

Recommendation: **GRANT PERMISSION**

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)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Submission Version Havant Local Plan

E1* (High quality design)
E19 (Managing flood risk in new development)
E18 (Trees, hedgerows and woodland)

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

5 Statutory and Non Statutory Consultations

Community Infrastructure, Planning Policy & Urban Design

Original submission:

CIL Liable in respect of the detached annex:

<http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

CIL Form 1 indicates the applicant intends to claim self build exemption for the annex. In order for annex relief to be granted, a completed CIL Form 8 will be required.

Councillor Clare Satchwell - Hayling East

No comments received

Councillor I Scott Hayling West

No comments received

Councillor Joanne Thomas

Original Submission: Raised concerns about the annex proposal and asked to be updated about any changes to the scheme to determine whether to refer to Committee.

Revised Submission:

Is satisfied that the annex has been removed from the scheme and therefore that the application is determined under delegated powers.

Nutrient Team

Original submission:

Confirmed that if the annex is for family members then mitigation for nutrients would not apply as it is the same household.

HBC Tree Officer

Revised scheme:

Following submission of a Tree Protection Plan (TPP), no objection raised subject to compliance with TPP.

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: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

NOTE: All representations received were in respect of the original submission. No further comments were received during the re-notification of neighbours of the revised scheme.

Comment	Officer Comment
The new building in the garden is not an "annexe" it is a "dwelling". The plans show it to have a kitchen, living room, bathroom and bedroom. I submit that the application be rejected in its entirety. The agent may then wish to submit 2 applications: one for the main house and one for the dwelling in the garden. In an email on 25th Feb 2021 from a Havant BC Planning Officer to a neighbour I learn that "the agent states the annexe will be used to accommodate the son of the owner who is currently looking for somewhere to live." This is odd as the main house is of considerable size having 4 bedrooms, 3 bath/shower rooms and 4 toilets. It is also odd that the agent and owner are reported as suggesting that the son may only live there for a short period. If that is true, then why does the garden dwelling have all the elements of a house. Should a Planning Committee or Officer grant permission then I request a Condition be placed to prohibit occupation. The mass and structure of the proposed garden dwelling is out of	The revised scheme omits the annex from the proposals.

character with the area.

The height of the proposed garden dwelling is overbearing on neighbouring properties.

The plans show that the proposed garden dwelling will be raised 300mm above ground level to mitigate impact on roots. The owner has cleared the site of several trees and most other vegetation. Thus, there is little root structure left. In addition, the application carries no endorsement from an arboriculturist that this is either required or will work. If permission be granted, then I suggest that the building commence at ground level.

If permission be granted, then I suggest that any utility services to/from the dwelling be overground to mitigate similarly damage to the root structure.

Havant BC does not currently have a policy for Residential Annexes. Thus, I submit that, since every application is unique, the Delegated Powers extended to Officers do not cover this application; therefore, it should be considered by the Planning Committee (previously named Development Control).

Similarly, I am aware that applications for garden annexes/dwellings have been considered previously by the Development Control Committee of Havant BC. However, since every application is unique no precedents apply to this application: thus, providing another reason for the Planning Committee to consider this application.

The emerging Local Plan does include Residential Annexes in Section H6.54. Whilst not yet passed by Full Council, it may inform a Committee and Officers upon this application. It opines that such an annexe shall "retain a functional connection with the (main) building" and "share common facilities, such as a kitchen". Since this garden dwelling includes a kitchen it may be

The creation of a residential annex in the built up area would not represent a departure from the Local Plan. In any case the Annex does not now form part of the proposal.

inferred that this application would be rejected had it been submitted after the Local Plan was passed. I submit that this is further evidence that this application be rejected.	
Concerns for the building of a large Annex would be:- The Annex is too far from the main house and is very tight up to neighbouring garden boundaries. This Annex will impact upon neighbours taking away their enjoyment and privacy of their own gardens. It would be very disturbing to have such a large occupied dwelling at the end of a garden. Having such a large dwelling right amongst neighbours gardens would be out of character for the area and would be somewhat creepy.. There would be concerns of people wandering between house an annex at unsocial hours. Light and noise pollution between the house and the annex would be of great concern. Concerns that erection of such a dwelling would result in letting the dwelling out or be used by non family members. There should be adequate room in the main house to accommodate the whole family. Concerns over damage to tree roots from erection of annex should be considered and investigated by tree preservation officer as it is so close to mature listed trees within garden and neighbouring garden.	The revised scheme omits the annex from the proposals.
Following your response, we have had two conversations the new owner of the property. It is therefore the following comments we would appreciate being added to the planning file please - 1. Discussed our lack of privacy. The applicant informed us that he would be replacing the existing fence with a higher one and that he would be replanting trees which had already been ordered, to ensure privacy for both us and him. 2. The second conversation involved	See planning assessment below re. impact on privacy of the revised scheme. The LPA can only consider the impacts of the proposal being applied for/requiring planning permission. The revised scheme omits the annex from

