

Recommendation: **REFUSE PERMISSION**

DM13 (Car and Cycle Parking on Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Southern Water

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer crossing the site. The exact position, size and depth of the sewer shall be confirmed on site by the applicant.

It appears that the developer is intending to build over public foul sewer which is crossing the site. Building over a public sewer is not normally permitted by Southern Water. However, under certain circumstances building over a minor sewer may be allowed. 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. A formal application to Build Over the Public Sewer will be required to be submitted by the applicant and approved by Southern Water.

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.

For further advice, the applicant is advised to contact Southern Water, Southern House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Southern Water requires a formal application for any new connection/communication to the public foul sewers 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 contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. 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://lbeta.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

Officer Comment: An informative shall be included with the decision.

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: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 7- 5 in Objection and 2 in support

Comment	Officer Comment
We have no objection to this planning application. The properties in this area are too small and the proposed building works will make it a good family home. Many other properties in the vicinity have been increased in size, by converting the loft and building an extension.	Noted
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.	See section 7
The glass in the 1st floor bathroom window facing south, should be frosted for obvious reasons. My property is elevated with respect to 2 Capel Ley, and following recent tree pruning, I can now see into the south side of 2 Capel Ley.	See section 7
We object to the massive extension and rear dormer conversion on the upstairs which is totally out of keeping with the surrounding area. We are led to believe that extensions on the back of semi detached bungalows can only be a max of 3meters from the original back wall of the original build. This bungalow already has had a rear extension of this size, plus a large conservatory.	See section 7

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 extension of this size will act as a dam, causing gardens to flood even more.	See section 7
We are also not happy with the upstairs windows which are going to be overlooking our rear garden 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.	See section 7
The rear dormer will make the adjoining bungalow very dark. The rear dormer should not really come out further than the original bungalow or out over the original roof not the extension, as is on the plans, again needing obscured glass. On talking to other immediate neighbours, they have not received the planning permission letter, along with their immediate neighbour being away whilst this is going through. 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.	See section 7
I am very happy to support the application. I feel it is a very good design and has been sympathetically designed to fit in with the surrounding bungalows. I think it will enhance the bungalow to make a great family home.	Noted
I think it will block light from my bungalow and there will be a high brick building overlooking me. I hope these things will be taken into consideration when you come to view the property	See Section 7
From our dining room and kitchen windows we will have our view obstructed of the trees, i feel this kind of large development is not suitable for	See section 7

for such a confined area in capel close and would add further to congestion in that close.	
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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

(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 works proposed to No 2 consist of altering the roof design from a hip to barn-hip design, the addition of a rear dormer and a single storey extension to the rear. The proposed dormer and single storey extension with a pitched roof is located to the rear of the site and would therefore primarily be viewed from adjacent properties and gardens but not the main highway of Capel Ley. However, there is the potential for it to be viewed from the highway to the east, Shillinglee Road and as such is considered to be viewable from the public domain in part.

7.4 It is noted that without planning permission, No 2 would be able to change their roof form from a hip to gable design and therefore the barn hip roof proposed is considered to be acceptable and would comply with Permitted Development Rights. Rooflights are proposed to the front roof elevation and these have been confirmed to not project by more than 0.15m in order for the works to be compliant with Permitted Development Rights.

7.5 Evidence of single storey development to the rear is present within Capel Ley and Shillinglee Road however it would be noted that these examples are modest in scale and reflect a typical domestic sized extension. The works proposed to No 2 are considered to not reflect a domestic sized extension and are particularly large in scale at approximately 8.1 deep which does not take into account the existing rear extension which is to a depth of 4.5m. Therefore the total depth of the extension with the new proposed pitched roof would be 12.6m deep, 6.7m wide and 4m high when taken from the ground floor level. This is considered to be a significantly large scale development which does not create a subservient appearance on No 2 and has an unacceptable mass and bulk on the original dwellinghouse which is greater in depth than the original footprint of No 2 itself. The works would extend past the existing single storey extension and conservatory by an additional 5.15m which is considered to result in a materially harmful impact on the character and appearance of the area and would be contrary to the Borough Design Guide. Many comments have been submitted to the Local Planning Authority by members of the public raising concern with the suitability of the works from a design aspect.

7.6 Paragraph 5.39 of the Borough Design Guide States:

Single storey extensions, should also 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 of the extension should mirror that of the main building, in terms of its angle, eaves detail, materials, doors and windows. There may be exceptions to this rule, providing the results do not have an adverse affect on neighbouring properties or the streetscene.

