
Site Address:	Spindrift, Ferry Road, Hayling Island, PO11 0DG		
Proposal:	First floor side extension.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00571	Expiry Date:	18/09/2024
Applicant:	Mr Battersby		
Agent:	Mr Pickup	Case Officer:	Robert Riley
	Pickup Town Planning		
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 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
(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,17/06/2022
APP/23/00450 - First floor side extension., REF,10/10/2023 **(Allowed at appeal)**

3 Proposal

- 3.1 First floor side extension with a proposed approximate maximum height of 2.3 metres, a proposed maximum approximate width of 5.3 metres and a proposed approximate depth of 9 metres.

Officer note

- 3.2 The plan show the extension in combination with the first floor side extension approved under appeal under APP/23/00450. This is to be considered as one extension and will be readily assessed accordingly.

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)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

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

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 Jonathan Hulls
No comments received

Councillor Paul Gray

No comments received

Councillor Wilf Forrow

No comments received

Developer Services, Southern Water

From the information received, we can see no evidence of the applicant using the existing wastewater connection and Surface Water scheme. If this is the case, Southern Water will need to be informed, until then we are unable to comment fully on this proposal.

Please see attached our GIS document indicating an existing public sewer in the vicinity of the development. Please be aware of this for any future plans for the development.

The development site is not located within Southern Water's statutory area for water supply drainage services. Water for this development is provided by Portsmouth Water.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Langstone Harbour Board

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

Ecologist

Modern flat-roofed building with no potential.

Officer Comment:

During the application process, a Construction Environmental Management Plan was requested by the Council's Ecologist. The agent submitted a Construction Environmental Management Plan to the officer and a HRA AA form was written up and consulted with Natural England.

Regarding the Construction Environmental Management Plan, the Council's Ecologist confirmed that they have reviewed the submitted CEMP and satisfied with it in the context of the likelihood of impacts. The Council's Ecologist assisted in the drafting of the Council's HRA and included the key measures from the CEMP.

Portsmouth Water

Portsmouth Water have reviewed the application for APP/24/00571 and have no concerns regarding impacts to groundwater quality, as the location is outside our Source Protection Zone boundaries. Therefore, we do not recommend any planning conditions to be included on the planning permission.

Hampshire Biodiversity Information Centre

Within 100m: Priority Habitat: Coastal Sand Dunes, Intertidal Mudflats

Within 100m: Wader and Brent Goose Strategy: H30 Primary Support Area

Within 100m: SSSI: Sinah Common

Within 100m: SSSI: Langstone Harbour
Within 100m: SPA, Ramsar: Chichester and Langstone Harbours
Within 100m: SAC: Solent Maritime.

Officer Comment:

The proposed works would be a modest size on the first floor level. It is not therefore anticipated that there would be a negative impact on protected species

Natural England Government Team

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Solent Maritime Special Area of Conservation (SAC) and Chichester and Langstone Harbours (SPA)

<https://designatedsites.naturalengland.org.uk/>.

- damage or destroy the interest features for which Langstone Harbour Site of Special Scientific Interest (SSSI) and Sinah Common Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Submission of Construction Environmental Management Plan (CEMP)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below

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: 1_

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
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I strongly object to this planning permission for a first-floor side extension to Spindrift. It contradicts the decision of previous applications on this site, refused on the basis of the detrimental effect on daylight, privacy and outlook particularly related to the west facing windows of the upper floor of Sinah House. I refer you to the original applications of 02/10/01 for a three storey house and 20/07/03 for a two storey house and the subsequent appeal APP/X1735/A/04/11400565 and APP/X1735/A/04/11147679. The appeals were refused on the above criteria. The proposed extension to the first floor would result in the same adverse effect on privacy, daylight and outlook which resulted in the rejection of the planning applications in 2001 and 2003/4 which must be taken in to account. I request that this latest planning application is refused.	The complex planning history of the application site is noted, and neighbourly impacts and the impact of the works upon the character of the area are assessed in section 7.
I would like to reiterate that I strongly object to this planning application for a first-floor side extension to Spindrift. It contradicts the decision of previous applications on this site, refused on the basis of the detrimental effect on daylight, privacy and outlook particularly related to the west facing windows of the upper floor of Sinah House. The original applications of 02/10/01 for a three storey house and 20/07/03 for a two storey house and the subsequent appeal APP/X1735/A/04/11400565 and APP/X1735/A/04/11147679. The appeals were refused on the above criteria. The proposed extension to the first floor would result in the same adverse effect for us (on privacy, daylight and outlook) which resulted in the rejection of the previous planning applications in 2001 and 2003/4 which must be taken in to account. I ask that this latest planning application is refused.	See officer comment above.

