
Site Address:	2 Capel Ley, Waterlooville, PO7 5PU		
Proposal:	Single storey rear extension, hip to gable enlargement and insertion of rear dormer window. (Revised application).		
Application No:	APP/19/00595	Expiry Date:	01/08/2019
Applicant:	Mr & Mrs Robinson		
Agent:	Mr Andrews	Case Officer:	Ross Leal
	SDA Planning Ltd		
Ward:	Purbrook		

Recommendation: **REFUSE PERMISSION**

1 Site Description

2 Capel Ley, is located within Capel Ley a small cul-de-sac located to the south of Morelands Road in Purbrook. The property itself is a semi-detached bungalow and forms part of a matching hipped roof pair of properties when viewed from the road. The dwelling is finished in brick and with concrete tiles.

To the rear the property has been extended by the addition of a flat roof extension and conservatory.

2 Planning History

02/67272/000 - Construction of conservatory to rear, Permitted 30/05/2002

APP/18/01249 - Single storey rear extension, hip to gable enlargement and insertion of rear dormer window. Refused 15/02/2019

This application was refused for the following reasons:

1 The rear extension and rear dormer would by reason of its scale, mass, bulk, design and depth result in an extension and first floor roof extension that would dominate the existing modest 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, 5.40, 5.41 and 5.42 of the Havant Borough Council Design Guide SPD 2011 and the National Planning Policy Framework 2018.

2 The rear 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 1 Capel Ley. In particular the development would have an overbearing effect, cause a loss of outlook and have a detrimental impact on light to the living space of the adjoining property to north. 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, 5.41, 5.42, 5.43 and 5.44 of the Havant Borough Council Design Guide SPD 2011 and the National Planning Policy Framework 2018.

APP/19/00344 - Application for Certificate of Lawfulness relating to proposed loft conversion and hip to gable extension, insertion of two rooflights in the front roof slope, and erection of outbuilding. Permitted 23/05/2019

This Lawful Development Certificate is considered in part 7 of this report.

3 Proposal

Single storey rear extension, hip to gable enlargement and insertion of rear dormer window. (Revised application).

The proposal would result in the currently hipped roof being altered to a half hipped roof form. Two rooflights would be provided to the front roof slope. To the rear there would be a large dormer extension which would project over part of the existing rear extension. The dormer feature would include two windows at first floor level which would face south east. The existing rear flat roofed extension would be provided with a pitched roof but with a small element of flat roof retained on the northern side. An existing conservatory would be demolished and a further pitched roof extension would be provided, this would be set 0.45m from the boundary with No.1 Capel Ley.

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 Statutory and Non Statutory Consultations

Southern Water

The attached plan shows that the proposed development will lie over a public sewer. Building over a public sewer is not normally permitted by Southern Water. However, under certain circumstances building over a minor sewer may be allowed. An investigation of the sewer is required to confirm its size and depth, to ascertain its condition, the number of properties served, and potential means of access, before any decision can be made as to whether it would be acceptable for Southern Water to allow building over the sewer. The length of sewer to be built over, under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker – in this case Southern Water. The applicant is advised to obtain Southern Water's approval of works through Build Over Public Sewer application process. The conditions associated with the build over/close to a sewer are contained in Southern Water guidance notes which are available at:

www.southernwater.co.uk.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission For example: "The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewer."

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access 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>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable 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.

Officer Comment: *Had planning permission been recommended a condition in relation to sewer protection would have been imposed in relation to the proposed development.*

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: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: A total of 5 representations have been received in relation to the proposed development 4 raising objections and 1 support.

Comment	Officer Comment
I would like to say the property will not be a care home or anything similar, it will just be a family home. Also no trees will be cut down. As a neighbour, Mr & Mrs Robinson have kept me fully informed of their plans and are happy to discuss any issues. The bungalows on the estate are small and many have been extended. As the estate is built on a hill, many can see into other residents gardens. I also find it strange, people living in Shillinglee, can comment on the parking in the close. I have never had a problem accessing my drive, due to my neighbours cars.	Comments noted
This application has previously been rejected. The application was then resubmitted in a slightly modified form under the heading "Certificate of Lawfulness" which I believe was rejected yet again I understand that has now reappeared in virtually its original form. Back onto the garden of No.2 Capel Ley so we will overlook the long conservatory-type extension forming part of the proposal. To build this extension it would appear that tree will have to be cut down which is in opposition to the current popular Eco trend. However our main concern is what will this property be used for once it has been considerably enlarged ? From what we have seen of the proposed development it looks like developing into a care home or something similar and we are not happy about the affect it would have on the value of our home. As far as we know there has been no attempt by Mr & Mrs Robinson to explain to their neighbours the purpose for the long 'conservatory' and there appears to be some concern over it. Unless we can be satisfied that the proposed project will have no detrimental effect upon us and our property we wish to add our objection to the plan along with that of our neighbours.	This is a further planning application. The Certificate of Lawfulness was granted for a different form of development from that proposed in the current application. No significant trees are lost as a result of the proposal. The proposal is for alterations to an existing residential property. Use as a care home is not proposed and would require a separate planning permission. Comments noted.
We are strongly objecting to the massive extension and rear dormer conversion on the upstairs at 2 Capel Ley. Totally out of keeping with the surrounding area. In size and shape it is	Design issues considered in part 7

almost identical to the previous application which was turned down by the council. (15/2/2019) Ref APP/18/01249