- 7.7 Paragraph 5.41 also 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"*.
- 7.8 Comments have been made by the agent that under Class E of the General Permitted Development Order the works would comply and meet with criteria to be considered Permitted Development excluding the height created from the pitched roof of the extension. However, an attached domestic householder extension to serve a lounge is not considered to fall under the criteria to be considered as a detached building incidental to the enjoyment of a dwellinghouse and is a different type of development all together. Therefore the proposed works can only be considered under Class A and the criteria falling within this. Furthermore, under Class E the works would breach the allowed height from being within 2 metres of the boundary and would exceed the height permitted for the eaves. Therefore not only are the works not able to be considered as class E but they would not meet or comply with the strict criteria outlined under this class to be considered as Permitted Development.
- 7.9 It is therefore considered that the rear extension by reason of its size, scale, position and pitched roof design would represent an extension to the existing dwellinghouse that is out of character with the host property, is dominating and harmful to the visual amenities of the area.
- 7.10 The proposed dormer is large in size and although it shall be set down from the ridge height it shall be the full width of the roof and extends out over onto the top of the existing single storey rear extension. These works are considered to dominate the roof space and do not achieve a subservient appearance nor reflect a traditional design. It would be commented on that due to the design of the dormer proposed and that the works stretch out over the existing extension that the development creates more of a first floor rear extension rather than a dormer which is considered to not be a fair representation of the works proposed. Furthermore they do not sit neatly or appropriately in the rear roof space of No 2 and create an excessive bulk which is unacceptable. The works are considered to be of a poor design and not compliant with the Borough Design Guide nor Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.
- 7.11 The agent has submitted comments which state that the works would be compliant under Class B of the General Permitted Development Order were it not for an excess in depth of the dormer by 0.4m. Following an assessment however this is considered to not be the case as the works should not be less than 0.2m from the eaves which the works do not achieve. Furthermore the works should not extend beyond the outside face of any external wall of the original dwellinghouse. As the works spread out over an existing extension which was built post the original dwellinghouse of No 2 the works are considered to not be compliant under this class. The dormer would also exceed the size required to be compliant with this class and therefore for these three

aspects the works would require planning permission. With the assessment made, the works by reason of their scale, position and design are considered to create a development which is out of character to the host property, is dominating and harmful to the visual amenities of the area.

7.12 The development is therefore considered to be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Design Guide SPD

(iii) Effect on neighbouring properties

7.13 The works are proposed to be in line and along the shared boundary with the dwellinghouse to the north No 1 Capel Ley. It is considered that the resulting height and depth hard up to the shared boundary with No 1 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.

7.14 Paragraph 5.43 of the Borough Design Guide States that:

"The design of a rear extension should avoid the loss of light to neighbours. Obstruction of light and outlook from an existing window can be mitigated against if the extension does not result in the centre of the existing windows being within a combined plan and section 45 degree overshadowing zone."

7.15 Paragraph 5.44 goes on to say: *"To assess this, on the window wall elevation an angle is drawn diagonally down at 45 degrees from the near top corner of the proposed extension. An angle of 45 degrees is then drawn back from the end of the extension toward the window wall. If the centre of the main window of the adjoining property lies on the extension of both these lines, then the extension will probably cause a noticeable reduction in sky light received by the window."*

7.16 The agent has been made aware of these concerns and was offered the opportunity to submit amended plans. This has not been done but an argument has been made for how the works should be considered under Class E of the General Permitted Development Order. See point 7.8. However, it is considered that the resultant built form by reason of its combined height and depth being in such close proximity to the shared boundary would encroach within the 45 degree line and thereby would create an unacceptable reduction in outlook and be over-bearing in nature to No 1 Capel Ley.

7.17 With regard to the neighbouring properties opposite and along Shillinglea an assessment has been carried out. As the proposed first floor works shall be set away from the neighbouring dwellings by approximately 29m 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 potentially required to be levelled out would be set off the boundary by over 1m and therefore would be compliant with the Borough Design Guide. Combined with suitable screening between the dwellings the works are considered, on balance, to not be harmful enough to warrant a refusal of planning permission.

7.18 A first floor side window is proposed to serve a bathroom to the south. Although concern has been raised regarding over-looking from this window the distances between the works and neighbouring adjacent property are considered to be

acceptable. The window shall also be angled so as not to look directly onto the dwellinghouse to the south west and therefore although a potential impact caused, this is considered to be limited and acceptable.

8 Conclusion

- 8.1 It is therefore concluded that the rear extension by reason of its depth and width along 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 dormer is considered to be significantly large in scale and is proposed to a poor design which appears dominating and dis-proportionate to the roof space available. 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 Havant Borough Design Guide SPD.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/01249 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.