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|-------------------|-------------------------------------------------|---------------|----------------|
| Site Address:     | Spindrift, Ferry Road, Hayling Island, PO11 0DG |               |                |
| Proposal:         | First floor side extension.                     |               |                |
| Application Type: | Full Planning Permission                        |               |                |
| Application No:   | APP/23/00450                                    | Expiry Date:  | 09/08/2023     |
| Applicant:        | Mr Battersby                                    |               |                |
| Agent:            | Sarah Roberts                                   | Case Officer: | Selina Donophy |
|                   | Critchley Architecture and Design               |               |                |
| Ward:             | Hayling West                                    |               |                |

Recommendation: **REFUSE PERMISSION**

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## **1 Site Description**

The application site is a modern two storey detached property with an integral boat store/garage and is situated at the western end of Ferry Road. It has a grey flat roof with mono-pitched elements and elevations of light grey render. The site is level with 2 metre high wall and gate to the front leading to a block paving parking area and shrubs with a 2 metre high walls to the east and west. There is a side gate leading to the rear garden which is mainly concrete with a large vessel on the site and several areas of open sided storage, with a wall ranging in height from 1.6 metres to 2 metres to the west and a concrete panel fence ranging in height from 1.6 metres to 2 metres to the east, with a jetty to the rear into Langstone Harbour.

## **2 Planning History**

01/59612/000 - Demolition of existing dwelling and erection of a 3 storey, 5 bedroom house utilising existing vehicular access from Ferry Road, WD,20/02/2002

03/59612/001 - Demolition of single storey chalet & construction of 2 storey house comprising ground floor boat storage/garage with 3 bed living accommodation above, utilising existing access to Ferry Road., REF,10/11/2003

04/59612/002 - Demolition of single storey chalet and construction of two storey dwelling comprising ground floor boat storage/garage with 3 bedroom living accommodation above, utilising existing access to Ferry Road. , REF,02/03/2004

05/59612/003 - Demolition of the existing dwelling and construction of a two storey dwelling comprising ground floor boat storage/garage with 3 bedroom living accommodation above, utilising existing access to Ferry Road. (Revised submission)., REF,11/04/2005

05/59612/004 - Demolition of existing dwelling and construction of a two storey dwelling comprising of 3 bedroom and integral garage/ boat store and workshop utilising existing access to Ferry Road. (Revised submission)., REF,25/11/2005

05/59612/005 - Demolition of existing dwelling and construction of a two storey dwelling comprising 3 bedrooms and integral garage/ workshop utilising the existing access to Ferry Road. (Revised Submission), PERM,07/02/2006

09/59612/006 - Revision to replacement dwelling approved under planning permission 05/59612/005. Removal of sloping skylights on the east elevation, replacement of circular opening skylight on the flat roof at first floor level with rectangular opening skylight, glazed infill panels on balconies and replacement of fixed windows on east elevation with casement windows and modification of the front access ramp., PERM,21/04/2009

APP/19/00129 - First floor front, rear and side extensions., REF,04/04/2019 Appeal Dismissed 30th August 2019

APP/20/00412 - Proposed first floor front and rear extensions to include Juliet balconies; proposed lift., PERM,16/07/2020

APP/21/00093 - Proposed first floor front and rear extensions to include Juliet balconies; proposed lift. Revision relating to amendment to loft shaft as approved under APP/20/00412., PERM,16/03/2021

APP/21/01131 - Variation of condition 2 of Planning Permission APP/21/00093 relating to revised balcony style to north elevation., PERM,25/11/2021

APP/22/00397 - Proposed front balcony., PERM,17/06/2022

### **3 Proposal**

First floor side extension.

