HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/12/71307

DESCRIPTION	Retention of detached garage
ADDRESS	85 Nutbeem Road Eastleigh SO50 5JR

SITE VISIT DATE	24/08/12
ARE PLANS ACCURATE?	Y
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Y

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Detached single storey flat roof garage, 7.75 x4.25m by 2.75-2.8m high
TOPOGRAPHY	Flat site
TREES	None affected by this application
BOUNDARY TREATMENT	Open boundary alongside garage, 1.0-1.5m high fencing alongside boundaries.
SITE CHARACTERISTICS	Two storey Victorian terrace property with rear garden and vehicular access to the rear via the traditional Eastleigh rear accessways.
CHARACTER OF LOCALITY	Residential area of similar age and style dwellings with similar rear garden/access arrangements. A range of garages along the two sides of the rear accessways, of differing designs, sizes and materials.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Q/04/50249	PD Enquiry – proposed garage	RPA Feb 2004
Q/12/70298	PD Enquiry - Erection of replacement double garage	PNR Feb 2012

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
81 Chamberlayne Rd	I believe the garage that has been put up is not of the height indicated on the plans but 3 metres tall. I also notice the planning application is retrospective. Although a garage was there previously, the new one is far larger and not in keeping with the area. The area is mainly 1930s houses which tended to have smaller garages built in the 50s onwards, on the rear of the property. Granted, the older garages were smaller and due to the size of an average car today, I would expect a new garage to be of larger

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	dimensions. However, the garage that has been erected is very long and wide, taking up a considerable amount of the garden. Although I live diagonally opposite, I can see that it must adversely affect the neighbours on both sides. The sheer height dwarfs the rest of the garages in the alley. It is unsightly and spoils the area.
83 Chamberlayne Rd	I have viewed all relevant parts of the application online and wish to object to the application with the following comments: 1. **HEIGHT OF BUILDING**: At no point before construction began were we consulted about this project. As footings were dug, I expressed concern about the size of the building. Mr Viana-West assured me that the garage would not exceed 2.50m in height or be larger than 50% of his garden. Mr Viana-West clearly understood that exceeding those parameters would require planning permission. 2. **USE OF BUILDING:** As the building continued I raised concerns about the use of the garage. At that time Mr Viana-West operated a vehicle paint spraying business from an industrial unit. I questioned him about the large pit which was being dug within the footings and asked about possible use as a workshop for his business. Mr Viana-West gave me assurances that the garage would not be used for business purposes as he had a unit to work from. This unit has now been given up by him.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	I have noted that vehicles not belonging to Mr Viana-West have been stored in the garage. I strongly suspect that the intention is to use this building for business purposes. The nature of his business – spraying vehicles raises concerns about noise, dust, smells, pollution and the number vehicles arriving in a residential area. The only access to the garage is from the rear alleyway which gets congested enough anyway. 3. **LOSS OF PRIVACY**: The building has French Doors which directly overlook two bedrooms to the rear of our property. Lighting within the garage now shines directly into these bedrooms. The garage has been occupied and lit well into the early hours of the morning on several occasions. 4. **VISUALLY INTRUSIVE**: Despite assurances from Mr Viana-West about the height of the garage it has now exceeded the 2.5m limit. I was told on two separate occasions that the final height had been reached. After each assurance another course of blocks was added. The height of the building now affects the amount of sun we receive in our garden. The block construction of the garage is ugly and not finished to a good standard. The finished garage is a large, ugly addition to our neighbourhood. 5. **RAINWATER DRAINAGE**: The pitch of the roof allows rainwater to drain onto our parking area next to the garage. No guttering or drainage has been put in place. I have contacted the EBC Planning Department on only one occasion before this and have attached my email below for your attention. I spoke with Mark shortly after the 18/01/2012 and confirmed that as I had received assurances from Mr Viana-West about the height and use of the garage, I would not at that stage wish any further action from EBC Planning Department. These assurances have not been fulfilled, hence my objections to this application. (follow up comments) I have attached two photographs taken this morning at 11am. The first photo clearly shows that our purpose built sun area has now been shadowed by the new garage at number 85. The height and size of the previous structure gave us full sun at this time of day all over our sun area. The second photo shows how the french windows and door to the garage look directly into our rear bedrooms. Light from the garage now shines directly into these bedrooms. Our privacy has now been affected by this structure as there are frequently groups of teenagers in the garage often late at night.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	I would like to point out that I work as a PCS O for Hampshire Constabulary and my role regularly involves liaising with neighbour disputes (frequently over planning issues!) I am merely protecting my quality of life and value of my investment in my property by raising these comments
87 Nutbeem Rd	• **Height** We were told by Mr Viana-West that he was going to have a new garage. At no point did Mr Viana-West explain to us the size and height of the garage. The garage is over height and was obviously built before having planning permission. The block and brick work on the south side is a complete eyesore and not very nice to look at when in the garden and looking out of our window. It will be impossible for me to maintain our fence as there is only 18cm between the fence and the brick work of the garage. • **Usage** Mr Viana-West has given up his unit where he had a paint spraying and welding business and we are very concerned that Mr Viana-West will use his garage to run his paint spraying welding business. The garage is plenty big enough for Mr Viana-West to keep all his tools and equipment in. There is plenty of room for industrial equipment ie a compressor. There is also a pit in the garage that Mr Viana-West can work in. I use my garage a lot and I am worried that Mr Viana-West may block access as this is a residential area not suitable for businesses. • **Pollution** I am very concerned that if Mr Viana-West decides to run his business from home that there will be a lot of noise, smell and pollution. I will not be able to enjoy my garden if Mr Viana-West runs his business from the garage.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
NIL	

