

COMMITTEE OFFICER REPORT

Site Address: 14 The Florins, Waterloo, PO7 5RJ
Proposal: Single storey residential annex to rear garden (part retrospective) and shed.
Application Type: Full Planning Permission
Application No: APP/24/00673 Expiry Date: [30/10/2024](#)
Applicant: Mr Steven Pook
Agent: Mr Brian Hindle Case Officer: Lesley Wells
Ward: Purbrook DMC Lead Member

Reason for Committee Consideration:

Density:

HDS Recommendation: **GRANT PERMISSION**

1 **Site Description**

- 1.1 14 The Florins is a detached bungalow which lies on the west side of The Florins. Vehicular access is from The Florins, with parking on site.
- 1.2 The proposed annex, existing dwelling and access are sited wholly within Flood Zone 1 and would remain so with climate change up to 2115 on current information. The proposal for the annex is retrospective.

2 **Planning History**

APP/24/00031 - Raise roof height with dormers to both side elevations.,
WD,05/04/2024

3 **Proposal**

- 3.1 Single storey flat roofed residential annex and shed to rear garden (part retrospective). The development lies to the rear of the dwellinghouse, following the demolition of a flat roof garage along the southern boundary.
- 3.2 Three on site car parking spaces are proposed along the driveway to the south of the dwellinghouse.

4 **Policy Considerations**

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Emsworth Neighbourhood Plan

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure, Planning Policy & Urban Design

CIL liable in respect of the self contained annex:

<http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

The applicant has not submitted an application for self build annex relief.

Officer Comment: Revised CIL form received 21/11/24

Councillor Antonia Harrison - No Comment

Councillor Ms C Diamond - Purbrook Ward - Objection Red Card

I would like this application red carded because of the following.

The proposed development would result in excessive building bulk adjacent to existing neighbouring properties, it is detrimental to the outlook of neighbouring properties.

This proposal would set an undesirable precedent which would make it difficult to refuse any future development.

The size and shape of the plot is not sufficient to hold an extension this size.

This is backland development which is undesirable due to the impact it will have on neighbouring properties.

Councillor Paul Tansom - No Comment

Developer Services, Southern Water - No Objection

From the information received, we can see no evidence of the applicant using the existing Foul connection. If the applicant is not proposing to use the existing drainage system. Southern Water will then require a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service:

<https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall

not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Officer Comment: *The proposal is retrospective and it has been confirmed by Building Control that the drainage for the annex has been signed off. Therefore, the informative recommended is inappropriate as it has been overtaken by events by the installation and approval of the drainage system.*

Drainage - Engineers - Comment

There isn't a land drainage issue here. What there is, is a sporadic history of area flooding due to the lack of capacity / inefficient layout of the sewerage system (this from personal recollection from Southern Water sewerage agency days, early 1990s). In extreme rainfall it has been known for the surface water sewer at the The Florins / Sovereign Lane junction to reach its capacity limit, and this then leads to surface flow down The Florins.

If SW are suggesting an informative (which has been overtaken by events) I don't have any other comments.

6 Community Involvement

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 29 (14 Objections & 15 Support)

The following is a summary of the representations received.

Objections

Amenity

- Excessive building bulk – too big for garden - inconsiderate build - detrimental to outlook for neighbouring properties
- Overbearing and towers over boundary - unneighbourly, intrusive, creates a terracing effect
- Undesirable back land development, due to impact on neighbours
- Adverse impact on enjoyment of adjoining gardens
- Taken up too much garden space in the property, which is a defined characteristic of the neighbourhood, which is primarily composed of bungalows with ample gardens.
- Loss of privacy
- Noise concern from use – quiet estate – impact on overall ambience of the area
- Too large – appears in excess of 50% of main dwelling – taking more than 50% of the garden – contrary to law
- Too close to neighbours – probably contravenes the 45 degree rule – adversely impacts on quality of life and can also lead to psychological impact due to reduce

daylight exposure

- Blocked window in neighbour's garage – built up to neighbouring properties
- Green area to front dug up to make space for extra cars
- Pollution

Design

- Poor design length of flat roof
- Proposal two bedroom dwelling

Character & Appearance

- Not in keeping with area – size and shape of plot insufficient for the size of extension
- Loss of green space
- Addition of two extra bedrooms alters the residential character of the property, transforming into a large family dwelling – increase in density in the area
- Overdevelopment of the site – takes away community's preference for maintaining the bungalow character of the area – this trend threatens to disrupt the peaceful, spacious nature of the neighbourhood.

