
Site Address:	2 Capel Ley, Waterloooville, PO7 5PU		
Proposal:	Single storey rear extension.		
Application No:	APP/20/00192	Expiry Date:	27/04/2020
Applicant:	Mr & Mrs Robinson		
Agent:	Mr Andrews	Case Officer:	Denise Sheath
	SDA Planning and Architecture		
Ward:	Purbrook		

Recommendation: **GRANT PERMISSION**

1 Site Description

2 Capel Ley, is located within Capel Ley a small cul-de-sac located to the south of Morelands Road in Purbrook. The property itself is a semi-detached bungalow and forms part of a matching hipped roof pair of properties when viewed from the road. The dwelling is finished in brick and with concrete tiles.

To the rear the property has been extended by the addition of a flat roof extension and conservatory and a dormer to the rear currently under construction.

2 Planning History

02/67272/000 - Construction of conservatory to rear, PERM,30/05/2002

APP/18/01249 - Single storey rear extension, hip to gable enlargement and insertion of rear dormer window., REF,15/02/2019

APP/19/00344 - Application for Certificate of Lawfulness relating to proposed loft conversion and hip to gable extension, insertion of two rooflights in the front roof slope, and erection of outbuilding., PERM,23/05/2019

APP/19/00595 - Single storey rear extension, hip to gable enlargement and insertion of rear dormer window. (Revised application)., REF,09/10/2019

3 Proposal

Single storey rear extension.

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)

DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Havant Borough Pre Submission Local Plan 2036

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Developer Services, Southern Water

It appears that the developer is intending to build close/over to a public foul sewer which is crossing the site. Building over a “public sewer” is not normally permitted by Southern Water.

However, under certain circumstances building over a sewer may be allowed. The conditions associated with the build over/close to a sewer are contained in Southern Water guidance notes which are available at: southernwater.co.uk. A formal application to build close/over to the sewer will required to be submitted by the applicant.

In order to protect public sewers, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewers.

Please find attached a plan of the sewer records showing the approximate position of a public surface water sewer within the site. The exact position of the public surface water sewer must be determined on site by the applicant.

Please note:

- The 600 mm public surface water sewer require a clearance of 3.5 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3.5 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, 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 a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link southernwater.co.uk/infrastructure-charges

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

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: developerservices@southernwater.co.uk

Officer Comment: *a pre-commencement condition in relation to sewer protection has agreed and placed within the decision notice.*

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: 5

Comment	Officer Comment
Objections Received: 4	
Objection Received by letter- Summary of Concerns: Loss of Outlook Loss of Light Loss of Privacy	See Section 7
I am writing to object to planning application for No2 Capel Ley, PO7 5PU. This is now the 4th time that an exceptionally large rear extension has been put in for this property. Each time it has been refused and even on appeal. I hope the case officer will take note of all the previous objections as we are all starting to get fed up for having to repeat ourselves. App/18/01249, App/19/00595 and Appeal The plans for this extension are exactly the same lay out as the above ground floor plans that have been rejected in previous applications.	See Section 7

The plans for this extension show the loss of a bedroom and a new stair case. This makes me think that if this building extension is granted then a second application will be put in for a first floor extension. Thus making it the same as the original extension that was refused? The semi detached bungalow (No2) already has a large rear 4 meter extension the same as the adjoining semi detached bungalow (No1). It also has a conservatory projecting further back. The new proposal dwarves this. Thus intruding on No1's light in the rear garden and potential drainage problems that have happened in the past with localised flooding. Previous case officers have even been round to view No1's garden and possible issues. There have also been previous complaints of overlooking by other neighbours for previous proposals as well as this one. Please read and look previous planning applications mentioned above. I also feel it would also devalue the value of the adjoining bungalow No1. I have also noted that the stairs back onto the bedroom of No1. There could be a noise issue with people running up and down the stairs? I find it hard to believe you can make a decision on this proposal without knowing what plans are going to be on the first floor? We have no problems with people extending their homes and if the proposers wanted to extend into the roof and not out from the existing roof line. We would not have a problem with this. But the excessive ground floor plan is not in keeping with other houses in the area.	This is not a material planning consideration.
I see yet again this building application has been slightly amended. I hope all of my previous objections will still be taken in to account? With 3 denied previous applications the loft conversion was done as soon as covid started. Despite various objections and	See Section 7