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 and planning history
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Ecology
- (v) Flood risk
- (vi) Biodiversity Net Gain (BNG)

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

(i) Principle of development and planning history

7.2 The application site is located outside of the defined urban area and within a non-urban area. Policies AL1 and AL2 in the Havant Borough Council Local Plan (Allocations) July 2014 are relevant and Policy AL2 states that planning permission will be granted for developments within undeveloped gaps or non-urban areas that help to define the separate identity of settlements and prevent their coalescence where development relates to small scale householder development. The proposed development is for minor works to the property. The development would not undermine the separate identities of settlements or result in their coalescence. As such, there is no objection in principle to the proposal, subject to compliance with other Development Plan Policies.

Planning history

7.3 This application site has features an extensive planning history. With particular relevance to this application (APP/24/00571) follows the refusal of planning applications APP/19/00129 (dismissed at appeal) and APP/23/00450 (allowed at appeal).

7.4 APP/19/00129 was refused on 04/04/2019 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 2018.

2. The proposal would by reason of its size, design and prominent siting would 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 2018.

7.5 At appeal the Planning Inspector concurred with the Council's decision to refuse planning permission and commented *'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'* and '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 Following this an amended proposal was submitted under application APP/23/00450, this too was refused on neighbouring amenity and visual amenity grounds on 10/10/2023. However, this was allowed at appeal on 14/03/2024.

7.7 In the appeal decision for APP/23/00450 the planning inspector comments:

'8....Whilst paragraph 135 of the Framework refers to new development being sympathetic to local character, it also states that this should not prevent or discourage appropriate innovation or change. The National Design Guide (January 2021) (NDG) reinforces the Framework, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today....

12.... the proposal would, in my view, be subservient to the host property. I accept that the proposal would be closer than 2 metres to the boundary of the neighbouring property to the east (Sinah House), a distance that is referred to in paragraph 3.38 of the Design SPD. However, I note that the latter distance relates to two storey side extensions. Even so, the purpose of this guidance is to retain appropriate gaps between buildings and to resist development that would have a negative effect on those gaps and the pattern of development. Based on my observations on site and the submitted plans, I am satisfied that the proposal would still retain a reasonable gap with Sinah House and that the new extension would not result in any material harm to the existing pattern of development. As such, the proposal would be broadly in accord with the guidance in the Design SPD.

13. The appeal site forms part of a compact row of five detached houses fronting onto Ferry Road. Whilst the appeal property currently comprises a part two storey and part single storey house, the others in the row are predominantly two storeys, albeit the easternmost house, Windsong, has a second floor within a mansard style roof. All five properties vary in terms of their style, layout, roof forms, massing, materials and appearance. There is no uniform character and a number of the properties extend right up or close to the boundary with their neighbours. Within this context and mindful of the revised design of the proposed extension compared to that in the 2019 Appeal, I am satisfied that it would not appear out of keeping with the existing rhythm of development and would not result in any harm to the spatial characteristics or the setting of the streetscene...

15. Turning to the 2019 Appeal, the revised proposal is, in a number of respects, materially different to the scheme dismissed by that Inspector. The proposal before me is set well back from the main front wall to the host, whereas the 2019 scheme was flush with this wall. It is set in marginally towards the rear moving the new extension further away from the boundary with Sinah House at this point. The 2019 scheme included a 'gull wing' roof, whereas the current proposal is for a flat roof, which is, therefore, much lower and subservient to the host. The 2019 scheme also included bi-fold doors and a Juliet balcony on the front elevation, which have been replaced by a much smaller window that further accentuates the subservience and modest scale of the proposal...