Flood Risk/Drainage

- Result in drainage issue – lead to flooding – previous surface water from Sovereign Lane been a cause of problems in the past
- Dispersal of rainwater from roof and hard surface likely to cause further flooding issues
- Guttering/drainage will overhang the boundary.

Policy

- Contrary to reason for refusal R18, R111, R133 & R136
- Contrary to Policy CS16 Local Plan

Support

• Amenity

- Care taken to maintain privacy and harmony of the area – would not cause disturbance to neighbours
- Does not overlook other properties and respects privacy
- Valuable space for the family – utilises land in accordance with their needs

- Will not have an effect on the neighbours
- Once building works completed no impact on neighbours

- Character & Appearance

- In keeping with character of area

Design

- Enhances the property – design aesthetically pleasing - blends in with surrounding homes/gardens
- Thoughtful and unobtrusive design
- Brick walls will look better than old fencing
- Utilising their own property without increasing their carbon footprint
- Creates a function space, whilst enhancing local housing options
- Valuable space for the family
- Other properties will benefit from the annex's walls - improvement over fences replaced

Others objecting

- Lack of advertising – no property notification
- Works commenced without notifying neighbours
- Notification under the Party Wall Act not secured - fence removed without notifying neighbours
- Commenced without planning permission undesirable precedent - difficult to refuse similar applications - encourages other developments to commence without permission
- Proposal should be stopped by the Council
- Considerable inconvenience and upset to the neighbours – dust and noise, mess, with waste material stored on road/pavement – parking of works van make it awkward for neighbours to use their drives – no Banksman when machinery backed out of development
- Builder has always made sure the outside of the property is left clear and safe for pedestrian
- Gap in wall along the northern boundary filled with insulation – unsightly
- No guarantee the space will remain solely for family use – could be rented or used in manner that impact on the community
- Lack of transparency regarding previous application refused – led to confusion and distrust within the community
- Potential for overhanging guttering/downpipes

Other Supporting

- Will add value to the property

Officer Comment: *Most of the above points are covered under Section 7 below, except for the following:*

- *Public consultation followed the LPA's normal practice, with adjoining neighbours notified of the proposal and a site notice displayed.*
- *Whilst unfortunate, there is no requirement in planning for applicants to notify neighbours of proposed developments.*
- *Compliance with the Party Wall Act is a private matter between the parties involved.*
- *Section 73A of the Planning Act 1990 provides for the submission of applications for developments that have already commenced, with such application then considered on their merits. The applicant is aware of the risk in continuing working on the proposal without the benefit of planning permission.*
- *Construction disturbance, such as noise, dust etc., falls under environmental protection legislation if these becomes an issue. The developer has a duty of care and is responsible for health and safety matters during the build.*
- *If permission is granted for the proposal a condition would be imposed restricting the annex's use to ancillary to the occupation and enjoyment of the existing dwelling and not to be used as a separate unit of accommodation.*
- *As to a gap in the wall at the time of the officer's site visit this had been replaced with a small fence.*
- *Relevant previous applications for the site are set out above under the heading 'Planning History', with application APP/24/00031 available to view on the Council's website.*
- *Increase in value of the property is not a material planning consideration.*
- *The agent has confirmed that the guttering and downpipes are within the curtilage of property, as the roof falls away from the boundary sides.*

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Access & Parking
- (v) Biodiversity Net Gain (BNG)
- (vi) Flood Risk & Drainage
- (vii) CIL

- (i) Principle of development

7.2 The application site is located within the defined urban area; therefore development is considered acceptable in principle subject to development management criteria. This is subject to compliance with the relevant planning policies, which includes residential amenity and car parking.

7.3 As to the need for planning permission for the development, advice was initially sought

from the LPA on this point. Based on the initial information before the LPA the applicant was advised that such permission was not required, as due to the size of the proposal and that the total ground area covered by the building within the curtilage of the dwellinghouse (other than the original dwellinghouse) did not exceed 50% of the total area of the curtilage the development. Therefore, the development was permitted development falling within the limitation of Schedule 2, Part 1, Class E of the Town & Country Planning (General Permitted Development) (England) (Order 2015). The ground area covered by the proposal (excluding the main dwelling) is approximately 39%. The height of the building at 2.5m also falls within the limitation of permitted development rights. Therefore, the physical build is permitted development. However, it was subsequently established, that the development required planning permission due to the proposal being designed to provide primary accommodation, from its initial use and therefore the use would be ancillary and subject to planning control. This resulted in the submission of the proposal to seek to regularise the development i.e. as an annex linked to the main dwelling.