On 2/3/2019 Ref APP/19/00344 a certificate of lawfulness was applied for with a considerably amended design, again there were various objections. The certificate of lawfulness was granted 23/5/2019 for the amended design.

The latest application on 6/6/2019 Ref APP/19/00595 has gone back to the original design which was turned down by the council. It appears they are trying to be underhanded. The only slight change is a flat roof to the over large extension. I hope all previous objections to the original application will be referred to when making the final decision.

One of the main objections is the size of the dormer coming out over the rear extension, not in line with the existing roof line as in all other local extensions. This will cause the adjoining neighbours garden to be very dark. Also the size of rear extension with large windows overlooking neighbours gardens and lounges.

We are led to believe that extensions on the back of semi-detached bungalows can only be a max of 4 meters from the original back wall of the original build. This bungalow already has had a rear extension of this size, plus a large conservatory.

The new plans are double the size of the existing extension and conservatory combined.

There have been drainage issues in the past, which the council got involved with, as the lay of the land for number 2 is below the natural flow of the land. We are very worried that by building an outbuilding extension of this size will act as a dam, causing gardens to flood even more. We have photographic proof if you want.

We are also not happy with the upstairs windows which are going to be overlooking our rear gardens in Shillinglee. We would be ok with either velux window or frosted glass in the dormer, as the plans show that it will be looking directly into our kitchen/diner, And no43 Shillinglee's rear Kitchen/Diner. It will still make the adjoining bungalow very dark, again needing obscured glass.

Certificate of Lawfulness considered in part 7.

The application has been considered on its planning merits taking into account comments received in relation to the current planning application.

The design and impact of the proposed development on neighbouring residents is considered in part 7.

Rear extensions requiring planning permission are not limited to a certain depth in terms of planning law. The impact of an extension is assessed on its individual planning merits.

Drainage issues in relation to domestic extensions are usually a matter for consideration under the building regulations. It is considered that suitable drainage could be provided.

Impacts from overlooking and on light are considered in part 7.

We also agree with other comments that the Close is already getting blocked with cars and by allowing an extremely large house extension in a very small road, it will cause even more problems. Also buildings I believe are supposed to be a meter at least from a neighbouring boundary. These plans show it up against the adjoining bungalows fence. Very unfair and as mentioned before a drainage issue as well as making adjoining garden dark.	The proposals would result in an increase in bedrooms from 3 to 4. Under the Councils Parking SPD both 3 and 4 bed properties require 3 parking spaces. There is adequate frontage and garage parking on site. The Havant Borough Design Guide SPD states that <i>In general, a single storey extension should be no closer than 1 metre to neighbouring properties and 2 metres for two storey extensions.</i> This is considered further in part 7
Very slight change in the buildings design has not addressed any of the objections mentioned previously Plan too large for this semi-detached house i.e. dormer coming out further than existing roof line and enormous rear extension. No other houses/bungalows in area allowed such large dormer on the back. Others not extended further than the original roof lines of the existing buildings. Feel especially sorry for adjoining neighbours at No1. I refer back to the original plans that were rejected and that all other objections have been taken into account.	Comments noted see assessment of design and impact on neighbours in part 7.
I have seen the proposed plans and it appears that both windows on the top extension will overlook the back of my property and straight into my living area. I agree with my neighbours that unless this view can be obscured in some way then we would like to submit our disapproval of this application.	Concerns regarding overlooking noted and considered in part 7.
Please refer to APP/18/01249 for plan design "A" which was refused 15 Feb 19. Certif of Lawfulness ref APP/19/00344 for modified plan design "B" was recently accepted by Planning.	The planning history of the site has been fully considered in the determination of this planning application.

New request APP/19/00595 for what is essentially the original refused design "A" now under consideration. New case officer to be made aware of previously refused Plan and compare with this Application. Can you spot any differences? May I suggest New case officer to be made aware of all objections to original design "A" and to take account of all in this new application. The main neighbour to be affected is the semi-detached owner who may be away at the moment. Please make contact with owner of No1 Capel Ley before any final decision taken.	Neighbouring residents have been notified in relation to the current planning application and comments made in relation to the current applicaiton have been considered.
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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
- (iv) Parking

(i) Principle of development

7.2 The application site is located within the defined urban area, where development is normally considered acceptable in principle subject to development management criteria. In this case the site has been the subject of both a previous planning application (refused) and a Certificate of Lawfulness (approved).

