
Site Address:	18 Church Path, Emsworth, PO10 7DP		
Proposal:	First floor side extension, conversion of existing garage to car port and utility room.		
Application No:	APP/19/00720	Expiry Date:	09/10/2019
Applicant:	Ms Heath		
Agent:		Case Officer:	Bee Crawford
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is an older style two storey detached cottage and attached garage situated towards the northern end of Church Path. It has a red tiled pitched roof with a cat slide part to the rear and elevations of red, beige and grey multibrick. The site is level with gated vehicular access to the front leading to an area of block paving and paved front garden with mature shrubs and a seating area, enclosed with 2 metre high hedging to the northern boundary, 1.8 metre high fencing, trellis and shrubs to the western boundary and 1.8 metre high fencing and shrubs to the southern boundary. The rear garden is of a limited size consisting of block paving and shrubs and is enclosed to all boundaries with a 2 metre high wall.
- 1.2 A two storey end of terrace property is to the west, situated forward of number 18, Emsworth Community Centre and its associated car park is to the north and east and the side aspect of a two storey detached property in St James Road is opposite. The area is of medium density with two storey detached, semi-detached and terraced properties of similar and different age, style and design.

2 Planning History

None relevant to this application.

3 Proposal

- 3.1 The proposal is for the construction of a first floor side extension, conversion of existing garage to car port and utility room.

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)

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

Arboriculturalist, Havant Borough Council

The off site tree overhanging the garage is a significant constraint for the development and no arboricultural report has been submitted although this is not required as the trees are not protected. The owner of 18 Church Path is entitled to prune back to the boundary line, however I do not believe that this will be sufficient to maintain an appropriate relationship between the tree and property. The tree has been heavily pruned in the past, clearly to maintain it at a size suitable for its location. For these reasons it is unsuitable to be protected by a Tree Preservation Order.

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: 14

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
The proposed build above the existing garage is an additional bedroom with Juliette balcony. The windows to this balcony appear to be from the floor to head height. We have enclosed two photographs of the area taken from two separate bedroom windows in our home, pictures one and two. These show that the existing garage and the Juliette balcony, or any windows in this area, will have a clear and intrusive view into both these bedroom windows. The photos are taken to show the windows in view but the area can be seen from many parts of the bedroom therefore allowing the residents of 18 Church Path viewing access to most of both bedrooms.	See section 7.

Photo three is from our lounge, which is joined to our glass roofed conservatory. The proposed Juliette balcony and window will also have a clear and intrusive view into our lounge and dining areas. This has a significant effect on the privacy of our home, our living space and into our bedrooms.	See section 7.
We have also enclosed photos four and five, from different seating areas in our garden which clearly highlights the proposed build will considerably and detrimentally impact the daylight into our garden.	See section 7.
The proposed build will have an adverse impact on the privacy, daylight and outlook of our home. We are fairly certain our neighbour would be as equally aggrieved by the proposal if our respective positions were reversed.	See section 7.
The application states that the 'tree branches to be trimmed'. This is somewhat of an understatement. The plans show a relatively compact tree overhanging the proposed building area. This is an extensively established tree and the drawing does not reflect this. Although we appreciate that overhanging branches can be removed from a neighbour's property the tree would need to be, effectively, cut in half. Having had some remedial gardening work carried out in our home recently the roots of the tree protrude a long way into our garden and we suspect, therefore, they do into our neighbour's property.	The tree is not the subject of a tree preservation order, and any proposed works would be a civil matter which would need to be resolved by the applicant and their neighbours.
Because of this the risk to the roots of the tree in laying foundations for the proposed building works are very high and would surely make the tree unstable and present a significant risk to our home.	See section 7.
We would also like to highlight that we submitted a planning application in 2015 (APP/15/00793) for a replacement to our existing conservatory and to extend above it. This was in keeping with the buildings in the area, i.e. it had a pitched not flat roof, and it had no windows that overlooked any of our neighbours. We were told this would not be approved without significant alterations and were advised to withdraw and resubmit	Each planning application is determined on its own merit.

it. The recommendation by the Planning Officer was that any extension would be limited to a protrusion of three feet and should have a flat roof. It was felt by the Planning Office that our original proposal had a significant impact on our neighbours. The suggested amendments to the design did not enable us to achieve any more usable living space and so we consequently did not pursue the matter further. A clear precedent has been set by the Planning Department that sizeable extensions upwards in the area would not be approved. We would question why an application for 18 Church Path that does have windows and which drastically impacts on the privacy, daylight and outlook of another property may be approved. In summary, we feel the proposed works will be intrusive into all areas of the rear of our home and garden impacting on the light and privacy to existing areas as well as having a detrimental effect on the conservation of our tree and potentially our home in this regard. We have tried to provide you with photographic evidence but feel very strongly that a site visit would demonstrate this in a much clearer light.	See section 7.
Further comments below were received following the submission of amended plans: On reviewing the resubmitted plans of the slightly reduced first floor extension with change in window option we feel it still constitutes a vast intrusion on our home. The window will still see into our conservatory, lounge and two upstairs bedrooms. There will still be a serious adverse affect on the light into our home and garden and the intrusion the size of the build will have, despite being reduced minimally, is still incredibly significant. All the comments we have made previously still apply to this reviewed application and we would urge you to refer to those alongside this marginally changed application.	See section 7.