23. In relation to the high level porthole windows, they are clearly not the main or principal source of light, outlook and views to the bedroom. As they have a high cill level and are small in size, they are, in my view, more of a feature. Whilst they allow light into the bedroom and views of the sky, their amenity benefit is limited by their size and height, and as such their value to the living conditions of this room are significantly less than the principal windows. Even so, as I indicated earlier, material changes have been made to the 2019 Appeal scheme that the Inspector found would be harmful in this respect. The height of the extension has been reduced to include a flat roof, and its side elevation would be tapered at the rear, moving it away from the porthole windows. All of the proposed changes would allow for a higher level of light and outlook to the porthole windows compared to that in the 2019 Appeal scheme. 24. I accept that there would be some impact on the light and outlook from these porthole windows, but for all the above reasons, I am satisfied that the level of impact would be modest and would not be so significant on its own as to justify the refusal of planning permission. In terms of part 1 e) of policy CS16 of the HBCS, the proposal would not result in "unacceptable harm to the amenity of neighbours". In reaching that finding, I have attached significant weight to the existence of the principal windows that serve the bedroom to Sinah House. These windows provide, in my view, a very high standard of amenity for the occupiers due to the long range views they afford, their unrestricted outlook and also the significant levels of light that they allow into the bedroom. I have also had regard to Figure 14 in the Appellants Ground of Appeal, as well as the submitted Proposed Site Plan. These show 45 degree and 25 degree angles drawn from the porthole windows to the proposed extension. Such test are commonly used to assess the acceptability of proposed building relationships and impact on light and outlook. Both indicate that the porthole windows would still receive a reasonable level of light and views of the sky.'

- 7.8 The current proposal differs to the previous schemes with this proposal reducing depth at the front in comparison to APP/19/00129 which was dismissed at appeal and with a slightly reduced eaves height to the east elevation., in comparison to APP/23/00450, it features a maximum of 0.9 metres increase of width of the already approved side extension approved under that application.
- 7.9 Since the determination of application APP/19/00129 the NPPF has been updated and the National Design Guide has been published. There has been no material change to local or national planning policy since the determination of APP/23/00450, relevant to this application.
- 7.10 This report will assess whether the current proposal has overcome the reasons for the previous refusal and assess the proposal on its own merits and whether it is acceptable in its own right.

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

- 7.11 This proposal seeks a first floor side extension which is modestly larger than that allowed at appeal APP/23/00450. Having regard to the appeal decision and the modest increase in scale of the proposed side extension, Officers are of the opinion that the extension would still be seen as a subservient addition to the dwelling and therefore acceptable on both the character of the dwelling and visual amenities.
- 7.12 It has been considered important to assess a terracing impact from this proposal due to the limited separation distance this addition would have from the side elevation of neighbouring Sinah House. The planning inspector in allowing the appeal for the first floor side extension under APP/23/00450 stated "*I accept that the proposal would be closer than 2 metres to the boundary of the neighbouring property to the east (Sinah House), a distance that is referred to in paragraph 3.38 of the Design SPD. However, I note that the latter distance relates to two storey side extensions. Even so, the purpose of this guidance is to retain appropriate gaps between buildings and to resist development that would have a negative effect on those gaps and the pattern of development. Based on my observations on site and the submitted plans, I am satisfied that the proposal would still retain a reasonable gap with Sinah House and that the new extension would not result in any material harm to the existing pattern of development. As such, the proposal would be broadly in accord with the guidance in the Design SPD*". The current proposal is of a larger scale, and therefore further reduces the separation distance between the dwellings. However, when viewed from the front elevation, the extension would not appear materially more bulky than that previously approved at appeal. The additional bulk would be more visible from the rear, however, owing to the established tapered building line and having regard to the allowed appeal officers consider that the proposal would not be materially harmful and the terracing impact would not be significantly more than the extant planning permission. Furthermore, it was noted on a site visit that nearby properties also feature limited separation distances between side elevations.

