
Site Address: 2 Glebe Park Avenue, Havant, PO9 3JR
Proposal: Removal of condition 2 of planning permission 02/60643/000 (Permission granted 13/03/2002) to remove the 2 panels of obscure glazed glass and replace with clear glass.
Application Type: Variation/Relief of Condition
Application No: APP/24/00704 Expiry Date: 15/10/2024
Applicant: Mr Ward
Agent: Case Officer: Robert Riley
Ward: Bedhampton

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site comprises of a semi-detached 2-storey dwellinghouse located in Bedhampton. It features a hip pitched design roof with brown concrete tiles and white rendered walls. To the rear of the property is a conservatory and rear garden.
- 1.2 The application site is in an area that would be considered both urban and residential, with the character of the street featuring variation, with dwellings of different designs regarding external materials and bulk.

2 Planning History

02/60643/000 - Conservatory to rear, above existing verandah., PERM,13/03/2002
Officer comment: *This is the application which features the condition that is sought to be varied.*

91/56357/000 - Three dormer windows., PERM,08/08/1991

APP/20/00048 - Replacement garage with mezzanine room above.,
PERM,27/03/2020

APP/20/00413 - Application for non-material change to planning permission
APP/20/00048 relating to rectification of written measurement error within the original scaled plan drawing, minor increase to garage and change of first floor rear window to Juliet balcony., PERM,09/06/2020

3 Proposal

- 3.1 Removal of condition 2 of planning permission 02/60643/000 (Permission granted 13/03/2002) to remove the 2 panels of obscure glazed glass and replace with clear glass.

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)

Havant Borough Local Plan (Allocations) July 2014
AL1 (Presumption in Favour of Sustainable Development)

Emsworth Neighbourhood Plan Post Examination Version 2020
N/A

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Liz Fairhurst - Bedhampton
No comments received

Councillor Michael Lind
No comments received

Councillor Phillipa Gray
No comments received

Hampshire Highways

The Highway Authority have reviewed the submitted information and condition 2 of the extant planning permission which does not appear to have any highway implications. The Highway Authority are therefore not required to comment on this planning application.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment

Neutral comments received regarding the reasons for the original condition (Redacted for Data Protection) - The trees lose their leaves in winter, and the hedging can be cut back at any time in the future so should not be used as a

Officer Comment

Comment about trees and hedging is noted.

mitigating factor.

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) Biodiversity Net Gain (BNG)
- (v) Hampshire Highways

(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. In this case the current condition imposed in relation to planning permission Ref: 02/60643/000 reads as follows:

2 The windows in the north and south elevation of the conservatory since marked 'x' on the plans hereby approved shall :-

(i) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

Reason: *In the interests of the amenities of the occupiers of nearby properties.*

It is therefore necessary to consider whether the condition remains necessary in the interests of the amenities of the occupiers of nearby properties to the south.

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

7.3 The proposal seeks to remove 2 obscure panels of the rear conservatory to be replaced with clear glass on the southern elevation. This is considered acceptable with regards to the character of the dwelling, visual amenities and to accord with the Havant Borough Design Guide SPD.

7.4 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy 2011). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

7.5 Due to the nature, location and scale of the works it has been considered important to assess the impact of this proposal on No.2A Glebe Park Avenue.

No.2A Glebe Park Avenue

7.6 The proposal would not increase the footprint of the dwelling, therefore this proposal is

considered acceptable regarding overbearing and overshadowing concerns. Regarding overlooking concerns, on the officer site visit it was noted that the hedging and trees at present prevent views of No.2A's rear garden, on balance were these panels made to be clear glass, with consideration of the extensive shielding of No.2A's rear garden, it is not considered to permit overlooking at a level to warrant a refusal of this application due to this shielding.

- 7.7 Regarding No.2A's rear elevation, it is noted that were these panels to be made clear, they would permit uninterrupted views of No.2A's rear elevation. This is as the conservatory is at a raised level at approximately 1.1 metres above ground level, which permits views over the hedging on the shared boundary of No.2 Glebe Park Avenue and No.2A. There are first floor windows at approximately 9 and 12 metre separation distances and a ground floor window featuring a 9 metre separation distance from the conservatory panels. At these distances it is considered that the views which would be provided if these panels were made to be clear glass would lead to an unacceptable loss of privacy for No.2A. This would be contrary to policy CS16 e) of the Havant Borough Local Plan (Core Strategy) 2011 which states that all development should demonstrate that its design:
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

- 7.8 Consequently, it is considered that the proposal would lead to a loss of privacy and would have an unacceptable impact on the property immediately adjacent to the application site, thereby not meeting the requirements of Policy CS16 of the HBLP (Core Strategy 2011). It is noted that one letter of representation was received with respect to the scheme.

(iv) Biodiversity Net Gain (BNG)

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

(v) Hampshire Highways

- 7.10 Due to proximity to the A3 Motorway, Hampshire Highways was consulted during the application process. They stated " *The Highway Authority have reviewed the submitted information and condition 2 of the extant planning permission which does not appear to have any highway implications*". The Highway Authority are therefore not required to comment on this planning application". Regarding this, this proposal is considered acceptable regarding highway concerns.

8 Conclusion

- 8.1 The proposed development would have an unacceptable impact on the neighbouring property. On this basis it is recommended for refusal.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/24/00704

For the following reason

- 1 The proposed removal of 2 obscurely glazed panels on the southern elevation of the rear conservatory would result in overlooking to ground and first floor rear windows at No.2A Glebe Park Avenue resulting in a loss of privacy and an unneighbourly form of development. The proposal would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.