

**P/13/0790/VC**

**FAREHAM WEST**

MR J TILBURY

AGENT: MR J TILBURY

VARIATION OF CONDITION 13 OF P/12/0246/FP TO GAIN PERMITTED DEVELOPMENT RIGHTS FOR PLOTS JT1 AND JT2

1-3 PEAK LANE FAREHAM HANTS PO14 1RP

***Report By***

Susannah Emery Ext 2412

***Site Description***

This application relates to a site which is currently being developed to the east side of Peak Lane. One frontage property has been demolished (No.3) and three houses are being constructed on the frontage with four detached properties extending to the rear of Nos.1 & 3 Peak Lane accessed via a private drive. This application relates to the two most northerly plots at the rear of the site referred to as JT1 and JT2.

***Description of Proposal***

Planning permission is sought for a variation of planning condition 13 of P/12/0246/FP which removed permitted development rights for extensions, roof extensions and outbuildings from Plots 1-3 and JT1 and JT2. Permitted development rights were also removed from Plots 4 and 5 under a separate planning application which are the other two dwellings at the rear of the site. The reason for the condition was stated as being to ensure retention of a suitable amenity area and to protect the amenity of adjacent dwellings; in accordance with Policy CS17 of the adopted Fareham Borough Core Strategy (2011).

***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:

<b><u>P/12/0270/VC</u></b>	<b>DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF FIVE DWELLINGS -ALTERNATIVE TO PERMISSION GRANTED IN RELATION TO P/10/0276/FP</b>
	APPROVE 21/06/2012
<b><u>P/12/0246/FP</u></b>	<b>PROPOSED ERECTION OF THREE FOUR-BEDROOMED DETACHED HOUSES AND A PAIR OF THREE-BEDROOMED SEMI-DETACHED HOUSES (PART ALTERNATIVE TO PERMISSION P/10/0276/FP) FOLLOWING THE DEMOLITION OF NO.3 PEAK LANE.</b>
	APPROVE 08/01/2013
<b><u>P/10/0276/FP</u></b>	<b>DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF FIVE DWELLINGS (ALTERNATIVE TO PERMISSION GRANTED ON APPEAL APP/A1720/A/07/2041532)</b>
	PERMISSION 29/06/2010

***Representations***

One letter has been received objecting on the following grounds:

- the condition was imposed to protect adjoining occupants from inappropriate development
- there seems to be no good reason to vary the condition
- development may impinge on the sewer easement
- since the legislation now allows larger extensions this could result in inappropriate extensions which may be out of keeping with the size and nature of adjoining houses
- retaining the condition will not prevent future works but will enable the council to control development.

***Planning Considerations - Key Issues***

Planning permission was originally granted for the erection of five houses at No.3 Peak Lane in 2007 on appeal. Earlier this year two further houses were permitted to the rear of No.1 Peak Lane, plots JT1 and JT2 which are subject to this application.

The four dwellings to the rear of the combined site benefit from larger amenity areas than the three dwellings on the frontage. The two dwellings to be constructed on Plots JT1 and JT2 are detached chalet bungalows and would have rear gardens measuring 16 metres in depth. There is a 6 metre wide sewer easement which extends over much of the rear garden area of both properties. It is requested that permitted development rights are reinstated for these two plots to allow modest rear extensions if required and also to allow the erection of outbuildings within the areas of the rear garden outside of the sewer easement giving future occupants greater flexibility.

The rear garden areas of the dwellings on Plots JT1 and JT2 do not appear overly small and exceed the minimum garden depth of 11 metres which is generally sought. Officers consider that the sewer easement would prevent overdevelopment of the plots. The dwellings already have first floor rear facing windows and in light of the length of the rear gardens it is not considered that any alterations to the roof of the dwellings would have a detrimental impact on the privacy of the neighbouring properties to the rear. It would not be permitted development to raise the height of the dwellings or to provide balconies. It is considered a reasonable request that these two plots should benefit from permitted development rights which would set limits and conditions for any future development.

Whilst the 2013 amendments to the General Permitted Development Order do in some cases allow larger extensions to dwellings this is subject to there being no objection from the occupants of neighbouring properties. Where objections are received, the prior approval of the Local Planning Authority is required as to the impact of the proposed development on the amenity of any adjoining property and the issues will be considered in the same manner as a planning application. The Local Planning Authority will therefore not be giving up all control which was a concern of the objector.

The proposal complies with the relevant policy of the Fareham Borough Core Strategy and is considered acceptable.

