

**OFFICER REPORT FOR COMMITTEE**

**DATE: 16/02/2022**

**P/21/1888/FP  
MR LEE ALLEN**

**FAREHAM NORTH**

**GARDEN OUTBUILDING, MAXIMUM HEIGHT OF 3 METRES, FOR USE AS A GYM AND OFFICE WITH A TOILET.**

**3 KILN ROAD, FAREHAM, PO16 7UA**

***Report By***

Jenna Flanagan – direct dial 4815

**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.

**2.0 *Site Description***

2.1 The site consists of a detached dwellinghouse, with a large rear, south facing garden, located on the south side of Kiln Road. The west boundary of the property adjoins the rear gardens of 1, 2 and 3 The Mallards, the south boundary meets the access road to 63 Park Lane, and the east boundary adjoins 1 Kiln Road.

2.2 Within the rear garden at the south end are two protected trees (an ash and an oak) covered by Tree Preservation Order (TPO) FTPO600.

**3.0 *Description of Proposal***

3.1 This retrospective planning application seeks permission to retain an outbuilding erected in the rear garden close to the west boundary, for use as a home office and gym.

3.2 The outbuilding benefits from two sets of sliding doors on the front, east elevation, a window on the north elevation and two windows with obscure glass on the rear, west facing elevation. The outbuilding will be finished with a cedar cladding and there is external lighting on the east elevation which includes spotlights in the soffits and three up and down lights.

3.3 The outbuilding measures 3 metres in height on the east elevation, 2.7 metres in height on the west elevation, 4.055 metres deep and 10.25 metres wide. The outbuilding is designed with a sloped roof, the lowest side of the roof on

the west elevation. The outbuilding has been erected 2 metres from the west boundary.

- 3.4 The applicant erected the outbuilding in the belief that it was permitted development under the provisions of the Town & Country Planning (General Permitted Development) Order 2015. However, the eaves on the west elevation of the outbuilding are 20cms higher than that which would qualify as permitted development rights. As a result, the outbuilding requires planning permission from the Council.

#### **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**

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:

**P/18/1106/FP** First floor side extension and garage conversion.

**Approve** 24/10/2018

**P/16/0165/FP** Erection of two storey rear extension and single storey side and front extensions along with general internal and external changes to existing dwelling.

**Approve** 15/04/16

#### **6.0 Representations**

- 6.1 During the 21 day consultation period, 10 letters of objection were received from 6 households. The following concerns were raised:

- Large and unattractive
- Dominating and overbearing

- Noise from the use of the outbuilding will have a detrimental impact on the enjoyment of neighbouring properties
- Light from the outbuilding will invade privacy of neighbouring properties
- Detrimental to immediate neighbours by virtue of proximity, bulk and visibility
- Can be seen from public road
- Immediately behind 2 The Mallards and easily visible from 3 The Mallards
- Located a considerable distance from the application dwelling, more considerate location could be sought
- Construction of a large building in a woodland location appears contrary to the guidance issues by the Woodland Trust
- Preparing the site may have caused potential damage to roots of trees and the clearing of vegetation removed the habitat for wildlife
- Height of the outbuilding almost touches the canopy of the protected trees
- Light and noise from the outbuilding will be disruptive to roosting bats
- Birdlife likely to be diminished
- Very close to protected trees
- Application states there are no trees within falling distance which is incorrect
- Concerns that the trees are at risk of being felled if the outbuilding suffers subsidence – potential hazard for protected trees
- The development damages the environment through noise and light pollution
- Out of proportion to its environment
- Excessively tall outbuilding
- Large footprint may affect ground water supply to the adjacent trees and surface water levels in the event of heavy rain
- To replace the natural amenity to the local community by the outbuilding would be deeply regrettable
- Plans are misleading in relation to the location of the woodland area
- Windows should be fixed shut
- Restrictions on who uses the outbuilding
- How will rainwater from the roof be disposed of?
- Door to be closed when building in use?
- Restriction to hours of use?
- Soundproofing?
- Application states the applicant knows or is related to a Council member, but the details have not been complete
- Pond at 7A Kiln Road has been used for breeding a colony of great crested newts

## **7.0 Consultations**

## 7.1 Trees -

Having been consulted by the applicant prior to construction, no objection raised to the position of the outbuilding relative to the existing protected trees. Further details of any excavations for services / utility connections to the building will be required to avoid damage to existing tree roots.

