

**OFFICER REPORT FOR COMMITTEE**

**DATE: 13/01/2021**

**P/20/1171/FP  
MR NICK MUTTON**

**PORTCHESTER WEST  
AGENT: MR ANDREW RAYNER**

**RETENTION OF DETACHED DOMESTIC DOG KENNEL OUTBUILDING IN REAR GARDEN**

**62 PORTCHESTER ROAD, FAREHAM, PO16 8QJ**

***Report By***

Jenna Flanagan – direct dial 01329 824815

**1.0 *Introduction***

1.1 This application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation due to the number of third-party letters received meeting the five letter threshold and their content being contrary to the Officer recommendation.

**2.0 *Site Description***

2.1 The site consists of a detached two-storey house, located on the north side of Portchester Road with a generous rear garden. The rear garden backs onto the modest rear gardens of properties in Winnham Drive. Portchester Road is characterised by detached dwellinghouses of differing sizes with a variety of architectural styles and materials employed and benefit from generous gardens.

**3.0 *Description of Proposal***

3.1 The planning application seeks permission to retain an outbuilding in the rear garden to be used as a dog kennel for the applicant's pet dogs. The applicant has confirmed that no business will be run from the outbuilding; it is not intended for commercial dog grooming, commercial breeding nor commercial boarding.

3.2 The outbuilding had been erected with the misunderstanding that no planning permission was required. The applicant directed contractors to erect the outbuilding 2 metres from the west boundary, where it would afford the benefit of Permitted Development rights. However, the outbuilding has been erected 1.7 metres from the west boundary resulting in the outbuilding requiring planning permission.

3.3 The Outbuilding measures 6.8m in length on the east and west elevations and 5.8m in width on the north and south elevation. The Outbuilding has a pitched

roof and the ridge height is 3.06m which slope to 2.35m at the eaves on the east and west elevation. It is situated 1.71m from the east boundary, 4.72m from the north boundary and 7.90m from the west boundary.

- 3.4 The Outbuilding has a small, non-opening window and air-conditioning unit on the north elevation, two windows on the east elevation, a window and door on the south elevation and a window on the west elevation. Inside the outbuilding, the south area contains 5 glazed dog pens, the northeast area contains grooming equipment and the northwest area contains a food preparation kitchenette.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

CS17 – High Quality Design

##### **Adopted Development Sites and Policies**

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

##### **Other Documents:**

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

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

- 5.1 The following planning history is relevant:

<b>P/18/1168/FP</b>	INCREASING THE HEIGHT OF THE EXISTING FRONT WALL BOUNDARY WALL, INCLUDING GATES.
<b>APPROVE</b>	07/12/2018
<b>P/16/0943/FP</b>	TWO STOREY FRONT EXTENSION
<b>APPROVE</b>	16/09/2016
<b>P/02/1282/FP</b>	ERECTION OF TWO STOREY SIDE EXTENSION
<b>PERMISSION</b>	22/10/2002
<b>P/99/0594/FP</b>	ERECTION OF SINGLE/TWO STOREY SIDE EXTENSION
<b>PERMISSION</b>	15/07/1999

**P/97/0505/FP**

**ERECTION OF 2.1 METRE HIGH FRONT  
BOUNDARY WALL AND PIERS**

**REFUSE**

**01/07/1997**

## **6.0 Representations**

6.1 Thirteen representations were received in relation to this application. Three comments of support and ten representations were received objecting to the application on the following grounds:

### Objections

#### Noise:

- The noise in the area is dramatically increased due to number of dogs;
- Dogs pine and bark when away from their owners so level of noise increases;
- Increased noise from dogs being kept in the kennels;
- Noise is generated from dogs left outside for long periods of time;
- Noise from kennels will cause other neighbourhood dogs to bark;
- There is already noise from dogs in the kennels and this will affect the enjoyment of neighbouring gardens in the warmer months;
- The kennels already generate noise from early morning and through the night;
- Dogs are very noisy when barking and using the outside area.

#### Smell:

- The odour from the dogs may impact properties on Winnham Drive.

#### Location:

- Kennels should not be permitted in a residential area; they are better suited to rural areas;
- Kennels are closer to properties on Winnham Drive than applicant's property.

#### Light:

- Lights are left on during the evening/nighttime and are detrimental to enjoyment of outlook from neighbouring properties.

