
Site Address:	5 Westways, Havant, PO9 3LN		
Proposal:	Variation of condition 2 of planning permission APP/20/00112 to reduce width of development by 55mm.		
Application No:	APP/20/00440	Expiry Date:	06/08/2020
Applicant:	Mr and Mrs Warrington		
Agent:	Mr B Dunnaway	Case Officer:	Tina Pickup
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

Note - Due to Coronavirus a specific site visit in connection with this application was not possible but reliance has been made on previous visits to the site and previous photographs to inform this decision.

The application site is located on the east side of Westways and is the northern most dwelling before Nos 1A, 1 and 3 which are set at right angles on the cul-de-sac head, having their rear gardens abutting the side boundary of the application site. As such, in street scene terms, the application site is perceived as the end property in an otherwise fairly uniform and linear area characterised by hipped roofed semi-detached two storey properties. The land in the area slopes slightly, such that the curtilages of Nos 1 & 3 rise slightly from the shared boundary.

The single storey garage belonging to No 3 is located adjacent to the northern boundary and sits alongside the drive of the application site, which in turn leads to an existing single storey garage set back behind the rear elevation. The eastern boundary of the site abuts the Forty Acres housing site, recently granted planning permission. The frontage of the site has been recently completely block paved, providing on site parking for about 3 cars.

There is a low brick wall on the northern boundary - which retains the slight step in levels and appears logically to belong to, and enclose the curtilage of the application site. There is a hedge planted on the side of number 3 where in front of their garage; and to the rear of the applicants garage, a close boarded fence.

Planning permission was recently granted for a two storey side extension, under APP/20/0112 and some demolition of the rear lean to style conservatory has already commenced. As part of that application there was a Party Wall dispute over the ownership of the shared northern boundary wall and after the full Party Wall Award it has been decided that in fact this boundary wall is in shared ownership and consequently the width of the approved extension needs to be reduced from 2.450m to 2.395m - hence this variation of approved plans application.

2 Planning History

APP/17/00465 - Two storey side extension and single storey rear extension (following demolition of existing rear conservatory)., PERM,21/06/2017

APP/18/00112 - Demolition of rear conservatory and garage. Construction of single storey side and rear extensions., PERM,15/03/2018

APP/20/00112 - Two storey side extension with integral garage, single storey rear extension, single storey front extension with extended canopy roof., PERM,08/04/2020

3 Proposal

Variation of condition 2 of planning permission APP/20/00112 to reduce width of development by 55mm.

Neither APP/17/00465 or APP/18/0112 have been implemented on site and whilst some site clearance works have commenced on APP/20/00112, works have been stalled by the Party Wall arbitration process. As a result of the Party Wall award the approved plans for APP/20/00112 need to be reduced in width by 55mm from 2.45m to 2.395m. Otherwise the layout and design is as approved. Following legal advice this Section 73 application is submitted with a Certificate B and Notice has been served on the 3 adjoining owners.

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)

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

DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

E21 (Aquifer Source Protection Zones)

E1* (High quality design)

IN3 (Transport and parking in new development)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/a

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

None necessary

Southern Water previously advised under APP/18/00112 - No objections; Formal application for any new connection to the public foul and surface water sewer required - request Informative added. Surface water disposal to be in accordance with priorities set out in part H3 of Building Regs.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Neighbours would like to see a condition applied to the planning application. Neighbours have already been subjected to a noisy delivery of materials from 07.00 on a weekday morning and very noisy demolition work for 5 hours on a Bank Holiday. Therefore it would seem reasonable to apply the following condition:- Working hours, Weekdays 08.00 - 17.00, Saturdays 08.00 - 12.30 and none on Sundays or Bank Holidays.	Working hours conditions not applied to Householder applications - any noise and disturbance or unsocial working hours covered by Environmental Health legislation - but can add an Informative.

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) Impact of amended plans
- (iii) Other matters

(i) Principle of development

- 7.2 This is a Section 73 application and if approved, its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have been discharged. In this case there were no conditions that required discharging. It is therefore the impact of the proposed changes that are now under consideration. The site remains in the defined urban area, where development is considered acceptable in principle subject to development management criteria. Circumstances, other than the outcome of the Party Wall award and resultant effect on size of the site, have not changed.

(ii) Impact of amended plans

- 7.3 The design concept and overall mass and bulk in both street scene terms and with respect to amenity impacts on neighbours, would not change as a result of this application. If anything it would improve from the marginal reduction in width of the side extension by 55mm. It is considered that the change would be visually negligible. Overall it is considered that the amended plans reducing the width from 2.450m to 2.395m continue to be appropriate to the host dwelling and street scene, with no adverse impact on neighbours. The proposal is therefore considered to continue to comply with the adopted Design Guide SPD and policy CS16.

(iii) Other matters

- 7.4 The reduction in width would further reduce the width of the proposed integral garage, which does not meet the internal dimensions recommended for a garage by the Parking SPD and cannot therefore be relied upon to provide one of the 3 spaces required. However the frontage has recently been block paved and provides adequate space for 3 vehicles to comply with the Parking SPD. There is therefore no highway objection to the reduced width garage.
- 7.5 Third party representations raise concern over noise and disturbance during construction, particularly from hours of working. However on minor developments any nuisance in this regard is covered by Environmental Health legislation and not planning conditions. The applicants have been advised of the need to respect neighbouring amenity during construction and an Informative can be added reinforcing that.

8 Conclusion

- 8.1 This is a Section 73 application and its granting effectively re-issues the original permission and must repeat or amend accordingly the relevant conditions unless they have already been discharged. It is recommended to grant permission to vary condition 2 of APP/20/00112 to substitute the approved plans with those now submitted that are 55mm narrower due to the Party Wall award.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00440 subject to the following conditions

- 1 The development must be begun not later than 08 April 2023.

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:

1:1250 Site Location Plan
1:250 Block Plan Drg no 06 Rev C
Plans and Elevations Drg no 05 Rev C

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used 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.