Materials

- 7.13 The extension would feature the same materials as the existing dwelling which is considered acceptable.
- 7.14 The design and appearance of the proposal is on balance 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 on balance that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.15 Due to the location, nature and scale of the works it has been considered important to assess the impact upon Sinah House, which is east of the application site. The Deck House to the west of the application site is not considered to be impacted by this proposal, furthermore there are no residential properties in proximity to the front or rear of the dwelling. The proposal features no increase of fenestration compared to APP/23/00450 allowed at appeal, therefore, this proposal is considered acceptable regarding overlooking concerns.

Sinah House

- 7.16 This application has been considered important to assess regarding overbearing and

overshadowing concerns. In particular it has been considered important to assess the impacts upon the first floor porthole windows of Sinah House's bedroom. In the appeal for application APP/23/00450, these windows were considered by the inspectorate to be impacted regarding overbearing and overshadowing concerns, but only modestly and that the impact would not be so significant on its own as to justify the refusal of planning permission. The inspectorate regarding terms of part 1 e) of policy CS16 of the HBCS, considered that the proposal would not result in "unacceptable harm to the amenity of neighbours". The inspectorate regarding the bedroom stated *"The first floor room within this gable end is a bedroom. It is not a long room. Moreover, whilst bedrooms are commonly served by one window, this bedroom is served by two large principal windows, located at either end of the room"*. Regarding the porthole windows in the bedroom, the inspectorate said *"In relation to the high level porthole windows, they are clearly not the main or principal source of light, outlook and views to the bedroom. As they have a high cill level and are small in size, they are, in my view, more of a feature. Whilst they allow light into the bedroom and views of the sky, their amenity benefit is limited by their size and height, and as such their value to the living conditions of this room are significantly less than the principal windows"*.

7.17 This proposed extension would be modestly larger than the permitted extension under APP/23/00450 and would feature a proposed maximum approximate width of 5.3 metres and a proposed approximate depth of 9 metres and a proposed maximum height of approximately 2.3 metres. The westernmost porthole window would be approximately 2 metres from the proposed side extension, with the easternmost porthole window being proposed to be approximately 1.4 metres from the proposed side extension. The submitted Daylight and Sunlight Assessment concludes *'In summary, any reductions seen in daylight and sunlight as a result of the granted permission (APP/23/00450) are unlikely to be noticed by the neighbouring buildings. When the infill extension has been tested in addition to this, there is no further increase in the loss of daylight or sunlight, concluding that the proposed development will have a negligible impact on the neighbouring buildings.'* Officers therefore, consider on balance, this proposal would have an acceptable impact regarding overshadowing and light sources for Sinah House's side bedroom and its fenestration. Regarding overbearing concerns, though it is noted that this proposed extension would increase a sense of overbearing compared to APP/23/00450, in consideration of that it is reduced in depth and does not taper outwards as with APP/19/00129 (refused at appeal) and that the porthole windows have been considered as secondary windows as part of this application as with APP/23/00450 (which was allowed at appeal), on balance officers consider that the very modest increase in bulk proposed under this application would not present an increase of the sense overbearing significant enough upon Sinah House to warrant a refusal of this application.

7.18 Consequently, it is considered on balance that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would on balance have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy 2011). It is noted 2 letters of objection were received with respect to the scheme.

(iv) Ecology

7.19 The site is in a close proximity to several internationally designated nature conservation sites, including the Langstone Harbour Site of Special Scientific Interest (SSSI), the Chichester and Langstone Harbours Ramsar and Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC). It is also;

- Within 100m: Priority Habitat: Coastal Sand Dunes, Intertidal Mudflats
- Within 100m: Wader and Brent Goose Strategy: H30 Primary Support Area
- Within 100m: SSSI: Sinah Common

7.20 The Council's Ecologist was consulted on the application and request an Construction Environmental Management Plan (CEMP) to be provided stating that any works would need to be carried out during the winter months to avoid disturbance to overwintering birds, ensure that noise disturbance in particular would be avoided/mitigated and also covering airborne and waterborne pollution. A CEMP was received from the agent which was reviewed by the Council's Ecologist. A Habitats Regulations Assessment and Appropriate Assessment was undertaken and Natural England was consulted, whereby they stated:

"NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Solent Maritime Special Area of Conservation (SAC) and Chichester and Langstone Harbours (SPA)

<https://designatedsites.naturalengland.org.uk/>.

