

Recommendation: **REFUSE PERMISSION**

CS17 (Concentration and Distribution of Development within the Urban Areas)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable 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

Developer Services, Southern Water

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:

- No development or tree planting should be carried out within 3 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 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

<https://beta.southernwater.co.uk/infrastructure-charges>

The disposal of surface water from this development should be in compliance with the following hierarchy of 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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk

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: 2

Comment	Officer Comment
Objection received on 21.10.2019. Objection makes the following points : 1.The drawings/ elevations incorrectly drawn and ground levels not shown 2. The proposal will undermine the dwarf wall and fence. 3.Reduction in natural light along the boundary line due to the height, bulk and mass of the proposed extension 4. The proposed extension will extend virtually the entire length of the rear garden of no 42 5. Orientation of the two properties- the front elevations have an Easterly aspect which means the sun will rise and travel from the front Eastern gable to the property through to the rear Western gable and garden areas. The proposed increase in height of the extension above the fence height will result in a significant increase in the shadowing line , consequently no 44 will lose natural day and sunlight from not only the living accomodation but also the rear garden/amenity space. 6. Concerns regarding the height of the structure coming above the fence line 7. No ground levels or measurements provided 8. The proposed development will result in a dwelling that extends for 60% of the length of the plot with an increase in internal floor area by some 30% 9. Concerns regarding vehicular traffic and loss of garage parking 10. There will clearly be a requirement for the owners of no 42 to meet the statutory requirements under the Party Wall Act to ensure the existing dwelling no 44 and its land within the curtilage is not undermined by the proposed works.	Please see Planning Considerations section of the report for comment.

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 This proposal is for a single storey side and rear extension which would have dimensions of approximately 11 metres in depth, 2.8 metres in width and 2.7 metres in height. It would set in from the boundary by 500mm and would be located to the rear of the property. It would be partially visible from the public realm as it would be situated to the side of the property, although set back towards the rear. The original proposal included an extension with a depth of 13.4 metres, set in from the boundary by 300mm, however amendments have since been made where the shed was removed, previously located to the West at the end of the garden, which has produced the revised depth of 11 metres and set in by 500 mm as the width has been reduced slightly .

The proposed extension depth of 11 metres is considered disproportionate in relation to the plot and the property as the extension depth would come to 11 metres, only 4 metres less than the 15 metre depth of the property. As this property has already been extended to the rear, this has meant a reduction in amenity space which would be further reduced by the proposed extension. The adopted Havant Borough Council Design Guide SPD 2011, paragraph 5.39 states :

" Single storey extensions should be more modest in scale than the main building and should not be allowed to dominate. In general flat roofs are not acceptable. The roof extension should mirror that of the main building, in terms of its angle, eaves detail , materials , doors and windows. There may be exceptions to the rule , providing the results do not have an adverse affect on neighbouring properties or the streetscene ".

Paragraph 5.41 goes on to state *"Rear extensions should be sympathetic and subservient to the original design of the building. They also need to have particular regard to neighbouring properties and should not cause an adverse affect, such as overshadowing".*

The development is therefore considered contrary to Policy CS16 of the HBLP (Core strategy) and the Havant Borough Design Guide SPD.

(iii) Effect on neighbouring properties

- 7.4 The proposed extension would be sited close to the boundary shared with no 44 St Johns Avenue. There is some variation in land levels between the two properties as the land inclines from North to South meaning no 44 is situated at a slightly higher level than no 42. No land level diagrams were received along with this application however there is an existing garage located to the rear of no 42 which has a height of approximately 2.5 metres. When undertaking a site visit from the rear garden of no 44, the garage came above the existing fence line by approximately 30cms - as the garage has a sloping roof this is taken from the highest point. The proposed extension would have a height of 2.7 metres, therefore despite the change in land levels this proposal would still rise above the fence line by approximately 40-50 cms. This is considered to have an unacceptable impact upon the amenity of no 44 due to the scale of the proposal as well as the close proximity it would have with the neighbouring property.

The scale of the proposed side and rear extension is deemed to be inappropriate within the context of the surroundings of the property. The extension would be 11 metres deep, which would stretch almost the entire length of the rear garden. The extension would be linked with the dining room, and would come up to around the same level as the West facing, rear elevation wall of no 44 where there is a rear door and windows serving an amenity area. Amendments were made to the original proposal which have set the proposed side extension off the boundary by a further 200mm, creating a total set back of 500 m. This change was not considered to create any significant reduction in overbearingness upon no 44 as no 44 is only sited one metre off the boundary and the extension would still come within half a metre of the boundary, which is still deemed to be too close within the context of its depth. Additionally, there is judged to be some impact upon light accessed by this room. The extension would be located to the North/ North West of no 44, however there would still be some impact of overshadowing when the sun is located to the West in the evening and casting a longer shadow as it sits lower in the sky.

The removal of the shed area towards the end of the garden is not considered to resolve any of the issues outlined, it does not reduce the general dominance of the structure nor the impact upon no 44. It is also noted that a shed could be built within certain dimensions in this place under permitted development.

- 7.5 It is considered that due to the proposed depth and proximity to the boundary, the resulting extension would be overbearing in nature and create an unacceptable reduction in outlook to 44 St Johns Avenue.

8 Conclusion

- 8.1 It is therefore concluded that the rear extension by reason of its height and depth along the shared boundary with 44 St Johns Avenue, would result in the loss of light, overshadowing, overbearing effect and loss of outlook to the living space of this dwelling. The unacceptable harm caused to the neighbours amenity alongside the material harm caused to the character of the area as a result of the development would be contrary to policy CS16 of the Havant Borough Design Guide SPD and is therefore recommended for refusal.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00932 for the following reasons

- 1 The rear/side extension would by reason of its scale, bulk and depth result in an extension that would dominate the existing dwelling and be harmful to the character and appearance of the area. This would be contrary to Policy CS16 Part 1 of the Havant Borough Local Plan (Core Strategy) 2011 and paragraphs 5.39 and 5.41 of the Havant Borough Council Design Guide SPD 2011 and the National Planning Policy Framework.
- 2 The rear/side extension would by reason of its size, depth and siting result in an un-neighbourly development to the harm of the residential amenities of the occupiers of No. 44 St Johns Avenue. In particular the development would have an overbearing effect, cause a loss of outlook and impact light to the living space of the property to the South. The unacceptable harm caused to neighbour amenity as a result of the development proposed would conflict with Policy CS16, Part 1(e) of the Havant Borough Local Plan (Core Strategy) 2011, paragraphs 5.39 and 5.41 of the Havant Borough Council Design Guide SPD 2011 and the National Planning Policy Framework.