- 7.4 The annex has its own entrance and provides a family room, bedroom, bathroom and office for the applicant's daughter and granddaughter, with a floor area of approximately 42 msq., which could potentially be utilised as a self-contained unit. It is important that the ancillary relationship between the annex and the host dwelling is maintained, as independent occupation would suffer from lack of facilities, a separate garden area and is sited too close to the main dwelling for such a use. The agent has confirmed that the degree of dependency with the main dwelling, would be the family occupying the annex being dependant on the main dwelling for cooking and dining as there will be no such provision within the annex. Therefore, it is considered that this dependency by the family members of the annex renders the annex use ancillary to the primary residence, as opposed to a separate dwellinghouse. Its use would be conditioned to ensure ancillary occupation only, if permission is granted.
- 7.5 There is also a shed attached to the annex along the western boundary with an area of approximately 10 msq.
- 7.6 As to backland development, the term typically applies to small-scale residential development which sits behind existing housing or other development. The proposal is not considered to fall within the category of backland development as it is for an annex, with an integral link to the host dwelling, as opposed to a separate residential development with no link to the host dwelling.

(ii) Appropriateness of design and impact on the character of the area

- 7.7 The proposal, which is retrospective, replaces a flat roofed garage along the southern side of the site. This garage was approximately 6m in length, 3m wide and 2.5m high. The proposal which is L shaped and flat roofed is approximately 11.6m in length, 4m wide and 2.5m in height along the southern boundary. Along the western boundary, the development is 9.5 in length, width of 3.6m with a height of 2.5m. To facilitate the development to the rear the site has been levelled. The walls will be rendered, with windows and doors white UPVC. Due to the location of the proposal, between 16 The Florins to the north and 5 Sovereign Lane to the west, with The Florins falling from south to north, the proposal is not readily visible from Sovereign Lane to the south. Part of the proposal is visible from The Florins. However, this replaces a garage, which likewise was visible from The Florins and due to the proposal being set back into the site, is not considered to be significantly harmful to the street scene. Whilst it is acknowledged that the proposal, which replaces an existing flat roofed garage, is larger than its replacement, it is not considered to be out of keeping with the

dwellinghouse or the character and appearance of the area.

- 7.8 The design and appearance of the proposal is deemed appropriate in context to the main building, replacing an existing flat roofed garage and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact on residential amenity _

Neighbouring properties

- 7.9 The neighbours with the potential to be impacted by the development are 16 and 12 The Florins and 5 Sovereign Lane. There are no window openings on the elevations abutting/adjoining these neighbours' boundaries, so there is no overlooking or loss of privacy to these properties from the development. The windows and doors openings face into the garden area of the host dwelling, with any general noise and disturbance from the use of the annex is not considered to be out of keeping with this residential area.
- 7.10 16 The Florins lies to the south of the application site. The proposal replaces an existing garage along part of the southern boundary close to 16 The Florins. Therefore the impact of the proposal on 16 The Florins, would be similar to the garage replaced, which is acceptable. The proposal is also the same height as the demolished garage, albeit it did not extend all along this boundary, as per the development. Due to the orientation of the proposal, it is considered that the proposal would not lead to significant overshadowing of 16 The Florins.
- 7.11 16 The Florins has a rear garage, which is accessed from steps going up from the rear garden. This garage has a rear window, with two sides and one top opening. Due to the close proximity of the annex the two side openings can no longer be fully opened, which is the case with the top opening. The proximity of the annex to this window also results in some loss of light to the garage. As the garage does not provide any form of primary accommodation, the loss of light and inability to open the rear side windows fully, whilst undesirable, is not considered in itself sufficient to warrant a refusal of the application.
- 7.12 To conclude the siting of the proposal along the boundary with 16 The Florins is not considered to significantly impact on the amenity of the occupier of this dwelling, by reason of noise, overshadowing or dominance.
- 7.13 Concerning 12 The Florins this lies to the north of the site, with a 2m high wall along the shared boundary. Due to the L shaped nature of the design, the closest part of the development would be to the rear of 12 The Florins and is not considered to materially impact on the occupiers of this property, by reason of noise, overshadowing or dominance.
- 7.14 With regard to 5 Sovereign Lane, as mentioned above the rear garden of the application site has been levelled, with this neighbouring property at a higher level. It is understood that the proposal replaced a fence along this boundary, which was of a similar if not higher height than the proposal. The proposal also backs onto a car port at 5 Sovereign Lane, with a minimum separation distance of 3m from the main house. Due to this relationship, the proposal is not considered to adversely impact on the amenity of the occupiers of 5 Sovereign Lane, by reason of noise, overshadowing or

dominance.

