

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)

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

Emsworth Neighbourhood Plan Post Examination Version 2020
N/A

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

5 Statutory and Non Statutory Consultations

Councillor D Guest
No comment

Councillor Gary Robinson
No comment

Councillor Mark Inkster
No comment

Developer Services, Southern Water
The comments in our response dated 23/02/2021 remain unchanged and valid for variation of condition 02 submitted by the applicant.
For any further queries please contact us at:
SouthernWaterPlanning@southernwater.co.uk

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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2 Objections

Comment	Officer Comment
1: On the revised plans submitted why is the build on the Dormers different to the actual plans (this is in relation to the height from the roof ridge and the	The plans have since been amended to accurately represent what has been built.

1st floor roof) see photos submitted to the planning officer)

2: Referring to the conditions of permission I have a dispute with the following conditions which have not been taken into account on the finished build.

Point 3

The external materials used shall match in type, colour and texture, those of the existing building.

This is not the case as the main material used is different in texture and Bottle Green in colour . The materials used bear no resemblance to the texture of either the roof or walls of the main building.

Point 4

Prior to first occupation the bathroom window shall be fitted to a height of no less than 1.7m above the finished floor level and shall have non opening lights and textured glass with Obscuration level of no less than level 4. Non of this has happened.

Comment submitted date: Wed 03 Nov 2021

We were surprised that a further Variation of Condition 2 has been lodged by the applicants agent. I note this is the third change to the original planning permission granted by Mr Simon Jenkins Director of Regeneration and Place on the 23/04/2021.

In this document it states that the permission is subject to compliance on certain stated conditions. Since this planning application was granted the applicant has blatantly continued to build the dormers both front and back in the way he wants them built, this being totally against the conditions stated by Mr Simon Jenkins.

The first breech was to go against the

This has now been included in the application (amending of condition 3)

Please see 'Planning Considerations' section of report.

plans submitted by the agent for design, construction and size of the dormers. The 2nd was to submit retrospective plans in September to change the overall design. The 3rd as to apply for a variation of condition 2 when the revised plans submitted in September had not been approved. The current variation of condition 2 relates to the type of materials used. I can understand why they wish to use horizontal cladding on economic reasons but not the choice of colour. This choice is totally against the ideal of blending in with the texture and colour of the roof. I have looked at various types of Dormers in both Chestnut Avenue and Littlepark Avenue and all have cladding that blends in with the roof or bricks. No black cladding. The planning officer has visited the site on the 30th September. Photos were submitted to the planning officer showing the increased height from the top of the dormers to the roof apex against those shown on the agents plans submitted. These conditions point is the change of the window opening size and level of obscuration of no less than level 4. Surely as this is both a toilet and bathroom these conditions should remain as in the original planning permission. This developments planning application is now moving into year 2 and it would appear that whatever changes the applicant decides he wishes to undertake against the planning permitted in the letter dated 23/04/2021 either on budgetary individual ideas or available materials he proceeds without thought or discussion with either	Please see 'Planning Considerations' section of report. Please see Planning Considerations' section of the report.
Not in accordance to plans submitted	Please see above and 'Planning

and approved also materials used do not comply with existing as required by you The new dormers are over size and out of character with all properties on the estate	Considerations' section of the report.
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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

(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. It is noted these works have already been undertaken and the proposal is therefore retrospective.

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

7.3 This application is a retrospective variation of condition application seeking to vary the approved plans condition (condition 2) of APP/21/00085 to alter the size and design of the rear dormers as well as replace the two ground floor front elevation windows with bay windows. The proposal also seeks to vary condition 3 to change the materials on the dormers to horizontal dark grey cladding and to vary condition 4 to allow for side window openings in the rear dormer bathroom window .

7.4 The alterations to the rear dormers include an enlargement in the scale , each dormer is now approximately 40 cms wider than previously approved now with flat roofs (these were previously approved as hipped back). The materials now comprise of horizontal grey cladding. Whilst it was deemed that the previous design was more in keeping with the main hipped roof style , the dormers are set in from the sides of the roof and are not considered large enough to overwhelm the rear roof slope. Again with the materials, it was deemed matching materials would have made the dormers appear more subtle in appearance and there is not much cladding used in the immediate vicinity, however on balance, the cladding and dormers are not deemed to cause substantial harm to the host dwelling or the character of the area to justify a refusal of planning permission. The bay windows are considered acceptable additions to the property.

7.5 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). 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

7.6 The proposal also includes an alteration to the obscure glazing condition which relates

specifically to the rear dormer bathroom window - the existing condition reads as follows :

Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the bathroom window in the first floor on the rear elevation facing south shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and 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.*

- 7.7 The applicant wishes to vary the rear bathroom window opening . The window faces back towards no 29 Chestnut Avenue directly and the properties either side of no 29 indirectly . As noted in the delegated report there is approximately 25 metres separation distance back to back between these properties which exceeds the minimum separation distance required as specified in the Havant Borough Design Guide whereby adequate space is retained to mitigate against harmful overlooking . There are also existing windows facing back in this direction which are not conditioned, for example the adjacent bedroom window and dormer at the property next door so the opening of the window would allow for limited additional views. A bathroom window is generally not a room well used for prolonged outlooks when in use and with all things considered the opening of the windows below 1.7 metres above finished floor level in this instance is deemed to be acceptable.
- 7.8 It is also noted the obscure glazing on this window did not originally meet the standards of level 4 on the Pilkington Scale as a film had been applied rather than obscured glass. The applicant has now confirmed and supplied evidence that , since the submission of this application, the glass has been replaced with obscured glass which is now deemed to meet the obscurity criteria in the condition.
- 7.9 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 and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 Conclusion

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

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00978

subject to the following conditions

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

Uploaded 16 Feb 2022 PROPOSED REAR ELEVATIONS - AS BUILT Rev D

Uploaded 17 Sep 2021 BLOCK PLAN

Uploaded 17 Sep 2021 LOCATION PLAN

Uploaded 15 Sep 2021 PROPOSED GROUND FLOOR PLAN Rev C

Uploaded 28 Feb 2023 PROPOSED FIRST FLOOR AS BUILT Rev D

Reason: - To ensure provision of a satisfactory development.

- 2 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, the dormer window sited closest to the west in the first floor on the rear elevation facing south shall be permanently fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) .

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.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or 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.