

3 Proposal

Application for non-material change to Planning Permission APP/18/00450 relating to replacement of Maidstone house types with Ellerton house types for 28 dwellings of the development and Kenley house types with Denford house types for 24 dwellings of the development.

For the purposes of clarity the changes are as follows:

Kenley to Denford - The proposed dwellings have the same internal living area, however the internal configuration has been amended. However the properties remain two bedroom units, which was as per the approved plans.

Maidstone to Ellerton - The proposed dwellings have the same internal living area, however the internal configuration has been amended. The properties remain three bedroom units as approved. However at first floor, on the rear elevation, a second bedroom is now proposed with clear glazing, previously this second window served an obscure glazed bathroom window. The proposed changes of house type are proposed across the site, however 11 units, plots 21-26 and 31-35 are adjacent to the existing residential properties of West ways.

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/18/00450, 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 generally relate to minor fenestration adjustments. Individually the proposed changes are small in scale, and whilst there are a large number of changes, the changes are modest and would not have a detrimental impact on the character of the area or the design of the overall approved buildings.

(iii) Effect on neighbouring properties

- 5.5 The amended plots 21-26 and 31-35 lie in close proximity to the existing residential properties in Westways, and the proposed changes to include an additional bedroom window in each of the Ellerton housetypes will have a direct impact on the outlook and sense of privacy of these neighbouring properties. This issue was considered in detail at the Development Management Committee on 29th August 2019, in terms of the impact on amenities of neighbouring properties, especially given the required level changes for the development to take place. In this context it is considered that the proposed changes are material, and that the neighbours in Westways should have the opportunity to make comments on the proposed changes.

6 Conclusion

- 6.1 The changes proposed to the plans previously approved will have a material effect on the amenities of neighbouring properties in Westways. 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/20/00835 for the following reasons:

- 1 The proposed changes, on the properties adjacent to Westways, are a material alteration to the external appearance of those properties through the addition of many clear glazed bedroom windows in lieu of obscure glazed bathroom windows at first floor level of the approved scheme on a sensitive boundary with the properties on Westways. This is 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.