMISSION
Council's Decision: PERMISSION
Date Lodged: 08 December 2011
Reason for Appeal: REMOVAL OF CONDITION 3 - ERECTION OF FIRST FLOOR/TWO STOREY SIDE EXTENSION
Decision: DISMISSED
Decision Date: 27 April 2012

P/11/1081/FP
Appellant: MR & MRS DEY
Site: 5 Oleander Close Locks Heath SO31 6WG
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 29 March 2012
Reason for Appeal: ERECTION OF FIRST FLOOR REAR EXTENSION OVER EXISTING CONSERVATORY
Decision: DISMISSED
Decision Date: 10 May 2012