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) 59.BE
Supplementary Planning Guidance : Quality Places
Supplementary Planning Guidance: Residential Parking Standards

CHARACTER APPRAISAL AREA

Eastleigh Character Area (area 15)

SPECIAL POLICY AREA

n/a

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

None received	x	See below		
Other …				

COMMENT ON REPRESENTATIONS RECEIVED

	None received		See below	x	
Other …					

PLANNING OBLIGATION/CONSIDERATIONS

Not applicable

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

MATERIAL CONSIDERATIONS

Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

The application is for the retention of a replacement garage. A PD enquiry was received prior to the garage being constructed, which advised that provided the garage did not exceed 2.5m in height it would not require planning permission as the total area of ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

The garage that has been constructed however, exceeds 2.5m in height, and therefore permission has been sought retrospectively. Given that the garage would have fallen under permitted development, the considerations for this application relate primarily to whether the small increase in height above that allowed under permitted development (between 25 and 30cm) has a significant detrimental impact.

The garage has been constructed on the site of an earlier, smaller garage, close to the rear boundary of the dwelling which is accessed via a traditional Eastleigh rear accessway. There are a number of different garages along this access, on both sides, which vary in design, materials and size. Whilst this garage may be the largest, it is not significantly different in scale compared to the surrounding development and does not form a visually intrusive element in the street scene of this back accessway.

Whilst I sympathise with the residents at no. 83 Chamberlayne Rd, the increase in height of 25cm above that permitted under PD rights does not significantly increase the overshadowing on their rear garden to warrant a refusal of this application. Similarly, the doors and windows in the garage would not require planning permission. The French doors do not facilitate the overlooking into the rear first floor bedrooms as the angle from the ground to the first floor windows does not allow people at ground floor level to see into the room. It is more likely that residents at these first floor windows would be able to view into the garage, however, given this is not a habitable structure, this is not a material consideration.

The concerns raised by several residents regarding use of this garage for commercial purposes are relative to this application and a condition can be imposed preventing the use of the garage for purposes other than those ancillary to the main dwellinghouse.

The garage does not currently have guttering and should be served by a soakaway. This can be address by condition.

The site is considered to retain sufficient garden space therefore the proposals are not considered to result in the overdevelopment of the plot.

The development complies with the requirements of Policy 59.BE.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSION

CONCLUSION

Recommend permission subject to condition.