

Recommendation: **GRANT PERMISSION**

No Comment.

Councillor Peter Wade

No Comment.

Developer Services, Southern Water

The exact position of the public surface water sewer must be determined on site by the applicant.

Please note:

- No development or tree planting should be carried out within 3 metres of the external edge of the public surface water 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 any new 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/developing-building/connection-charging-arrangements

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.

Environmental Health Manager, Community Group

Objection to flue.

Officer Comment: *Flue has now been removed.*

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
Objection to flue	This has now been removed and no longer forms part of this application.
This current application has been made after the applicants "temporarily" removed the burner flue, however the aperture with the burner outlet protruding through remains in the rear south wall (not detailed on their new submitted plans), giving suspicion that they feel this action will appease the planners, and thereafter they can reinstall the flue at a later time. A condition should therefore be imposed removing permitted development rights.	The construction of a new flue, if it does not meet permitted development requirements, would require planning permission which would be assessed on its own merit. Concerns regarding air pollution caused by any flue installed under permitted development rights (whether on the extension or any other part of the premises) can be addressed separately under Environmental Health legislation, and it is not appropriate for planning decisions to seek to control matters dealt with under separate legislation.
In general the extension is too large for the area, and due to the close proximity to our property very imposing (regardless of the plant conifers they have put in).	Please see section 7.
Reassurances sought regarding surface water disposal arrangements for the extension.	Drainage arrangements for domestic extensions such as this are a matter for the Building Regulations, rather than a planning consideration.

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. Originally planning permission was sought for the rear extension and installation of the external flue to it. In light of representations received, and following objections from the Environmental Health team the flue was removed and this application is now only seeking planning approval for the existing rear extension.

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

7.3 The development involves the removal of the conservatory and replacement with a single storey rear extension. It has a depth of approximately 5.7 metres only slightly larger than the conservatory.

7.4 The rear extension has brick and slate tiles to match the existing property. This is considered to be inkeeping with the context of the main dwellinghouse.

- 7.5 Due to the development being located to the rear of the property it is considered to have a limited impact upon the street scene. Furthermore, the extension appears subservient to the host dwelling being of appropriate size to the plot and the retained amenity space replacing the conservatory. Therefore, it is considered to be inkeeping with the character of the area.
- 7.6 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 considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.7 To the east side there is a window serving the extension. This would face out onto the rear garden of the host dwelling and is not considered to overlook any private amenity space of adjoining properties. The wider impact of the development to the east is considered limited and acceptable.
- 7.8 To the west the extension is screened by fencing and trees along the shared boundary with No. 15 Deanswood Drive. Notwithstanding the difference in levels between the properties, these features serve to mitigate the impact of the development which has replaced an existing conservatory of similar dimensions. Overall the impact on No.15 is deemed acceptable.
- 7.9 To the south side there would be no windows with the bulk of the extension echoing that established by the former conservatory. On this basis the impact of the development on No.9 to the south is deemed acceptable.
- 7.10 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and 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).
- 7.11 It is acknowledged that representations have raised concerns regarding the possible re-introduction of the flue under permitted development rights and the potential for air pollution - however any such issue would be the subject of separate Environmental Health legislation, and it is an established tenet of planning law that planning decisions should not seek to replicate controls in other legislation. With regards whether permitted development rights should be withdrawn for any future flue that might be added to the extension, regard must be had to the advice contained within the NPPF - Paragraph 53 states "*....planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.*", whilst Paragraph 55 advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. There is also a right of appeal against any such conditions imposed.
- 7.12 Bearing in mind that permitted development rights exist for a flue to be installed in any event on any other part of the host dwelling, and with such permitted development rights also subsisting for other properties in the area (and indeed the remainder of the Borough), it is not considered that the circumstances in this case are so exceptional as warrant the removal of those rights solely in respect of the extension the subject of this application. It is not therefore proposed to withdraw permitted development rights for the extension.

8 **Conclusion**

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the character of the area and the amenity of the neighbours and is therefore considered to be appropriate and recommended for approval.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00393:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan
Block Plan
Proposed Plans - MCN-ISS-02
Reason: - To ensure provision of a satisfactory development.