the proposed separate dwelling in the garden. Described in the plans as an annex. We expressed our concern about such a dwelling - saying if it was just a home office being planned that would be different. I asked for clarification with regards to the size, and exact location. The applicant explained this more fully and also that it would be flat roofed, cedar clad, and, Laurel screening would be included. We also reiterated our concern about it being used as a permanent dwelling. The applicant assured us this was not the case and that once his son moved after about a year, he would be utilising the property himself as a home office and gym.	the proposals.
We object to the "annexe" on the following grounds. 1) It appears to be a dwelling rather than an annexe. 2) It requires the removal of a mature silver birch. Why does it have to be an L shape. If it just ran across the garden at the very end in a straight line then the silver birch would not need to be removed. 3) The height of 3.3 metres makes it visible to all the adjacent properties - any future plans should restrict the height to 2.3 metres.	The revised scheme omits the annex from the proposals.
I do not believe that a separate dwelling (Annexe) is appropriate as other houses in the neighbourhood are covered by a covenant that prevents such development. "Not more than one dwelling house with garage shall be erected on any of the plots..." Please also note that extensive works are already 'in progress' and being carried out 7 days a week. Several vehicles are parked on the double yellow lines in Sinah Lane for much of the day causing an obstruction.	The revised scheme omits the annex from the proposals. The applicant has confirmed that internal works/refurbishment to the existing dwelling have been taking place.

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) Impact on trees
- (v) Flood risk considerations

(i) Principle of development

- 7.2 The site is within the defined settlement boundary and the extension of an existing dwelling is acceptable in principle subject to development management criteria.

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

- 7.3 The proposed front dormers are considered to be acceptable in size and design and would not appear over dominant, with the dwelling set well back from the road. The rear roof dormer would be re-clad but would retain the current size therefore no additional mass added compared to the existing situation. The single storey extensions would not impact on the street scene and overall, considered to be acceptable in design and appearance to modernise/extend the dwelling.

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 not considered that the scheme would result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.4 Due to the plot position the site shares side and rear boundaries with 6 other properties. Objections were received, mainly in respect of the impact of the garden annex proposed under the original submission, however this has been omitted in the revised scheme.

In respect of the scheme now under consideration there is no change in respect of the rear dormer size/windows from the existing situation and the front dormers are not considered to result in unacceptable overlooking/loss of privacy. The proposed rear extensions would be closest to no. 86 Sinah Lane, the adjacent dwelling to the south, and no.82 Sinah Lane, the adjacent dwelling to the north. The proposal would retain gaps between the extension and both side boundaries. Given the relationships and single storey height of the rear extensions it is not considered that unacceptable overbearing, overshadowing or overlooking impacts would result from the rear extensions. Whilst any recent removal of vegetation/trees on the site may have increased the visibility of the site generally from neighbouring properties; given the relationships it is not considered that the proposed extensions would result in an unacceptable loss of privacy to any adjoining occupier.

- 7.5 Consequently, it is considered that the proposal will not have an unacceptable 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).

(iv) Impact on trees

- 7.6 Some trees have been removed at the site prior to submission, however the

application proposes the retention of remaining trees in the vicinity of the extensions marked up on revised drawings. Following advice from HBC tree officer it was recommended that a tree protection plan (TPP) be submitted to ensure protection of these trees during the construction period as well as the trees to the front of the site. Further to the provision of this, subject to a condition to adhere to the TPP, the proposal is considered to be acceptable having regard to policy DM8 of the HBLP (Core Strategy). The scheme would not impact on the tree protected by a TPO to the rear of the site on adjacent 'Pinewood' Ferry Road.

7.7 Flood Risk Considerations

The site is in Flood Zone 3 where a site specific flood risk assessment (FRA) is required. The proposals constitute 'minor development' as defined by the Environment Agency where standing advice should be followed. The applicant's FRA confirms that the finished floor level will not be lower than the existing house and sets out flood proofing/ resistance/resilience measures. It is recommended that the FRA forms part of the approved documents to be adhered to having regard to policy CS15 of the HBC LP (CS).

8 Conclusion

- 8.1 The proposal is considered to be acceptable having regard to policies CS15, CS16 and DM8 and it is therefore recommended that planning permission is granted subject to conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00035 for the following reasons/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:

HOPA-001-S (Location Plan, Existing Plans and Elevations)

HOPA-002-P-B (Proposed Plans)

HOPA-003-P-B (Proposed Elevations)

HOPA-008 (Tree Protection Plan)

Flood Risk Assessment uploaded 19th February 2021

Email Mr Watford in relation to materials dated 1st April 2021

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as specified in the email from the

applicant to the Local Planning Authority received on 01.04.21, 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.

- 5 No development hereby permitted shall commence prior to the erection of temporary protective fencing to accord with drawing HOPA-008-P (Tree Protection Plan) received by the Local Planning Authority on 21.04.21. The fencing shall be retained throughout the course of works on the site. The development shall be carried out in full accordance with the protection measures set out on drawing HOPA-008-P (Tree Protection Plan) received by the Local Planning Authority on 21.04.21.

Reason: To ensure no adverse impacts on trees results from the carrying out of the development having regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.