

**P/15/1085/FP**

MR & MRS WILLIAMS

**HILL HEAD**

AGENT: P M G (BUILDING  
DESIGN & CONS) LTD

RETENTION OF RAISED DECKING AND ALTERATIONS TO FENESTRATION TO  
EXISTING DETACHED OUTBUILDING

89 HILL HEAD ROAD FAREHAM HAMPSHIRE PO14 3JP

***Report By***

Mark Wyatt. Direct dial 01329 824704

***Site Description***

The site is, for the purpose of planning policy, outside of the defined urban settlement boundary and is within the countryside. The site is located on the south side of Cliff Road just west of the junction of Cliff Road, Hill Head Road and Old Street. The site is part of the garden of 89 Hill Head Road and comprises a single storey building in an "L" shape footprint, permitted as incidental accommodation to the main house.

The land falls steeply to the south at the rear of the building such that the rear of the building opens out onto a decked area with views over the Solent. Areas of lawn lie to the west and east of the building. The eastern lawn links to the main dwelling. Between the boundary fence (north) and the building itself is a small gravel drive area.

***Description of Proposal***

This application seeks retrospective planning permission for the different and additional openings added to the building at the time the building was constructed.

In terms of the changes to the elevations, the external differences are as follows:

North east elevation:

- Addition of a door
- Addition of a high level window

North west elevation:

- Addition of a window

South west elevation:

- Replacement of a window with a patio door.

Planning permission is also sought for the retention of the decking at the rear (sea side) of the building.

***Policies***

The following policies and Guidance apply to this application:

National Planning Policy Framework (NPPF)

**Approved Fareham Borough Core Strategy**

CS11 - Development in Portchester, Stubbington and Hill Head

CS14 - Development Outside Settlements

CS17 - High Quality Design

**Development Sites and Policies**

## DPS1 - Sustainable Development

### ***Relevant Planning History***

The following planning history is relevant:

P/07/0285/FP - Erection of garden room following demolition of existing structure - Permission 24/04/2007.

P/11/0624/FP - Erection of a single storey extension to detached garden room and re-alignment of existing stairway as it approached that garden room - Permission 21/12/2011.

Whilst not directly related to the site itself P/12/1038/FP proposed the erection of a beach hut with decking and stairway on the land west of the site. This application was refused on 29/04/2013 for the reasons:

The development would be contrary to Policy CS14 (Development Outside Settlements) of the Adopted Core Strategy 2011 and is unacceptable in that:

i) the proposal represents development in the countryside, outside a settlement boundary that is not essential for agricultural, forestry or horticultural purposes. Furthermore, by reason of the size, scale and position of the development, which is located in a highly sensitive coastal landscape the proposal would result in a visually intrusive form of development harmful to the character and appearance of this coastal location;

ii) insufficient information has been submitted in respect of the impact of the development on ecology, in particular how the development will impact on badger setts. In the absence of this information it is considered that the development would not adequately cater for these species and is therefore unacceptable.

P/15/0093/CU - change of use of garden room to a self-contained holiday let - withdrawn 28/07/2015.

### ***Representations***

Following publicity of the application, sixteen representations of objection have been received. These representations are from : 4, 14, 20 (x2 - but counted as one) Cliff Rd; 22, 36, 55, 65, 69, 83, 87 Hill Head Road; 4 Solent Road; 2, 2A Old Street; 6 Monks Way, 63 Old Farm Lane; Hill Head Residents Association.

The main issues raised within the representations can be summarized as follows:

The application to all intents and purposes is yet another approach to gaining "back door" approval for an already "illegal development" from a garden room and spa to a two bedroom dwelling;

The Borough Planning Department has yet to resolve and announce any action against this illegal dwelling;

The badger survey refers to the building as a single storey residential unit;

The damage to badgers was achieved three years ago when the decking was constructed and the badger setts were destroyed and filled in;

Other applications in the locality have been rejected by the same planning process;

There is a great deal of anger in the community about this retrospective application and the underhand development and the Committee is urged to refuse the application;

This does not conform to the needs and priorities of the Hill Head community contrary to para 1 of the NPPF;

The impacts of the proposal would significantly and demonstrably outweigh the benefits

The surrounding area is sub-urban and the site is countryside. It is in no way part of the rural economy;

CS14 advises that in coastal locations development should not have an adverse impact on the special character of the coast when viewed from the land or water. This building and its deck contravenes this policy;

The changes to the fenestration are only applicable if the garden room's conversion to a two bedroom dwelling is accepted. There is no case for encouraging the applicants to ignore planning law and we ask that this application be refused;

We would like to see the tarmac access restricted to just a pedestrian access.