### **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

|      |                                                                         |
|------|-------------------------------------------------------------------------|
| CS15 | (Flood and Coastal Erosion)                                             |
| CS16 | (High Quality Design)                                                   |
| CS17 | (Concentration and Distribution of Development within the Urban Areas)  |
| DM8  | (Conservation, Protection and Enhancement of Existing Natural Features) |
| DM9  | (Development in the Coastal Zone)                                       |

#### Havant Borough Local Plan (Allocations) July 2014

|     |                                                                  |
|-----|------------------------------------------------------------------|
| AL1 | (Presumption in Favour of Sustainable Development)               |
| AL2 | (Urban Area Boundaries and Undeveloped Gaps between Settlements) |

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

### **5 Statutory and Non Statutory Consultations**

**Chichester Harbour Conservancy**  
No comment received

**Councillor Brenda Linger - Hayling West**

No comment received

**Councillor Julie Richardson**

No comment received

**Councillor Paul Gray**

No comment received

**Environment Agency**

No comment received

**Langstone Harbour Board**

Thank you for consulting us on the above proposal. I refer to the detailed drawings and documents viewed on the Havant Borough Council website concerning the above planning application.

The Board's Planning Sub Committee has considered this application and offers NO OBJECTION to the proposal.

**Hampshire Biodiversity Information Centre**

Within 50m

- Notable and protected species Early Meadow-grass, Toothed Medick, Butchers Broom, Sea Sandwort
- Priority Habitat - Intertidal mudflats
- SSSI (Langstone Harbour) Ramsar (Chichester & Langstone Harbours) SAC (Solent Maritime)

**Officer comment:** It is not anticipated that the first floor proposal would harmfully impact ecology.

**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: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

| Comment                                                                                                                                                   | Officer Comment                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| [redacted]<br><br>We object to the latest application for an east extension of the second floor of Spindrift.<br><br>Our reasons for objecting remain the | Please see 'Planning Considerations' section of the report. |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                    |
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| <p>same as for the previous applications for the extension, which were all refused.</p> <p>It will result in loss of light, overshadowing and lack of privacy.<br/>[redacted]</p> <p>We also object as the east extension will be visually over-bearing.</p> <p>Planning permission for Spindrift in its current form was permitted in 2009 and was granted, after a lengthy process, on the basis that any building on the 2nd floor of the east side of the property did not take place.</p> <p>This was refused again in 2019 where it was determined that:</p> <p>The main issues are:</p> <ul style="list-style-type: none"> <li>- Impact on the character and appearance of the area; and</li> <li>- Impact on the living conditions of the occupiers of [redacted], in respect of outlook and light for occupiers of that property.</li> </ul> <p>We ask the council, for the reasons outlined above, to reject the application.</p> |                                                                    |
| <p>[redacted]</p> <p>We object to the east extension of the second floor. It will result in loss of light, overshadowing and lack of privacy. [redacted]</p> <p>We also object as the east extension will be visually over-bearing.</p> <p>Planning permission for Spindrift in its current form was permitted in 2009 and was granted, after a lengthy process, on the basis that any building on the 2nd floor of the east side of the property did not take place.</p> <p>The conclusion of the last application was that it was rejected 'on the basis of of the impact of the character and appearance of the area and the impact on the living conditions of the occupiers of Sinah House, in respect of the outlook and light of that property.'</p> <p>These issues remain.</p>                                                                                                                                                     | <p>Please see 'Planning Considerations' section of the report.</p> |

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| We ask the council, for the reasons outlined above, to reject the application in its current form. |  |
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## 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) Flood risk
- (v) Parking

(i) Principle of development

7.2 The application site is located outside the defined urban area, however, the proposal relates to an extension to an existing residential property and is considered acceptable in principle subject to development management criteria considered below.