***Recommendation***

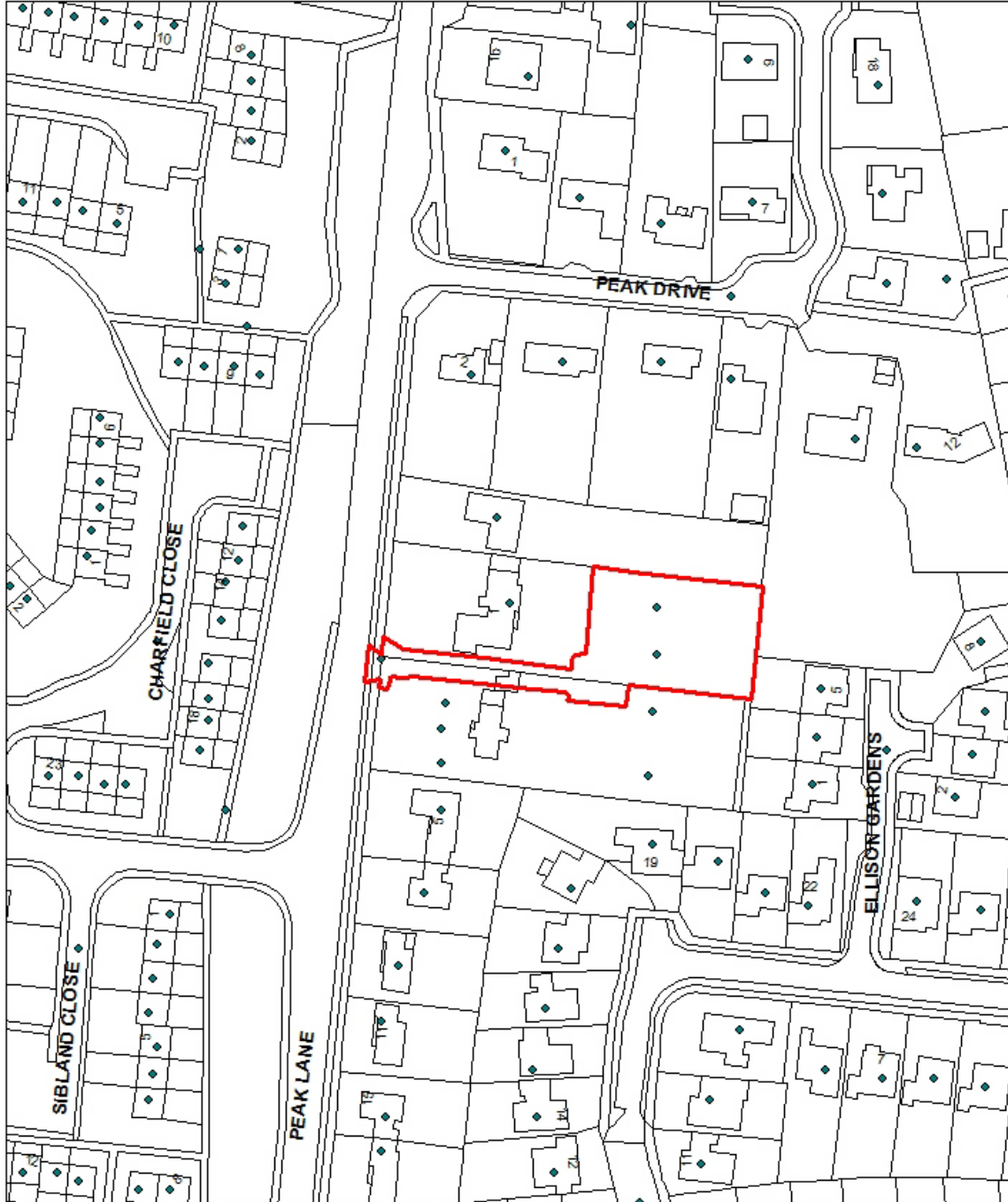
PERMISSION; Materials as agreed, Boundary treatment as agreed, Landscaping Scheme as agreed, Landscaping Implementation, Levels as agreed, Bin Collection Facility as agreed, Tree Protection as agreed, Parking/Turning, Retention of Car Ports, Cycle Parking, Remove PD (plots 1-3), Site Operatives as agreed, Mud on road as agreed, Construction hours, No burning

***Background Papers***

P/13/0790/VC; P/12/0246/FP

# FAREHAM

## BOROUGH COUNCIL



1-3 PEAK LANE  
SCALE: 1:1,250

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