
Site Address:	20 Sandy Beach Estate, Hayling Island, PO11 9RG		
Proposal:	Removal of condition 5 of Planning Permission APP/15/00103.		
Application Type:	Variation/Relief of Condition		
Application No:	APP/22/00270	Expiry Date:	01/06/2022
Applicant:	Mr J McMahon		
Agent:	Mr M Wilkes	Case Officer:	Graham Speller
	M2 Architecture		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located within the Sandy Beach Estate, a residential estate in the south east of Hayling Island. The estate consists of regularly spaced detached dwellings which are position around a central green, many of which have sea views.
- 1.2 The site comprises a replacement three storey detached dwelling house which benefits from panoramic sea views and features front and rear balconies.

2 Planning History

APP/11/01803 - Three storey rear extension incorporating first floor rear terrace and balcony over existing garage. Second floor extension to provide additional living accommodation. Cladding to first and second storeys with timber weather boarding. , REF,24/01/2012

APP/13/00534 - Construction of second floor extension to provide additional living accommodation and balcony; first floor rear balcony over ground floor rear extension; first floor front balcony over ground floor front extension; conversion of existing garage to living accommodation., PERM,16/10/2013

APP/14/00373 - Demolition of existing two storey 3 bed house and construction of three storey 2 bed house. , PERM,02/06/2014

APP/14/00815 - Discharge of Conditions No's 3 & 4 of Planning Permission

APP/14/00373., PERM,04/11/2014

APP/15/00103 - Variation of condition 8 of planning permission APP/14/00373 (Demolition of existing two storey 3 bed house and construction of three storey 2 bed house) to amend approved plans to increase footprint of new dwelling to accommodate staircase, and other minor internal and external changes, PERM,30/03/2015

3 Proposal

3.1 Removal of condition 5 of Planning Permission APP/15/00103.

3.2 Condition 5 stated:

'The privacy screens indicated on the north and south elevations on the second floor level shall be provided prior to the occupation of the dwelling hereby approved and shall be retained at a minimum height of 1.5m and permanently maintained with obscure glazing or non-see through solid material.

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 2012.'

3.3 The development of the replacement dwellinghouse was completed in December 2018 and the privacy screens were not installed and therefore the development is in breach of Condition 5 of permission APP/15/00103. This application therefore seeks to regularise the development as constructed and seeks removal of the condition.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
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CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential 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

Community Infrastructure

Acknowledge CIL form 2 and confirm no new CIL Liability and linked to application APP/15/00103 and APP/14/00373.

Councillor Leah Turner - Hayling East

No comments received.

Councillor M Wilson - Hayling East

No comments received.

Councillor R Raines - Hayling East

No comments received.

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: 2

Number of site notices: 1_

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of representation has been received in support of the application and makes the following comments:

- I strongly object to the screens as they will destroy my panoramic view
- Will disrupt good relationship with neighbour
- Also concerned that putting up a physical screen in such an exposed area could potentially be dangerous in high winds
- Consider privacy screens completely unnecessary

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issue arising from this application is:

(i) Impact upon residential amenity

7.2 The planning condition, the subject of this application, was imposed on permission APP/15/00103 and required the installation of a minimum 1.5m high privacy screen to both sides of a balcony at second floor. The reason for the condition was '*In the interests of the amenities of the area*'. As such, the condition did not expressly relate to the privacy of adjacent occupiers, albeit that was likely to have been the intention and reason for such a condition.

- 7.3 The balconies have been constructed with low balcony rails and clear glazing. However, it is considered that even if the privacy screens had been installed at second floor that at only 1.5m in height would have been ineffective in preventing loss of privacy to neighbouring properties. In addition, views towards the south look over roofs of neighbouring houses and therefore there is no significant loss of privacy. However, the neighbouring property towards the north does have a window which looks directly over the second floor balcony. There is, therefore, mutual overlooking as a result of the absence of a privacy screen. The rear balconies at both the first and second floors do afford views across neighbouring gardens, but this is quite common on the estate as some of the properties also benefit from panoramic sea views.
- 7.4 It is noteworthy that there is a specific letter of support for not having privacy screens, which would affect the existing panoramic views from the neighbours window.

8 Conclusion

- 8.1 Whilst the original intention of the condition was likely to have been to protect the residential amenities of neighbouring properties from overlooking and loss of privacy, as noted above, the reason for the condition did not expressly state this. In addition, it is considered that 1.5m high privacy screens would have been ineffective as they would be low enough for people standing on the balcony to clearly look over the balcony screens.
- 8.2 Having due regard to these factors and also in the absence of any objections, including a letter of support, and the significant passage of time from when the development was completed, that relaxation of Condition 5 of permission APP/15/00103 is acceptable.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00270.

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

101 REV C - LOCATION AND BLOCK PLANS

107 REV S - AS-BUILT/PROPOSED PLANS AND ELEVATIONS

Reason: To ensure provision of a satisfactory development.