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

7.3 There has been a significant planning history at this site which includes planning refusals at the site - one most recently in 2019 which went to appeal is notably similar in principle to this current proposal - those applications most relevant are listed below in further detail:

*03/59612/001 - Demolition of single storey chalet & construction of 2 storey house comprising ground floor boat storage/garage with 3 bed living accommodation above, utilising existing access to Ferry Road., REF, 10/11/2003*

*04/59612/002 - Demolition of single storey chalet and construction of two storey dwelling comprising ground floor boat storage/garage with 3 bedroom living accommodation above, utilising existing access to Ferry Road. , REF, 02/03/2004*

*05/59612/003 - Demolition of the existing dwelling and construction of a two storey dwelling comprising ground floor boat storage/garage with 3 bedroom living accommodation above, utilising existing access to Ferry Road. (Revised submission)., REF, 11/04/2005*

*05/59612/005 - Demolition of existing dwelling and construction of a two storey dwelling comprising 3 bedrooms and integral garage/ workshop utilising the existing access to Ferry Road. (Revised Submission), PERM, 07/02/2006*

*09/59612/006 - Revision to replacement dwelling approved under planning permission 05/59612/005. Removal of sloping skylights on the east elevation, replacement of circular opening skylight on the flat roof at first floor level with rectangular opening skylight, glazed infill panels on balconies and replacement of fixed windows on east elevation with casement windows and modification of the front access ramp., PERM, 21/04/2009*

*APP/19/00129 - First floor front, rear and side extensions., REF,04/04/2019 - this application was dismissed at appeal*

*APP/20/00412 - Proposed first floor front and rear extensions to include Juliet balconies; proposed lift., PERM,16/07/2020*

*APP/21/00093 - Proposed first floor front and rear extensions to include Juliet balconies; proposed lift. Revision relating to amendment to loft shaft as approved under APP/20/00412. PERM,16/03/2021*

*APP/21/01131 - Variation of condition 2 of Planning Permission APP/21/00093 relating to revised balcony style to north elevation., PERM,25/11/2021*

*APP/22/00397 - Proposed front balcony., PERM,17/06/20*

APP/19/00129 is particularly relevant in this instance as that proposal was similar that proposed under this current application. Since this application was dismissed at appeal various other applications have been made at this site however these included alterations mainly to the front and rear of the property and did not include extensions to the side except from the addition of a small side extension at first floor level to house a lift serving the first floor level.

- 7.4 This proposal comprises of a first floor side extension - this proposal is different from that proposed under APP/19/00129 in that this proposal has a lowered roof height. In addition this proposal has been amended following its initial submission whereby a section of the side wall is set in from the ground floor side elevation wall. The first floor space would create an additional bedroom, kitchen and store/ walk in wardrobe which is understood to serve the additional care needs of the applicant. Due to the planning history on the site and similarity between the proposals, comparisons have been drawn between this application and APP/19/00129 which was refused for reasons relating to both design and impact on neighbour amenity and then dismissed at appeal .

- 7.5 Under APP/19/00129 the following reasons for dismissal were provided by the Planning Inspector :

*6. The appeal scheme would result in a full two storey building, with a gull wing style roof and eaves rising up to about 7 m at both sides, which would extend across the whole width of the front part of the building, to within around one metre of both side boundaries. The two storey element would extend for depth of about 16 m, within one metre of the west side boundary, and for around 11.5 m within one metre of the east side boundary. There would be no setbacks in the front and west side walls of the extension. Consequently, the proposal would substantially erode the extent of undeveloped space at first floor level around the building and would appear unduly cramped in relation to the side boundaries, when viewed from the street.*

*7. I have had regard to the siting and design of the other four houses within the group of five, including the dwelling currently under construction at Tamarisk. Although respectful of the front building line of the neighbouring properties, the appeal proposal would, nonetheless, not relate well to, and would appear visually dominant in relation to, both side adjacent properties. The Deck House, to the west, has a hipped roof with a significantly lower eaves height than that of the appeal proposal, together with a partially set back front elevation, lower ground level than the appeal property, and a*

*flat-roofed single storey element at the front. Sinah House, to the east, has an L-shaped footprint where the 'gap' is at the front, adjacent to the appeal property. Both these properties sit comfortably within the street scene without appearing overly prominent or congested.*