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 The proposal is for a first floor side extension to the southern elevation of the property and the conversion of the garage to a car port and utility room, although in isolation this element of the proposal does not require the benefit of planning permission. The proposal would be visible from the public realm with the front elevation of the property being approximately 7.5 metres from the highway.

7.4 Regarding the proposal, for extensions such as this, there is adopted supplementary planning guidance in the form of the Havant Borough Council Design Guide. This advises that first floor extensions should be set back from the building line, have a lower ridge height and advises that it is important that gaps are retained between buildings to prevent neighbouring properties and the street scene being adversely affected.

7.5 The original design was to continue the line of the roof, extending across the whole width of the garage to the southern boundary to accommodate an additional bedroom. The scheme included a Juliet balcony to the front and a 1 metre deep balcony to the rear. Following the officer's site visit, due to the relationship between the application site and the neighbouring property to the south, concerns were raised regarding the impact of the proposal on this property with respect to overbearing, overlooking and loss of privacy.

7.6 Amended plans were submitted on 22 October indicating the extension would provide a bathroom/dressing room rather than a bedroom, with obscurely glazed windows of a modest size. The width of the extension was reduced by 1 metre and the ridge height was set down by 0.48 metres. In addition, the Juliet balcony to the front and the balcony area to the rear were removed from the scheme. There would be a new roof covering to part of the car port and a new ground floor window in the front elevation. The proposal would not increase the footprint of the existing property and the revised scheme is judged to be subservient to the main dwelling by virtue of the proposed height and width.

7.7 It is considered the amendments have addressed the concerns previously raised regarding the impact on the neighbouring property to the south. The revised proposal is of a cohesive design which relates well to the existing dwelling and does not result in an increase in the existing footprint of the property. 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

Impact on 17 Church Path

- 7.8 The northern boundary of this property is adjacent to the application site and the properties are situated such that the proposed extension would be close to the end of the rear garden of this property. The extension is set in 1 metre from the northern boundary and the distance between the front elevation of 18 Church Path and the rear elevation of this property is approximately 8.6 metres.
- 7.9 Concern has been raised that the proposed extension could be considered to be overbearing and lead to a loss of light to this property. However the application site is to the north of this property and the proposed extension does not extend beyond the existing front elevation of 18 Church Path, maintaining the 8.6 metre distance to the rear elevation of this property. Furthermore the revised plans have reduced the width of the proposal by 1 metre and the height by 0.48 metres. Any resulting impact is not considered so great as to constitute a defensible reason for refusal of planning permission and it is therefore considered a reasonable outlook would be retained from the closest neighbouring windows at this property.
- 7.10 Regarding potential overlooking and loss of privacy, the proposal has been revised removing the front Juliet balcony, rear balcony and the associated full height glazed doors. These have been replaced with windows matching those of the existing property, which are of a modest size and would be set in 1 metre from the southern edge of the extension. The plans indicate the proposed extension is for a bathroom/dressing room and the windows have been annotated to be obscurely glazed. Notwithstanding this, in order to protect the amenities of this neighbouring property, a condition is recommended for these windows to remain obscure-glazed and for the first floor window on the front elevation to be non-opening. It is judged this would reduce any perception of potential overlooking and loss of privacy and consequently not have an adverse impact on this property. There are no windows in the southern elevation of the proposal.
- 7.11 There is a large tree in the rear garden of this property which is adjacent to the southern elevation of the existing garage. Concern has been raised regarding the possibility of the proposal affecting the roots of this tree. Although the garage is to be converted to a car port, the plans indicate this elevation and the floor plan is to remain the same in this part of the property and the first floor extension is set in 1 metre from the boundary. It is therefore deemed the roots of the adjacent tree would not be further impacted as a result of the scheme

Impact on 12 and 13 Church Path

- 7.12 The rear boundaries of these properties adjoin the northern boundary of the application site for a distance of 8 metres, with the rear elevations approximately 12 metres away. There are no windows in the southern elevation of the proposal and although there is a window of a modest size in the eastern elevation of the extension it is situated 2 metres from the northern boundary and would be obscurely glazed. It is therefore considered that this, together with the existing screening would reduce any perception of overlooking and loss of privacy to the occupiers of these properties.
- 7.13 There are no residential properties to the north or rear of the site and the property opposite is deemed to be a sufficient distance away for any impact to be negligible.
- 7.14 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, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 **Conclusion**

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

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00720 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 external materials used shall be as indicated on the submitted forms and hereby approved plans, 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.
- 3 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted, the window in the first floor on the western elevation shall be non-opening and fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter and the window in the first floor on the eastern elevations shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan	
Block plan	
Drg no. 18CP/E/01 Rev A	Existing ground floor plan
Drg no. 18CP/E/02 Rev A	Existing first floor plan
Drg no. 18CP/E/03 Rev A	Existing rear elevation plan

Drg no. 18CP/E/04 Rev A	Existing front elevation plan
Drg no. 18CP/P/01 Rev B	Proposed ground floor plan
Drg no. 18CP/P/02 Rev C	Proposed first floor plan
Drg no. 18CP/P/03 Rev C	Proposed roof plan
Drg no. 18CP/P/04 Rev B	Proposed rear elevation plan
Drg no. 18CP/P/05 Rev B	Proposed front elevation plan
Drg no. 18CP/P/06 Rev B	Proposed side elevation plan

Reason: - To ensure provision of a satisfactory development.