contacts to Havant Planning they appear not to have done anything to stop it despite not being built as per plans! (sizes) The excuse they can not inspect due to covid is crazy as building work is continuing during covid. Its much larger and the window lay out is not as previous plans. Regarding the amended plans again the sizes are completely different to what is existing. It worries me are they going to be totally disregarded like the dormer and we will end up with something much larger than is proposed. Its an area of Bungalows and the proposal is totally out of character for the area. We are being totally overlooked with the development and are not happy. Along with most of the adjoining neighbors.	
This application is for a single story rear extension only, with no details or proposed plans for the 1st floor dormer building, obviously intended, because the proposed ground floor shows a staircase to the loft! Also, why remove the external chimney stack? Clearly as submitted, the plans are incomplete. Therefore request plans for the 1st floor dormer building, to include positions of Velux type windows probably to the front, and modifications to the roof external, probably to the rear, similar, we can assume to the recent dormer extension to semi-detached bungalow at No 4 Capel Ley, where, also no detail plans for the rear dormer loft conversion were submitted, at the time the original planning approval. The new case officer is requested to review all previous planning applications to be completely conversant with the history of this saga.	See Section 7
I understand you recently endorsed the build of a dormer on this property and. I assume you gave a final compliance against plans submitted. I hope that	See Section 7

this further proposed expansion is given the same close scrutiny of submitted plans against the actual build.	
<u>Representations of Support Received: 2</u>	
I don't consider the extension to be a problem and actually think it would improve the look of the property. I note previous comments have been made regarding a potential loft conversion but that could be undertaken under permitted development and planning permission would not be a requirement. I note comments have been made regarding sun being taken off the neighbour but having sat in their garden many times I can assure you this would not be the case due to how the sun rises throughout the day. All this family are doing is to try and make a family home to accommodate them all and I cannot understand why people have an issue with this. I feel the extension would look lovely once completed and therefore I am more than happy to support the application. They have already had to suffer lengthy delays and additional costs which I consider to be very unfair. When you consider the appearance of what has previously been passed in other closely located roads I consider the improvements would only enhance the area. I urge you to look favourably on this application as I fully support and endorse it.	Noted
Revised proposal, has been amended from the original, as the roof on the extension has a flat roof with a lantern, rather than a pitched roof. So the height is lower. The first floor plans are not included as I believe they are allowed under permitted development and will not be as large as originally intended. This shows a willingness to compromise. Perhaps in these times, when there is a shortage of homes, a	Noted

solution can be found that suits all parties.	

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.

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

7.3 The rear extension itself results in a significant extension at ground floor level. The proposed rear extension projects approximately 7.85m beyond the existing rear extension. In combination with the previous rear extension this results in additions to the rear of the original property significantly more than doubling the dwelling's original depth. Whilst the rear garden of No.2 is large in area it is noted that the further extension would result in a building running most of the length of the boundary with No.1 Capel Ley. The extension would have a flat roof and due to changes in levels would increase in height above ground level the further that it projects to the rear of the existing building.

7.4 It is considered that the significant size of the rear extension addition would result in a visually intrusive form of development which would be harmful to the original character and appearance of the dwelling when viewed from the surrounding area and in particular the gardens of adjacent property at No.1 Capel Ley.

7.5 However it is accepted that the fall back position created by the approved Certificate of Lawfulness (LDC) APP/19/00344 represents a very similar scale of development, with the same impact as the currently proposed planning application in terms of the impacts on the character and appearance of the area and the impact upon the neighbouring property at No.1. The planning Inspectorate stated in their report for the dismissed appeal for planning application APP/19/00595 that:

For the appellant the issue of a 'fall back' under permitted development has been raised and I agree that in the form of the Certificate of Lawful Development dated 23 May 2019 this is a material consideration in this case. However, given the substantial harm and conflict with local and national policy that in my view the appeal scheme would cause, for the permitted

development in the fall-back to outweigh my findings and enable the appeal to succeed it would need to have either essentially the same effect or one that is worse in terms of one or both of the main issues.