### ***Consultations***

Ecology: No objection

### ***Planning Considerations - Key Issues***

The Key Issues for consideration are:

- The principle of development
- Effect upon the character and appearance of the area
- Ecology Implications
- Other Matters

### **THE PRINCIPLE OF DEVELOPMENT:**

Planning permission has previously been granted for an extended garden room of the same size, height and location as the building subject to this planning application. The principle of a building of this size and in this location has been already been established.

It came to light during the consideration of the application P/15/0093/CU that the building had not been built strictly in accordance with the approved plans.

Some third party comments have expressed concern that this Council is considering a retrospective application and suggest that the issue of the building as a dwelling should be addressed first before this application for changes to the built form and the retention of the decking.

In the view of Planning Officers the use of the building as a separate dwelling has ceased- it is currently vacant. There is no breach of planning control therefore with regard to its use.

The 1990 Town and Country Planning Act (s.73A) allows for planning applications to be made seeking to regularise development already carried out.

Given that the scale, bulk and siting of the building is as previously granted planning permission, the current breach of planning control relates solely to the changes to the elevations and the construction of the decking.

The assessment is therefore a matter of detail in the design rather than a matter of principle and therefore this is a case where officer and Member judgement is necessary on the breach as to its acceptability. The consideration of the application pursuant to section 73A of the Act is acceptable.

## EFFECT UPON THE CHARACTER AND APPEARANCE OF THE AREA:

Dealing first with the building itself, the overall footprint of the building has not changed and the height and scale of the building have not changed from that permitted previously; the amendments relate solely to the elevations.

The changes to the north east elevation are set behind the existing boundary fence.

The new window in the north west elevation looks out over the (east) garden area of 89 Hill Head Road. The alteration from window to a door on the south west side looks out towards the sea.

It is considered that the small changes to the elevations of this ancillary building do not materially affect the appearance of the building as previously permitted. Furthermore the changes to the elevations cause no material harm to the character or appearance of the area. Had the windows and doors been installed after the building had been constructed and brought into use, they would not have needed planning permission.

The second aspect for which planning permission is sought is the decking. It is clear that in 2011 when the permission was granted for the extension to the garden room there was some decking already to the rear of the building. This section of decking is immune from any planning enforcement action.

The now extended decking was not shown on the approved plans for the extended building. Given the topography and the steep fall down to the promenade, the decking is supported on a metal frame with footings into the steep slope down to the beach.

The decking is typical of that common in many domestic settings with boarding at ground level and a timber balustrade and spindles around the outer edge. The decking sits on a metal frame which appears to consist of RSJ beams inserted into the slope with the decking fixed to the frame.

The decking extension is read in association with the outbuilding (garden room) and has no identifiable demonstrable harm from the Hill Head Road or Cliff Road vantage points due to its location on the south side of the building. Even from the promenade and water (as far as can be assessed when the tide is out), given the steepness of the slope up from the beach and the growth of the scrub on the slope the decking is not clearly apparent even in the winter months. It is weathering to a light colour and even from views along the beach, the actual impact of the decking is limited and read against the back cloth of the outbuilding to which it serves. As such it is not considered that there is any material harm to the character and appearance of the building or area caused by the decking.

## ECOLOGY IMPLICATIONS:

The current application is submitted with a Badger Survey prepared by EcoSupport in October 2015. This submitted report confirms that there are no badger setts on the site.

The issue raised in many third party letters, however, is that the construction of the decking did impact upon the badger sett and badger activity in the slope from the site down to the promenade.

Whilst these comments are noted, if an offence had been committed it is a matter for the

police to pursue rather than the Local Planning Authority.

On the basis of the surveys undertaken at the site Officers do not believe the retention of the decking materially harms badgers or other ecological interests.

#### OTHER MATTERS:

The acceptance of this application does not provide a permission for a dwelling; it would solely regularise the breaches of planning control being the elevation changes and a section of decking.

The use of the building for purposes incidental to the enjoyment of 89 Hill Head Road accommodation does not require any further planning permission. The use of the building as a separate dwelling, should it reoccur, would constitute a material change of use which would require planning permission.

The access to the site off Cliff Road was installed by the County Council as Highway Authority to serve as a garden access. The County Council has recently undertaken some alterations to the layby due north of the site to provide improved off road parking provision. These works did not include the removal of the tarmac drive from the application site to Cliff Road. Some neighbouring letters have suggested that this tarmac be removed to prevent the use of the building as a dwelling. The tarmac area in question is outside of the application site and therefore the control of the applicant. In any event, as per the above, to use the building as a dwelling would require planning permission.