## 8.0 *Planning Considerations*

### Impact on protected trees and ecology

- 8.1 Concerns have been raised by local residents regarding the impact on the trees and ecological impact the development poses. Two protected trees sit within the curtilage of the application property close to the outbuilding. The applicant sought advice from the Council's Principal Tree Officer prior to erecting the outbuilding to ensure the surrounding trees would not be adversely affected by the outbuilding and no objections were raised.
- 8.2 The applicant cleared what were described as brambles from the east, south and west boundaries to open up and landscape the garden. The area of brambles which have now been cleared have been covered by lawn and allow the existing trees in the garden to be exposed and maintained. The brambles were not removed to accommodate the outbuilding, but as part of a garden project, although the outbuilding has been erected in a small area cleared of brambles.
- 8.3 Advice from an ecologist would not usually be sought for a small householder development such as this however in this instance, given the comments received from neighbours, advice has been sought from Hampshire County Council ecology group. The ecologist has advised that the noise created from the use of an outbuilding would not be expected to disrupt roosting bats (if there are roosting bats within the trees) and the lighting would not be a concern.
- 8.4 No tree felling has been carried out to facilitate the development and the outbuilding is sited within a private residential rear garden. The applicant has indicated that they intend to plant native shrubs between the outbuilding and the west boundary to replace some of the shrubs removed and provide additional screening for the neighbouring properties on The Mallards. This is in addition to the small deciduous trees that are already established along the boundary adjacent to the outbuilding.

- 8.5 The pond at 7A Kiln Road is used by breeding great crested newts, however, there is no evidence that the construction of this outbuilding has caused harm to the great crested newts. Nonetheless, the applicant has indicated they would be happy to install a log pile along the southern boundary of the garden as a further biodiversity enhancement. Officers do not consider it would be necessary to require this through a planning condition.
- 8.6 Whilst acknowledging the comments that have been received from residents about the arboricultural and ecological impact of the development, the outbuilding has not directly or indirectly affected the surrounding trees and no other significant impacts have been identified.

#### Impact on the character and appearance of the area

- 8.7 The outbuilding is visible from the street within The Mallards, the top section and roof of the west elevation can be seen protruding the top of the boundary treatment of 2 The Mallards. The outbuilding will be finished with a cedar cladding and will therefore be less noticeable above the wooden fence boundary treatment once complete. Due to the distance from the public highway and modest height of the outbuilding, it is not considered to have any detrimental impact upon the character and appearance of the streetscene.

#### Impact on the living conditions of neighbours

- 8.8 The outbuilding has been erected 2 metres from the west elevation of the application property and sits along the rear boundary for 2 The Mallards amongst the existing trees. The outbuilding is almost central along the boundary of 2 The Mallards and the rear garden of that neighbouring property is approximately 10.5 metres long meaning the outbuilding sits approximately 12.5 metres from the rear of the neighbouring dwelling and the rear habitable rooms. Due to the modest height of the outbuilding and the distance it stands from the neighbouring dwelling, it will not have an unacceptable adverse impact upon the light and outlook of the property.
- 8.9 Concerns regarding the noise generated from the use of the outbuilding are acknowledged, however, there is no reason to believe that the noise created through the use of the outbuilding for purposes incidental to the residential use of the property would be harmful to the living conditions of neighbours, nor have an adverse environmental impact.
- 8.10 The outbuilding is designed with two windows on the west elevation of the building facing towards 2 The Mallards. These windows are proposed to be fitted with obscure glass and further conditions of non-opening windows will ensure no overlooking of the neighbouring garden or loss of privacy.

- 8.11 There are a couple of small deciduous trees between the outbuilding and the west boundary, but as already mentioned earlier in this report, the applicant is open to carrying out additional planting to assist with shielding the view of the outbuilding from The Mallards. Whilst this is positive and welcome it is not necessary to make the development acceptable in planning terms and so Officers do not consider a planning condition requiring this planting to be necessary.
- 8.12 In addition to all of the above considerations, Officers are mindful of the fact that, had the eaves height on the west elevation the outbuilding been 20cms lower, the development would benefit from permitted development rights. A very similar sized structure could therefore have been erected under permitted development rights without the need for planning permission.

### Summary

- 8.13 The development is not considered to have a detrimental impact upon the character and appearance of the area, would not materially harm the living conditions of neighbours and would not have any unacceptable implications on trees or ecological interests. The development is compliant with Policy CS17 of the Local Plan Part 1: Core Strategy and Policy DSP3 of the Local Plan Part 2: Development Sites and Policies.

