



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

## 5 **Community Involvement**

Number of representations received: 1

| Comment                                                                                                                                                                            | Officer Comment                                                                                                                                                                                            |
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| <b>Original Plans</b>                                                                                                                                                              |                                                                                                                                                                                                            |
| When will the restrictors be fitted?                                                                                                                                               | A condition for the restrictors to be fitted within 3 months of the decision date of this application has been recommended                                                                                 |
| Objection to the windows opening outwards causing harmful overlooking                                                                                                              | A condition for the windows to only open a maximum of 70mm is deemed acceptable in order to prevent overlooking - the original permission having no such restriction on openings on the second floor level |
| Size of restrictors not commented on. Restrictor sizes need to be commented upon and suggest smallest size possible to prevent harmful overlooking and still allow for ventilation | Further details of restrictors have been provided                                                                                                                                                          |
| Objection to solar panels which will add height to the property                                                                                                                    | The solar panels have been omitted from this application                                                                                                                                                   |
| Object to windows on second floor opening outwards from the bottom (hinged from the top), original windows were approved to tilt inwards                                           | A condition for the windows to only open a maximum of 70mm is deemed acceptable in order to prevent overlooking - the original permission having no such restriction on openings on the second floor level |
| <b>Revised Plans</b>                                                                                                                                                               |                                                                                                                                                                                                            |
| More information needed with regards to the replacement of full sized windows on 1st floor level                                                                                   | The proposed plans are considered to show sufficient detail with regards to the 1st floor level windows                                                                                                    |

|                                                                  |                                                                                                                                                                                                            |
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| Objection to anything but the smallest of restrictors to be used | A condition for the windows to only open a maximum of 70mm is deemed acceptable in order to prevent overlooking - the original permission having no such restriction on openings on the second floor level |
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## 6 Planning Considerations

- 6.1 As detailed in paragraph 3.1 above, this application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application. Notwithstanding this, representations have been received in respect of this application as set out in Section 5 above. The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment.
- 6.2 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
- (i) Principle of development
- 6.3 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development control criteria.
- (ii) Appropriateness of design and impact on the character of the area
- 6.4 The proposal is deemed to be of appropriate design, in keeping with the character of the area. It is worth noting the proposed works would not involve any changes to the approved footprint or bulk of the approved plans; only some of the external materials, window designs, and configuration within the approved scheme are proposed to be amended. The overall colour palette of the approved development would not be materially altered, instead the use of render and timber cladding as approved would be replaced with weatherboarding and render in similar colours. On this basis the design changes can be regarded as non-material.
- (iii) Effect on neighbouring properties
- 6.5 Having regard to the representations received, the principal matters requiring consideration in this respect are in relation to the effect of the changes on Nos 8 and 10 Bosmere Road to the west of the site.
- 6.6 The original planning application reference APP/22/00125 granted permission for three vertical full length windows with obscure glazing and no restriction on openings on the second floor level. This NMA proposal would result in the reduction of the windows' sizes, with restrictions to their openings. In this regard, whilst the original

scheme was deemed acceptable in terms of its impact on the neighbouring properties, the NMA scheme can be seen to offer a betterment by reducing the windows' sizes and restricting the openings to a maximum of 70mm. A condition for the three second floor windows serving the en-suite, bedroom and stairwell on the second floor facing No.8 and No.10 Bosmere Road to be fitted with glass of an obscuration level of less than Level 4 of the Pilkington Texture Glass scale (or equivalent) with a maximum opening of 70mm and retained as such thereafter; as well as the window on the second floor serving bedroom 2 shall be fitted above 1.7 metres in floor level and retained as such thereafter to be installed within 3 months of the decision date has been recommended.

- 6.7 At first floor level the three vertical full length windows approved under planning reference APP/22/00125 would be replaced with smaller windows; again this would represent a betterment in terms of impacts on the neighbouring properties to the rear. Furthermore, the first floor windows on the south side would be removed. As such, the proposed changes are relatively modest and it is considered they result in a reduced impact to neighbouring properties beyond what the original permission found acceptable, and can therefore be considered as non-material.

## **7 Conclusion**

- 7.1 Overall, the proposed alterations to APP/22/00125 are not considered to result in a material change to the extant planning permission and the changes are recommended for approval.

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## **7 RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00679 subject to the following conditions:

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

Proposed Floor Plans and Elevations - 21155-01 - Received 06 November 2023

Details of the window openings - Received 17 September 2024

**Reason:** - To ensure provision of a satisfactory development.

- 2 Within 3 months of the decision date:

(a) the three second floor windows serving the en-suite, master bedroom and stairwell on the second floor facing No.8 and No.10 Bosmere Road shall be fitted with glass with an obscuration level no less than Level 4 of the Pilkington Texture Glass scale (or equivalent), with a maximum opening of 70mm, and shall be retained as such thereafter; and

(b) The window on the second floor serving bedroom 2 shall be fitted with a sill height a minimum of 1.7 metres above finished floor level and shall be retained as such thereafter.

**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.