
Site Address: 9C Lovedean Lane, Waterloo, PO8 8HH
Proposal: First floor extension, existing ridge level to the main property to be raised for additional habitable space; detached annex/home summer house, studio structure within the rear garden area and formation of new vehicular access.
Application Type: Full Planning Permission
Application No: APP/22/01097 Expiry Date: 20/01/2023
Applicant: Mr & Mrs Latham
Agent: Mr S Reading Case Officer: Graham Speller
Ward: Cowplain

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located on the southern side of Lovedean Lane and is occupied by a detached chalet bungalow with side dormer windows. It also benefits from a single storey rear conservatory. There are large outbuildings to the rear and a detached garage to the eastern boundary.
- 1.2 The surrounding area is residential in character with an eclectic mix of styles and design housing.

2 Planning History

07/63634/000 - Erect a conservatory to the rear., PERM, 14/03/2007

3 Proposal

- 3.1 First floor extension, existing ridge level to the main property to be raised for additional habitable space; detached annex/home summer house, studio structure within the rear garden area and formation of new vehicular access. The proposals also include solar panels.
- 3.2 The proposal has been amended during the course of its consideration in terms of reducing the height of part of the boundary wall and inclusion of visibility splays. Reconsultation was carried out.

4 Policy Considerations

National Planning Policy Framework 2021
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)
CS19 (Effective Provision of Infrastructure)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)

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

Councillor D Keast - Cowplain

No comments received.

Councillor Narinder Bains - Cowplain

No comments received.

Councillor Neil Bowdell - Cowplain

No comments received.

Developer Services, Southern Water

It appears that the developer is intending to build close-to a public surface water sewer which is crossing the site. Building over a “public sewer” is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building close-to the sewer.

The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water. The conditions and application associated with the build close-to a public sewer are available at Southern Water's Get Connected service: developerservices.southernwater.co.uk

In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

Hampshire Highways

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

Whilst the visibility splays as shown in drawing PL.654.22.01 are not drawn correctly in accordance with Hampshire County Council Technical Guidance TG3, the Highway Authority are satisfied that appropriate visibility can be achieved from the relocated access. Additionally, it is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway. Details of this procedure can be found via the following link: [Apply for a vehicular access | Hampshire County](#)

Council (hants.gov.uk). It is important to note that if there are any minor utility diversions that are required to facilitate the dropped kerb then additional costs may arise in addition to the initial application fee. The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled.

Having regard to the above, the Highway Authority provide no objections to this planning application subject a condition regarding the provision of sight lines.

Revised plans and further consultation response:

Thank you for your reconsultation on the above planning application. The Highway Authority wish to make the following comments.

Following our previous response dated 27th January 2023 the Highway Authority have been made aware that the scheme has been amended to with a 1.0m wall at the front of the property. Taking this into consideration the Highway Authority requested pedestrian intervisibility splay to be submitted in accordance with HCC TG3 guidance to assess whether or not the wall will impact any achievable visibility.

Pedestrian intervisibility splays are shown in drawing number PL.654.22.02. The Highway Authority are satisfied that appropriate visibility can be achieved from the proposed access.

Having regard to the above, the Highway Authority provide no objections to this planning application subject to the following condition:

ACCESS CONSTRUCTION PROVISION

The site access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 70 metres provided in accordance with the approved plans as shown in drawing PL.654.22.01. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason - To provide satisfactory access and in the interests of highway safety.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter received raising the following issues:

- Boundary shown on plan is not a true reflection of what the boundary is based on Land Registry map

- Concerns over the proposed brick wall and fence and at 2m high would give limited view of oncoming traffic of Lovedean Lane when leaving driveway

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) Highway safety and parking
- (v) Public sewers
- (vi) 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.

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

7.3 As noted above, there is an eclectic mix of styles and design housing within the locality and the existing dwelling house already features side facing dormers. The proposal would create a full two storey dwellinghouse and in its context, would not result in any adverse impact on the character of the area or the visual amenities of the street scene.

7.4 In terms of the proposed annex, this would replace existing outbuildings. It is considered that the annex building would not result in any adverse impact on the character of the area. The applicant's agent has confirmed that the outbuilding will be used as an ancillary annex, however, in order to prevent it from becoming a separate residential unit in the future a suitable planning condition is recommended.

7.5 The proposals also include a boundary wall to the eastern side, and a new vehicular access. A section of the boundary wall towards the road has been reduced in height to be 1m high. It is considered that there would be no adverse impact on the character of the locality or the visual amenities of the street scene as a result of the new access. The existing access is shown as being blocked off.