*8. The appeal proposal, in contrast, would appear visually over-dominant and cramped in comparison to both its neighbours as a result of the proposed building width, eaves height and proximity to both side boundaries. The proposal would also be at odds with the two houses at either end of the group, the newly constructed property at Tamarisk and Windsong. The two storey widths of these properties are significantly narrower than that of the front part of the appeal proposal and side driveways also provide space around these buildings.*

*9. In light of the above, despite the use of sympathetic materials and a roof form in keeping with the main building, the appeal proposal would be out of keeping with the spatial characteristics of the housing group within which it sits, reducing the existing space around the building to an unacceptable level, and appearing incongruous within the housing group, to the detriment of the visual amenities of the street scene.*

*13. The existing two storey element of the appeal property is sited sufficiently distant from the port hole windows so as not to overwhelm their outlook, nor significantly reduce the amount of light entering the room via these windows. The appeal scheme, in contrast, would result in the outlook from these windows being dominated by the proposed two storey east side wall of the proposal, which would be sited within around one metre of the boundary with Sinah House, and directly opposite the port hole windows. The resulting impact on the outlook from these feature windows and reduction in the amount of natural light entering the bedroom, would be materially harmful.*

- 7.6 Looking to compare the revised scheme with paragraph 6 reason for dismissal above this proposal would still result in a first floor extension which, whilst there would be some set back from the front elevation, would still come full width and within close proximity of the side boundary. The loss of the gap to the boundary at first floor level is still considered to result in a cramped appearance at first floor level when viewed from the street.
- 7.7 This proposal would have a reduced height by approximately 0.6 metres than that previously proposed which is considered to slightly soften the impact in terms of dominance within the streetscene however this is not considered to mitigate against the issue of the loss of the gap to the boundary at first floor level and subsequent appearance of a cramped proposal.
- 7.8 Taken in isolation, the design of the proposal is considered appropriate to the main building. However, the properties in this part of Sinah Lane promote a mixed street scene, with a sense of space at first floor between adjoining properties. In this context it is considered the scheme would have a significant impact on the existing spatial setting. It would eliminate the space at first floor level between the neighbouring properties and would appear cramped, resulting in a harmful impact on the visual amenity of the street scene. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 and the adopted Havant Borough Design Guide 2011 in terms of gaps between buildings and the character of the area.

(iii) Effect on neighbouring properties

- 7.9 To the east of the application site is Sinah House there has been significant planning history which states that the planning inspectorate do not view the port hole windows as secondary windows and therefore the impact on these windows has been considered as if they are primary windows .
- 7.10 The first floor windows in the western elevation of Sinah House were referred to specifically in the appeal decision notice dated 28 September 2004 for applications 03/59612/001 and 04/59612/002 an extract of which follows:

*'Sinah House lies to the east of the appeal site. A large part of the plot of Sinah House fronts the Harbour which, as would be expected in this area and as applies to most of the properties along this stretch of Langstone Harbour, is devoted to boats and boating. The ground floor also has a large boat/garage store. There is a deck leading from the kitchen/dining room which has splendid views to the north over Langstone Harbour. As Spindrift is a single storey building there is an open aspect from the deck to the north-west but little in the way of views due to the location of the Appellant's boat. A window in the dining area, some 1.6m from the floor level, provides light and a similar open aspect to the north-west. The living room is upstairs and a completely glazed square bay-window which, although set back from the deck, provides similar views and aspects. The living room also has 2 feature port-hole windows some 1.4 m above floor level which face Spindrift. The windows currently look over the Spindrift plot to The Deck House and have oblique views to the north-west and south-west.*

*Sinah House was built to a specific design to take advantage of its surroundings and outlook and I consider that the 3 windows that face Spindrift are an integral part of that design and I do not consider them to be secondary windows.*