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

7.3 There are a number of aspects to the proposed development which result in differing impacts on the character and appearance of the area and these are considered below.

7.4 The main public vantage point for the development is from Capel Ley. To the front of the building the changes proposed are the change from hipped to half hipped roof, the provision of two rooflights and the removal of a chimney.

7.5 The change in roof form is considered to be the most significant alteration when viewed from Capel Ley and would result in a significant visual change and would to a degree unbalance the existing semi-detached pair of dwellings. It should be noted, however, that the change of roof form would in itself not normally require planning permission, representing permitted development under the General Permitted Development Order. The loss of the chimney and the proposed roof lights whilst resulting to a lesser extent in a further reduction of the current symmetry of the existing pair would have a relatively modest impact.

- 7.6 It is noted that No.5 has a gable fronting Capel Ley. Whilst this is a detached property it results in the small cul-de-sac having a variety of roof designs. Overall in relation to the front alterations and having regard to the permitted development position it is considered that the front alterations have an acceptable impact on the character and appearance of the area.
- 7.7 The alterations to the rear at first floor level are the provision of a 'dormer' extension that projects beyond the existing roof slope onto the existing ground floor rear extension. Whilst the rear elevation is on a less public elevation it is considered that the dormer represents an unusual addition reading more as a two storey extension than a more traditional dormer window.
- 7.8 The Havant Borough Design Guide SPD 2011 provides guidance in paragraphs 5.47-5.51 in relation to dormer design and states (amongst other matters):

Dormers should not dominate the roof or the existing building. To help avoid this they should be the same size or preferably smaller than the windows below. Generally the dormers should have pitched roofs, with slopes in keeping with the existing roof.

Whilst the proposed first floor addition would be large and result in the loss of any roof slope at the bottom of the dormer it is noted that it would be set down from the ridge line of the extended roof. Given its position on the rear elevation it is considered, on balance, that if considered in isolation it could have been supported. When considered in combination with the rear extension however there is concern that the overall design and character of the original building are significantly compromised detracting from the character of the area. This is considered further below.

- 7.9 It is noted in relation to the Certificate of Lawful Development Ref: APP/19/00344 that the proposed dormer in that application was a much smaller feature retaining 200mm of the existing roof slope below the dormer and not projecting onto the existing ground floor extension. The 'fall back' position in relation to the proposed dormer is therefore a very significantly reduced dormer presenting a different visual impact and a reduced mass and bulk when viewed from No. 1 Capel Ley and adjoining gardens.
- 7.10 The rear extension itself results in a significant extension at ground floor level. The proposed rear extension projects approximately 7.8m beyond the existing rear extension. In combination with the previous rear extension this results in additions to the rear of the original property significantly more than doubling the dwelling's original depth. Whilst the rear garden of No.2 is large in area it is noted that the further extension would result in a building running most of the length of the boundary with No.1 Capel Ley. The extension would have a shallow pitched roof and due to changes in levels would increase in height above ground level the further that it projects to the rear of the existing building.
- 7.11 A small area of flat roof would be retained to the existing rear extension closest to No.1 with a pitched roof slightly set off. It is noted that this is shown on the rear elevation but not on the proposed block plan.
- 7.12 Paragraph 5.41 of the Borough Design Guide States "*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*".

- 7.13 It is considered that the significant size of the rear extension in combination with the first floor 'dormer' addition would result in a visually intrusive form of development which would be harmful to the original character and appearance of the dwelling when viewed from the surrounding area and in particular the gardens of adjacent properties.
- 7.14 In reaching this conclusion the Council have considered the Certificate of Lawful Development granted under planning reference APP/19/00344, this related to a proposed loft conversion and hip to gable extension, insertion of two rooflights in the front roof slope, and erection of outbuilding. This certificate was granted on the 23rd May 2019. This showed a reduced dormer feature as set out above and a flat roofed outbuilding shown as a summer house with a gap between the existing flat roof extension and the proposed summer house. Whilst the Certificate's submission is understood in seeking to establish a 'fall back' position and context for the current application, it is considered that the Certificate submission is for a development unlikely to be realistically pursued, proposing as it does a detached outbuilding that would not provide for the primary accommodation that is currently being sought (lounge). In any case the Certificate proposals differ from the planning application proposals. The detached outbuilding, whilst closer to the boundary with No.1 Capel Ley, had a flat roof marginally lower than the eaves level of the proposed extension and without the pitched roof above. In addition the Certificate showed the retention of the flat roof for the existing rear extension and a much reduced dormer window.
- 7.15 Overall it is not accepted that the fall back position created by the Certificate of Lawfulness represents the same type of development, with the same impact as the proposed planning application proposals. In terms of the impacts on the character and appearance of the area there are clear differences and the approval of the current planning application is not considered to be justified in this case by the 'fall back' position.
- 7.16 In conclusion in relation to the impact on the character and appearance of the area it is considered that the extension and rear dormer would by reason of their scale, mass, bulk, design and depth result in an extension and first floor roof extension that would dominate the existing modest dwelling and be harmful to the character and appearance of the area. This is particularly the case as the two elements must be considered in combination with each other.