7.6 Amended plans were received on 26 October 2020 the amendment showed that the proposal would now have a depth of 7.85m, a height of 2.5 slightly increasing at the south east end (due to the slope) with a 0.5m gap from the boundary. The proposed amendment to lower the height to 2.5m and have a 0.5m gap from the boundary is an improvement on the previously refused planning applications and would have the same impact as the approved LDC, the planning inspectorates report stated for an application to be able to receive officer support it would be required to have the same or less impact of the 'fall back lawful development certificate', I have shown below the dimensions of the previously reused applications and the approved LDC.

- the dimensions of the approved lawful development certificate APP/9/00344 are as follows:
height - a maximum height of 2.350m- 2.5m; depth - 7.85m; with a 0.2m gap from the boundary
- the dimensions of refused planning application APP/19/00595 are as follows:
height - a maximum height of 3.5m; a depth of 7.85m; with a 0.4m gap from the boundary
- the dimensions of refused planning application APP/18/01249 are as follows:
height - a maximum height of 4m; a depth of 8.1m; with a 0.4m gap from the boundary

Therefore although the proposal would still have a detrimental impact upon the neighbouring property at no.1 with regard to outlook, the amendment to the current application would fit the approval criteria set out by the planning inspectorate and a to refuse the application would not be justifiable in this instance.

7.7 Concerns have been raised with regard to the rear dormer and roof alterations, the amended plans received show the roof alterations and dormer as existing as it is currently under construction, from the plans provided the dormer would just fall within the 40 cubic metre limit set out within the permitted development criteria within Schedule 2 Part 1 Class B of the Town and Country Planning Permitted Development Order 2015 (as amended), therefore planning permission would not be required for this development.

(iii) Effect on neighbouring properties

7.8 As stated in Section 7.3 & 7.4 of the report above the proposal would have a significant impact upon the outlook of the neighbouring property at No.1, as the development would have the same impact of the approved LDC 'the fall back position' this is a material consideration in the determination of this application. It is not considered that a refusal of planning permission could be substantiated given the fall back position. The proposal is also considered an improvement to the previously refused application and appeal as the height has been lowered to 2.5m and the gap between the boundary is now proposed as 0.5m as stated above although this would still have a impact it would now fall within the 'Fall Back Criteria of the LDC' which was set by the planning inspectorate as what would be considered acceptable and is established as a material consideration.

- 7.9 The proposal would be in excess of 16m from the neighbouring property directly to the rear (No.43 Shillinglee), any impact from the proposed development on this neighbouring property would be minimal and acceptable.
- 7.10 The proposal would be in excess of 25m from the neighbouring property to the rear south east boundary (No.41 Shillinglee), any impact from the proposed development on this neighbouring property would be minimal and acceptable.
- 7.11 The proposal would be in excess of 28m from the neighbouring property along the western boundary (No.3 Capel Ley), the proposal would be screened by the existing garage and outbuilding along this shared boundary within the application site therefore any impact from the proposed development on this neighbouring property would be considered minimal and acceptable.
- 7.12 Concerns have been raised with regard to drainage, drainage issues in relation to domestic extensions are usually a matter for consideration under the building regulations.
- 7.13 Consequently, it is considered that the proposal will not lead to overlooking and would have an 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 proposal is considered acceptable as it would have the same impact as the approved Lawful Development Certificate 'the fallback position' 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/20/00192 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:

Existing Block Plan - Received 02 March 2020
Proposed Block Plan - Received 02 March 2020
Existing and Proposed Floor Plan - Received 02 March 2020
Existing and Proposed Side Elevation - Received 26 October 2020
Existing and Proposed Front and Rear Elevations - Received 26 October 2020
Existing and Proposed Side Elevation - Received 26 October 2020

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 No development shall take place until a scheme showing measures to protect the public sewers has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the public sewage network is protected during the development in accordance with policies CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.