7.6 In terms of materials, the first floor of the dwelling house would be clad in weatherboarding. Whilst this is not unusual, and there are examples in the area, no specification of the type or colour has been provided. This is also the case with the proposed annex. However, this can be dealt with by way of an appropriate condition that no above ground works commence until details have been provided. But the use of cladding material is considered acceptable in principle. There is also no detail of the colour of the proposed brick wall, which could form part of the materials condition.

7.7 As such, the design and appearance of the proposals are deemed appropriate in context to the main building and surrounding area 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) Effect on neighbouring properties

- 7.8 During the course of its consideration, as noted above, there has been a reduction in the height of part of the proposed boundary wall, which was subject of a representation. Whilst the representation also makes comments regarding the true boundary, the applicant has signed Certificate A which says that they own the land as outlined in the application. However, boundary disputes are not a planning matter, but it is understood from the agent that a boundary consultant has been employed to look into the matter.
- 7.9 The neighbouring property to the west (No.11) is two storey in height and sited forward of the existing dwelling on the application site and is also sited on higher ground. It is considered that the proposed extensions would not appear overbearing to this neighbouring property.
- 7.10 The neighbouring property to the east (No.9b) is single storey albeit it has accommodation in the roof, however, it does not feature dormer windows like the dwelling house subject of this application. It also benefits from a rear conservatory. The proposed development would be clearly visible from this adjacent property, and it is noted that their conservatory also has side facing windows. The Design Guide SPD states, inter alia, that the design of a rear extension should avoid the loss of light to neighbours. Furthermore, obstruction of light and outlook from an existing window can be mitigated against if the extension does not result in the centre of the existing windows being within a 45 degree overshadowing zone. It is acknowledged that the proposed two storey rear element would have some impact on the neighbouring conservatory in terms of overshadowing its roof and side windows. However, the main habitable room windows would not be adversely impacted upon and there is an existing single storey garage building on the application site on this boundary along with hedging which already have some impact on the neighbouring dwelling. It is also considered that whilst visible, as a matter of planning judgement, the proposed development would not appear overbearing to this neighbouring property.
- 7.11 The proposed drawings are annotated indicating that the first floor side windows would be obscurely glazed. As such, it is considered appropriate to condition these windows to be obscurely glazed to prevent undue overlooking and loss of privacy to both neighbouring properties.
- 7.12 In terms of the proposed annex, it is considered acceptable in terms of its impact on the amenity of neighbouring properties and that the possible additional noise and activity generated from an annex within the rear garden would be minimal.
- 7.13 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Highway safety and parking

- 7.14 As noted above, the proposal has been amended during the course of its consideration. There has been a reduction in the height of part of a proposed boundary wall and the drawings have been annotated to show pedestrian intervisibility plays as requested by the Highway Authority, who raise no objections to the proposal subject to a planning condition.

- 7.15 There would be no increase in the number of bedrooms in the main dwelling house and the potential additional parking requirement for the annex could be accommodated within the property's frontage.

(v) Public sewers

- 7.16 As noted above, Southern Water has advised that there is a public sewer within the site and as such, recommend a pre-commencement condition for details of how the public sewer will be protected. The applicant's agent has agreed to this pre-commencement condition.

(vi) CIL

- 7.17 As a detached annex, the floor space of the building is CIL liable. The necessary forms have been completed and annex relief has been claimed and acknowledged by the Council.

8 Conclusion

- 8.1 The scale, siting and design of the proposals would have limited and acceptable impact on the neighbours and the character of the area and are therefore considered to be appropriate and recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01097 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:

PL.654.22.01 REV A - SITE & LOCATION PLANS
PL.654.22.02 REV C - AMENDED SITE AND LOCATION PLANS
PL.654.22.03 - PROPOSED FLOOR AND ROOF PLANS
PL.654.22.04 REV A - PROPOSED ELEVATIONS
PL.654.22.05 - ANNEX FLOOR PLANS AND ELEVATIONS

Reason: - To ensure provision of a satisfactory development.
- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) and boundary wall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The site access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 70 metres provided in accordance with the approved plans as shown in drawing PL.654.22.01 REV A. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.
Reason: To provide satisfactory access and in the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 Prior to the commencement of development, details of measures to be undertaken to protect public sewers, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details.
Reason: To safeguard against undue damage to the public sewer in the vicinity of the site having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 The annex 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 independent unit of accommodation.
Reason: The unit of accommodation is in an inappropriate location and has insufficient internal and amenity space to be occupied separately from the main dwelling and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The 1st floor windows in the eastern and western side elevations of the development hereby permitted shall 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 and only openable above a height of 1.7m above the internal floor level of the room to which it serves.
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.
- 8 The roof lights in the eastern and western side elevations of the development hereby permitted shall be positioned with the lowest part of the opening a minimum of 1.7m above the internal floor level of the room to which it serves.
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.