- 7.15 As stated above, a building of the same height (ie 2.5m) and size could be erected in its current location under permitted development rights, subject to the use being incidental to the enjoyment of the main dwelling. It is also acknowledged that the building once built, could be used as an ancillary use, such as an annex, without the need for planning permission from the LPA. Whilst acknowledged, limited weight is given to these points. To confirm, the development is not permitted development due to its proposed use from day one being ancillary to the host dwelling. Having regard to the assessment above on the impact on neighbouring properties, it is considered that the proposal is not overbearing or leads to a significant loss of light, outlook or privacy and has a limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite and to the rear, meeting the requirements of Policy CS16 of the Core Strategy.

Impact on host dwelling

- 7.16 As mentioned above, to facilitate the development, the rear garden has been levelled. The annex has been erected close to the host dwelling, due to the integral link between the two buildings, which is considered acceptable. The proposal has resulted in a smaller rear garden for the host dwelling and for the occupiers of the annex, with a depth of approximately 9m. Havant Design Guide normally requires garden lengths for new dwellings to be 10m. However, this is not a new dwelling, but an annex that if permission is granted, would be linked to the host dwelling by a condition. Therefore the size of the garden, which is a personal preference of the occupiers, is in this particular instance, considered to be acceptable.
- 7.17 Having regard to the overall size of the plot and the integral link between the two buildings the proposal is not considered to be overdevelopment of the site, in accordance with Policy CS16 of the Core Strategy.

(iv) Access & Parking

Access

- 7.18 No change to the existing access is proposed.

Parking

- 7.19 The proposal would provide 3 parking spaces on the existing driveway, to the south of the main dwelling. A total number of 3 bedrooms would be within the host dwelling and the annex, with 3 onsite parking spaces to be provided, which would exceed the minimum requirement of 2 spaces under Havant's Car Parking SPD. The addition of 1 extra car parking space is welcomed, with the proposal in accordance with Policy DM13 of the Core Strategy.

(v) Biodiversity Net Gain (BNG)

- 7.20 It is noted that this householder application is exempt from the requirements relating to Biodiversity Net Gain.

(vi) Flood Risk & Drainage

Flood Risk

- 7.21 The proposal is sited wholly within Flood Zone 1. National Guidance states that Flood Zone 1 is suitable for all types of development.

Drainage

- 7.22 The agent advised that Building Control approval has been secured for the drainage system. This has been confirmed by Building Control, as it is compliant with Building Regulations 2010.
- 7.23 Southern Water, together with the Council's Engineers' Section have been consulted over the proposal. As stated above SW has recommended an informative as to foul and surface water drainage, which has already been approved and signed off by Building Control. The Council's Engineer has advised that there is not a land drainage issue here, with a sporadic history of the area flooding due to lack of capacity/inefficient layout of the sewerage system. As the drainage for the proposal has been cleared by Building Control in compliance with Building Regulations 2010, this is satisfactory for the purposes of this development.

(vii) CIL

- 7.24 The applicant has indicated that self-build annex relief will be sought. However, relief cannot be granted for this retrospective application because in order to claim an exemption, the applicant needed to have assumed liability and applied for relief before commencement, and this is not possible as works have already commenced.

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. The proposal is also acceptable in drainage and parking terms. The development is therefore considered to comply with the development plan as a whole, with conditional planning permission recommended.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00673 subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plans

Location Plan
Proposed Block Plan
Proposed Floor Plans, Elevations and Sections - Drawing No. 15/2425B

Other

Email from agent dated 5 December 2024, confirming guttering and

downpipes within the curtilage of 14 The Florins

Reason: - To ensure provision of a satisfactory development.

- 2 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation.

Reason: The unit of accommodation is not in a satisfactory position and has insufficient amenity space to be occupied separately from the main dwelling and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:...