### Support

- No issue with a log cabin being erected to house dogs;
- Better that dogs are in a cabin with some sound proofing / protection from the elements vs kennels / cages in the garden;
- Neighbours opinion that applicants are dog owners and not running a commercial venture.

## **7.0 Consultations**

INTERNAL

### **Environmental Health**

- 7.1 This department has not received any complaints of dog barking arising from the application property.

Having reviewed the information submitted and discussed this with you I am satisfied that the kennel construction is of a high standard so as to limit any noise escape that may arise from the owners' dogs.

Whilst the proposals look to be of a commercial standard, I understand that this is not the intention of the current occupiers. I would ask however that a condition is applied to any permission granted to ensure that the current and any future occupiers of this address are clear that the building is for domestic use only.

I would also request that a condition is added to require that any mechanical equipment installed as part of the structure such as the air con units are serviced and maintained in line with the manufacturer's recommendation.

## **8.0 Planning Considerations**

- 8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Impact upon the living conditions of neighbouring properties;
- b) Impact upon the character and appearance of the area;

### **a) Impact upon the living conditions of neighbouring properties**

- 8.2 The property at the application site is a large two-storey house on a good size plot with a generous front and rear garden. The rear garden is on two levels as the level of the garden inclines towards the north boundary.
- 8.3 This is a retrospective application for an outbuilding which was erected several months ago and is already in use as a kennel for the applicant's pet dogs. As set out above, the kennel outbuilding is not intended to be used for commercial purposes and is used to home the applicant's own pets.
- 8.4 The Council's Environmental Health Officers have not received any complaints regarding the noise of the dogs or any odours at the time of writing this report. Environmental Health Officer have commented on the application

to say that, provided the outbuilding is not used for commercial use and the air-conditioning unit is properly maintained, it is not considered that the noise from the kennel outbuilding will be of a level that will have a detrimental impact on the surrounding residents. A planning condition could be used to control the use of the outbuilding and ensure that it remains incidental to the residential use of the house. If imposed the effect of such a condition would be that the use of the outbuilding at any point in the future for commercial kennelling of dogs would result in a breach of that condition which would be enforceable by the Council.

- 8.5 The physical construction of the outbuilding has not been raised as a concern in the letters of objection received. It has been erected in the rear garden close to the north boundary. The north boundary treatment is a fence, which has high hedges and trees in the neighbouring gardens. Consideration has been given to the impact the outbuilding has on the neighbouring properties and it is not considered to have a detrimental impact on the light, outlook or privacy of the neighbouring properties.
- 8.6 Concerns have been raised regarding lights being left on in the building in the evening and into the night, having a detrimental impact to the enjoyment of neighbouring gardens. The outbuilding has windows on each elevation. There is a small window on the north elevation, facing the nearby Winnham Drive properties. There is a good natural barrier of tall evergreen bushes along much of the northern boundary which will provide a screen from the rear garden of 62 Portchester Road. Notwithstanding, lighting within garden outbuildings and in houses themselves is a common feature within an urban residential setting such as this and Officers do not consider there would be any unacceptable adverse impact on the living conditions of neighbours as a result.

**b) Impact upon the character and appearance of the area**

- 8.7 The property is a large detached house, which obscures the view of the Outbuilding from the street scene. Whilst the outbuilding may be visible from neighbouring properties, Officers have no concerns over the appearance of the building or its effect on the character of the surrounding area.
- 8.8 For these reasons, the development is not considered to have any adverse effect upon the character and appearance of the area and is compliant with Policy CS17 of the Local Plan Part 1: Core Strategy

**9.0 *Recommendation***

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall be carried out in accordance with the following approved documents:
  - a. Elevations
  - b. Site Plan
  - c. Location Plan

REASON: To avoid any doubt over what has been permitted.

2. The outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the main dwellinghouse unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the living conditions of the occupants of neighbouring properties and to ensure the Local Planning Authority retains control over the use of the building.

3. No mechanical equipment shall be installed in or on the outbuilding hereby permitted unless details of the equipment, including their proposed servicing and maintenance, have first been agreed in writing by the Local Planning Authority. The equipment shall be installed, serviced and maintained in accordance with the approved details thereafter.

REASON: To protect the living conditions of the occupants of neighbouring properties.

## **11.0 Background Papers**

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