#### CONCLUSION:

The application does not cause material harm to the appearance of the building or the character and appearance of the area. The proposal accords with the policies of the adopted Local Plan and is recommended for permission.

#### ***Recommendation***

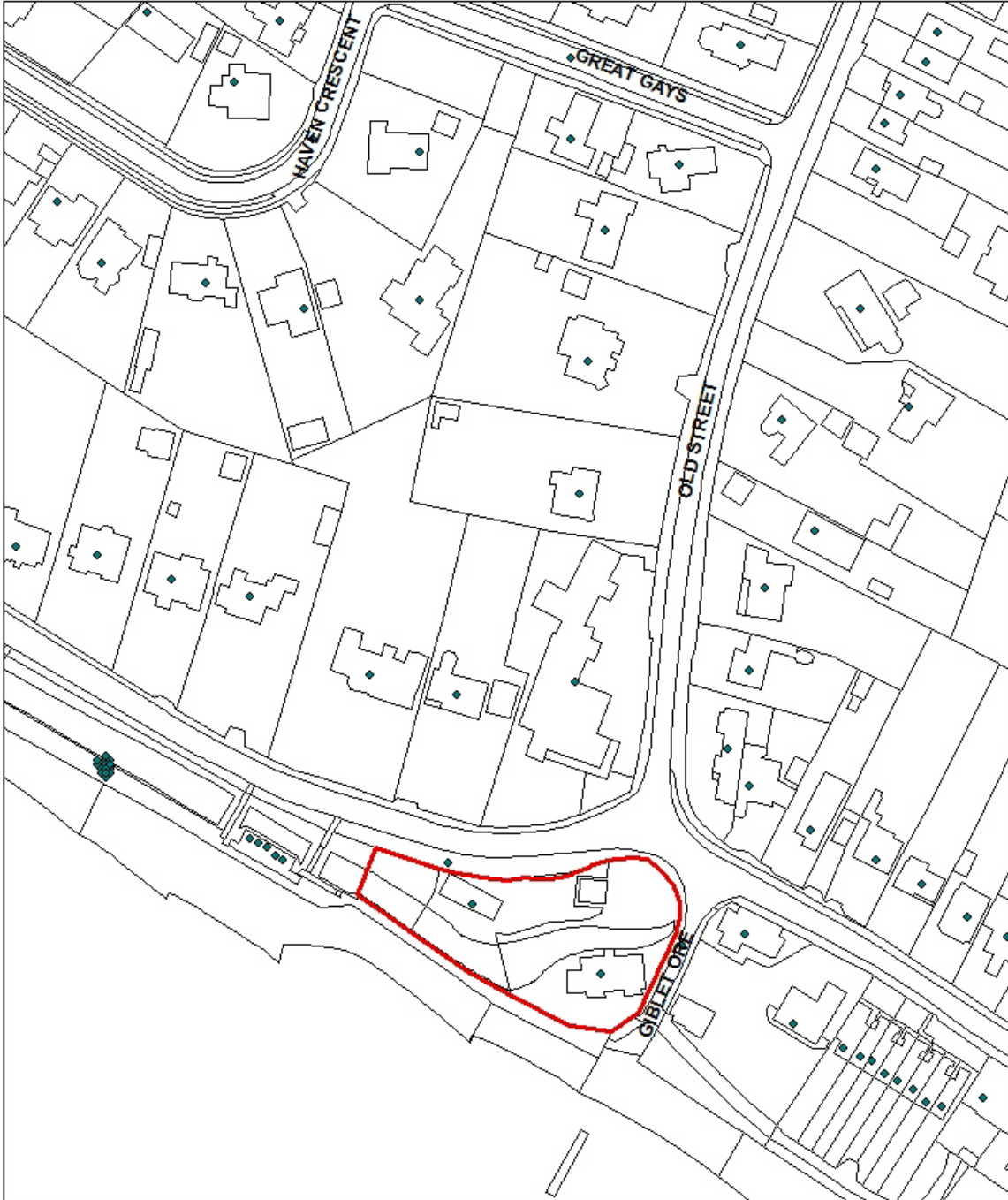
PERMISSION

#### ***Background Papers***

see "relevant planning history" section above

# FAREHAM

## BOROUGH COUNCIL



89 HILL ROAD ROAD  
SCALE: 1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2015