- damage or destroy the interest features for which Langstone Harbour Site of Special Scientific Interest (SSSI) and Sinah Common Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Submission of Construction Environmental Management Plan (CEMP)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below"

7.21 In light of this comment, in light of the lack of objection from the Council's Ecologist regarding the Construction Environmental Management Plan (CEMP) featured in the HRA/AA, officers are satisfied that the Construction Environmental Management Plan (CEMP) would be acceptable in securing appropriate ecological mitigation.

7.22 A copy of the HRA/AA is attached to the case file.

7.23 A condition is recommended to ensure that the CEMP is adhered to in the construction process in order to not undermine the conservation aims of these designations nor affect protected species . Subject to these measures and conditions, the impact on Ecology is considered to be appropriately addressed,

7.24 Furthermore the Council's Ecologist was consulted due to the potential for harm to

protected bat species. The Council's Ecologist stated "*Modern flat-roofed building with no potential*". In light of this, officers consider that harm to protected bat species is unlikely and that this proposal accords with Policy DM8 of the Havant Borough Local Plan (Core Strategy 2011).

7.25 It is considered that the proposed works would be a modest size on the first floor level. It is not therefore anticipated that there would be a negative impact on protected species and this is considered acceptable.

(v) Flood risk

7.26 Part of the application site's curtilage falls under Flood Zone 3. With regards to this, a flood risk assessment was undertaken. The form annotated that the floor levels would be set no lower than existing floor levels and that flood proofing of the proposed development has been incorporated where appropriate, given the nature of the development officers consider this acceptable.

(vi) Biodiversity Net Gain (BNG)

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

8 Conclusion

8.1 The proposed development is on balance acceptable in principle, is on balance appropriate in terms of design and its impact on the character of the area, and on balance would have a limited and acceptable impact on the neighbouring properties. The proposal has overcome the reasons for refusal of application APP/19/00129 and is acceptable in its own right. Furthermore, with the appropriate ecological mitigations appropriately assessed and appropriate mitigation secured the proposal is considered to have an acceptable ecological impact in this sensitive location and the potential impacts on the SPA and sensitive ecological environments. On this basis it is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00571

Subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number: 18105-101 C: LOCATION AND BLOCK PLANS: Uploaded

26/7/24

Drawing Number: 18105-110 C: EXISTING SITE PLAN: Uploaded 26/7/24

Drawing Number: 18105-111 0: PROPOSED SITE PLAN: Uploaded 26/7/24

Drawing Number: 18105-220 0: EXISTING FLOOR PLANS: Uploaded 26/7/24

Drawing Number: 18105-320 0: EXISTING ELEVATIONS: Uploaded 26/7/24

Drawing Number: 18105-420 0: PROPOSED FLOOR PLANS: Uploaded

26/7/24

Drawing Number: 18105-520 0: PROPOSED ELEVATIONS: Uploaded

26/7/24

Drawing Number: 4026: DAYLIGHT AND SUNLIGHT ASSESSMENT:

Uploaded 26/7/24

PLANNING DESIGN AND ACCESS STATEMENT: Uploaded 26/7/24

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used 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.

- 4 The development hereby permitted including demolition shall be carried out fully in accordance with the approved Construction Environmental Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control the demolition and construction phases to prevent harm to internationally and nationally protected sites and protected species together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act, the Habitat Regulations and the National Planning Policy Framework.

- 5 The flat roof on the first floor front (south) elevation of the development hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden, terrace or similar amenity area without the grant of planning permission from the Local Planning Authority. Access to the flat roof shall be provided only in the case of emergencies and for maintenance purposes.

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