(iii) Effect on neighbouring properties

- 7.17 In relation to neighbour impacts, it is considered that the main impacts are to No's 1 and 3 Capel Ley and to 41-45 (odd) Shillinglee.
- 7.18 No.1 Capel Ley is the neighbouring property set closest to the proposed development and this property is set to the north of the application site. The proposal results in a deep rear extension projecting beyond the existing flat roof rear extension to No.1. The rear elevation of No.1 has a bedroom window set closest to the common boundary. It is considered that the resulting height and depth of the extension set only 0.45m from the boundary and with a pitched roof would be particularly dominant and oppressive when viewed from the bedroom space along the rear elevation. The development would reduce light levels reaching this habitable space and create some over-shadowing particularly in the afternoon and evening as the sun travels west. The positioning of the extension to the south of No.1 unfortunately adds to this impact.

- 7.19 The extension would result in the majority of the common boundary between No.1 and 2 having extensions running along it or within 0.45m of the boundary. The mass and bulk of the proposed dormer would also add to the new built form close to the boundary adding to the oppressive impact of the development when viewed from the rear of No.1. Overall it is considered that the proposals would lead to an oppressive outlook from the rear bedroom and dominate the private amenity space to the rear of No.1 when using the garden area.
- 7.20 The fall back position has been considered with regard to the potential impact on No.1. As previously stated it is considered that the fall back position which provides a different type of floorspace (a detached summer house) is not commensurate with the attached primary living accommodation being proposed in this case. It is also noted that the outbuilding in the Certificate application would block light into the existing lounge. In any case the Certificate of Lawfulness proposed a flat roofed building with reduced dormer extension. Overall as considered in detail above it is not considered that the 'fall back' position for a different design and form of development would warrant the approval of the currently proposed extension and dormer.
- 7.21 With regard to the impact on properties in Shillinglee, as the proposed first floor dormer (with bedroom and en-suite windows) would be set away from the neighbouring dwellings by over 24m, the works would comply with the Borough Design Guide when it comes to acceptable relationships and distances between first floor development and bungalow properties. The single storey rear extension, although effectively elevated by changes in levels would be set off the boundary to the properties to the rear by approximately 4m and is not considered to result in an unacceptable relationship with the properties in Shillinglee.
- 7.22 The rear extension is set off No.3 Capel Ley and is considered to result in an acceptable relationship. A side bathroom window is proposed, however, this is at an angle to No.3 and is likely to be obscure glazed. It is considered that the proposals would have an acceptable impact on No.3.
- 7.23 In conclusion in relation to the impact on neighbours the proposals are considered to result in an unacceptable relationship to No.1 Capel Ley by reason of their design, depth, mass and impact on light. The proposals are considered to conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Borough Design Guide SPD 2011.

(iv) Parking

- 7.24 Third party concerns have been raised in relation to parking, and in this regard the proposed development would result in a three bed dwelling changing to a four bed property. The Havant Borough Parking SPD 2016 requires three car parking spaces for the proposed property. Parking for three cars is provided on a hardstanding to the front of the property and in an existing single garage, and together these provisions would meet the requirements of the Parking SPD.

8 Conclusion

- 8.1 It is therefore concluded that the rear extension by reason of its depth and width close to the shared boundary with No 1 Capel Ley would result in the loss of light, overshadowing, overbearing effect and loss of outlook to the living space of this dwelling. The proposed extension in combination with the dormer is considered to be significantly large in scale and of a poor design which appears dominating and dis-proportionate to the host dwelling's roof. 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 Local Plan (Core Strategy) 2011 and the Havant Borough Design Guide SPD. This harm is not outweighed by the existence of the Certificate of Lawfulness, which is considered to relate to a materially different form of development.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00595 for the following reasons:

- 1 The rear extension and rear dormer in combination would by reason of their scale, mass, bulk, design and depth result in an extension and first floor roof extension that would dominate the existing modest 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, paragraphs 5.39, 5.40, 5.41, 5.42 and 5.48 of the Havant Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 2 The rear 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.1 Capel Ley. In particular the development would have an overbearing effect, cause a loss of outlook and have a detrimental impact on light to the living space of the adjoining property to the north. 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, 5.41, 5.42, 5.43 and 5.44 of the Havant Borough Council Design Guide SPD 2011 and the National Planning Policy Framework.