*It seems to me that the occupiers of Sinah House, as they walk into their living room, would look out from the port-hole windows directly onto a brick wall. Similarly there would be a brick wall dominating the outlook from the side window of the bay. I consider that this complete change in outlook from that which currently pertains would be oppressive and overbearing.*

*In this case I consider that the proposal would result in an overbearing development that would adversely affect the living environment of the occupiers of Sinah House. It also seems to me that as the outlook from Sinah House would be dominated by a tall brick wall that there would be a less light to the living room and dining room because of the reduction in the amount of sky that could be seen from the west facing windows.'*

- 7.11 Comments from the APP/19/00129 made by the inspector include the following

*11. I have had regard to the comments from both parties regarding the planning history of the appeal site and Sinah House, including the appeal decisions with respect to the former, and the extant planning permission with respect to the latter. Although the appeal property is now a two storey building, the two storey element is sited at the west side of the property and at a distance of around 6 m to 7 m from the side wall of Sinah House, and the two first floor west side elevation port hole windows in that property. These windows are sited adjacent to the appeal property boundary and currently serve a bedroom.*

*12. Although there are also windows in the front and rear walls of the room, including a projecting rear elevation bay window with glazing in the west side, the port hole*

*windows, nonetheless, comprise an important part of the room design. They are clear glazed and of a sufficient size and height above floor level to provide a meaningful outlook, including a significant amount of visible areas of sky, and provision of light into the room. This, together with their focal position either side of the fireplace, means that they are a key feature of the room.*

- 7.12 No harmful impact has been identified to 'The Deck House' as the extensions would be located on the other side of the existing building line.
- 7.13 Neither the LPA's policy position nor the circumstances of the site have altered since the time of this appeal. Whilst the impact of this proposal is considered to be slightly lessened due to the squaring off of the first floor side elevation wall and the reduction in the height of the side elevation wall, the impact on these window is still judged to be material and harmful. It is therefore considered the proposed scheme does not warrant a change in stance of the decision previously reached by the Planning Inspector that the western facing windows are an important facet of the amenity of Sinah House. It is therefore considered that the issues raised earlier are still pertinent to the current application and the development would be harmful to the established pattern of development in the vicinity and would result in an excessive building bulk on the eastern side of the property, detrimental to the visual outlook and amenities of the occupiers of this property. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 and the adopted Design Guide 2011

(iv) Flood risk

- 7.14 The site is within Flood Zones 2 and 3, however the proposed development is for the construction of first floor extensions, and will therefore not put the occupiers or employees of the emergency services at any additional risk in the event of a flood. The agent has submitted a flood risk assessment to confirm that appropriate flood risk measures have been considered. The development therefore meets the requirements of policy CS15 of the Havant Borough, Local Plan (Core Strategy).

(v) Parking

- 7.15 The bedroom number would increase from 2 to 3 bedrooms which does not require further parking allocation on site.

## **8 Conclusion**

- 8.1 The proposed size and mass of the proposal is considered to be of a design which does not accord with local planning policy in that it would appear cramped within the confines of the site and have an adverse impact on the visual amenity of the street scene. Furthermore, it would result in an unacceptable impact on the amenities of the occupiers of the neighbouring property at Sinah House.
- 8.2 As such, the proposed development is considered to be contrary to the NPPF, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the adopted Havant Borough Design Guide 2011 and is therefore recommended for refusal

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## **9 RECOMMENDATION:**

That the Head of Place be authorised to **REFUSE PERMISSION** for application

APP/23/00450

(A) for the following reasons

- 1 The proximity to the neighbouring property at Sinah House of the proposed first floor element of the extension on the eastern side of the dwelling would adversely affect the outlook from, and light available to and be detrimental to the amenities of the occupier of the adjacent residential property. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.
- 2 The proposal would by reason of its size, design and prominent siting appear cramped and be harmful to the existing character and appearance of the area conflicting with the established pattern of development and spatial characteristics and setting of the streetscene. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework .