

Recommendation: **REFUSE PERMISSION**

APP/16/00821 - Demolition of existing rear outbuildings, erection of 4No. three storey townhouses with parking and raise height of existing pub roof to form 1No. self contained flat to second floor roof area., REF,18/10/2016

APP/16/01311 - Raise roof height and form 1No. self contained manager's flat to second floor roof area with new internal stairwell from first floor, PERM,14/03/2017

APP/17/00567 - Demolition of existing rear outbuildings, erection of 2No. 2 bed dwellings (Revised submission).(06.11.17). Request to discharge conditions 3,7 & 9. (10.02.21)., PERM,06/11/2017

APP/18/00535 - Application to remove Condition 5 of Planning Permission APP/16/01311 and variation of Condition 6 of Planning Permission APP/16/01311 relating to alterations on the south elevation comprising removal of access door onto flat roof area and insertion of 2No. AOV obscurely glazed windows. , REF,24/07/2018
APP/18/00665 - Demolish existing outbuildings to ground/first floor at rear of site and construct 2No. new two bedroom houses with off road parking., REF,22/08/2018
APP/19/00044 - Retrospective application to raise height of existing roof to main building and carry out loft conversion to form replacement living accommodation for owner (manager), linked with existing pub and hotel below (revision to previous planning permission APP/16/01311)., PERM,06/03/2019

APP/19/01238 - Non material change relating to reduction in width of plot from 11.65 m to 9.95 m., PERM,17/01/2020

3 Proposal

- 3.1 Application for Non-material amendment to Planning Permission APP/17/00567 relating to alterations to the external fenestration on the south and north elevations to allow for the changes to the internal layout.

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
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014

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

5 Planning Considerations

- 5.1 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. 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.

5.2 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

5.3 The principle of development on this site was established through the granting of planning permission under application APP/17/00567, therefore development is considered acceptable in principle subject to development control criteria.

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

5.4 The proposed changes to the design of the building relate to opening on the north (front) and south (rear) elevations. The site has been subject to extensive history, with the previous applications on the site ensuring that the development would not have a significant adverse impact on the character and appearance of the area. Application APP/18/00665 was refused, and dismissed at appeal over concerns that the design features on the front elevation, in the form of undercroft parking, would be harmful to the character of the area. The changes on the front elevation largely relate to the reduction in openings at first floor level, with now only one opening proposed, which compromises the design of the development, in this context it is considered that the proposed changes are material, and that the neighbours should have the opportunity to make comments on the proposed changes.

(iii) Effect on neighbouring properties

5.5 The proposed changes, adjacent to 93 North Street, are a material alteration to the external appearance of those properties through the change in window arrangements, which will now serve a bedroom and are shown to be opening windows bathroom windows at first floor level of the approved scheme on a sensitive southern boundary with 93 North Street. Conditions 5 and 6 of the original consent requires that no further windows are allowed on this southern elevation (condition 5), and condition 6 outlines that the windows must be obscure glazed and non-opening. As such these changes are considered to be a material change as the development would need to be reassessed in terms of its impact on the neighbouring properties and would, as a result, require consultation with relevant third parties.

To approve the change as a non-material amendment without such consultation would result in the criteria set out in Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 not being complied with.

6 Conclusion

6.1 The changes proposed to the plans previously approved will have a material effect on the amenities of neighbouring property of 93 North Street, and the character and

appearance of the area. As such these changes cannot be considered as a non-material alteration and therefore this application must be refused.

7 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/00347 for the following reasons

- 1 The proposed changes, adjacent to 93 North Street, are a material alteration to the external appearance of those properties through the change in window arrangements, which will now serve a bedroom and are shown to be opening windows bathroom windows at first floor level of the approved scheme on a sensitive boundary with 93 North Street. Conditions 5 and 6 of the original consent requires that no further windows are allowed on this southern elevation (condition 5), and condition 6 outlines that the windows must be obscure glazed and non-opening. Furthermore, the design features and opening on the front (northern) elevation would be out of keeping with the character of the streetscene and harmful to the visual amenity of Sultan Road. As such these changes are considered to be a material change as the development would need to be reassessed in terms of its impact on the neighbouring properties and would, as a result, require consultation with relevant third parties.

To approve the change as a non-material amendment without such consultation would result in the criteria set out in Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 not being complied with.

Should you wish to pursue the changes proposed, a revised planning application will need to be submitted.