## **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. Floor Plans
  - b. Proposed Off Road Parking
  - c. Site Plan
  - d. Location Plan
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 the occupants of neighbouring properties and to ensure local Planning Authority retains control over the use of the building.
3. The windows proposed to be inserted into the western elevation of the outbuilding hereby approved shall first be:
  - a) Glazed with obscured glass; and

- b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

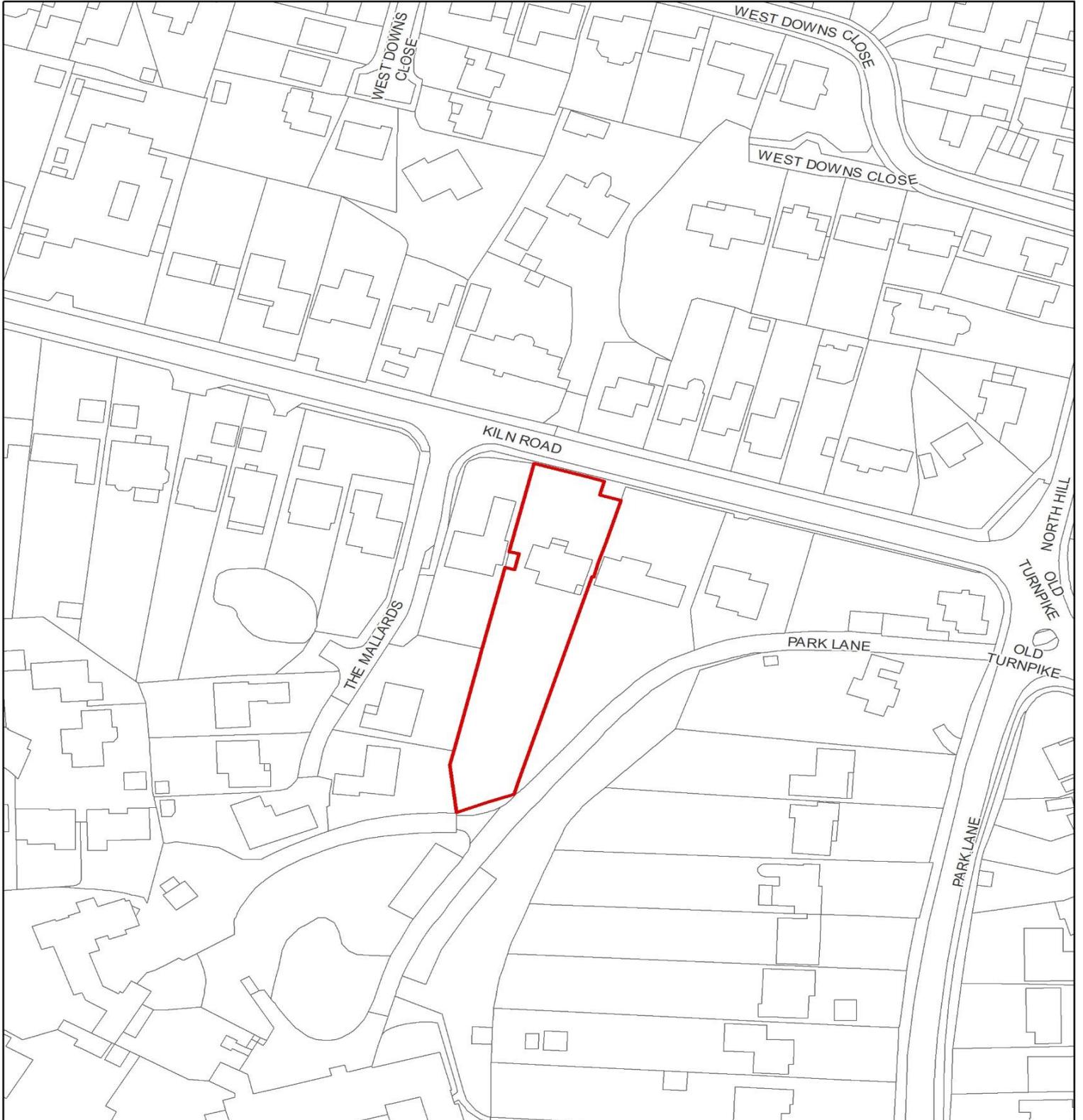
REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent property.

**10.0 *Background Papers***

P/21/1888/FP

# FAREHAM

BOROUGH COUNCIL



3 Kiln Road  
Fareham  
Scale 1:1250



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