
Site Address:	46 New Brighton Road, Emsworth, PO10 7QR		
Proposal:	Variation of condition 2 of Planning Permission APP/13/00765 relating to amended fenestration on east elevation.		
Application No:	APP/18/01124	Expiry Date:	02/01/2019
Applicant:	Mr Caldwell		
	Caldwellcare		
Agent:	Mr Watford	Case Officer:	Daphney Haywood
	PWP Architects Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

Merok House Rest Home- 46 New Brighton Road, comprises an established Care Home, originally constructed as a large detached single dwelling house in the early 1900s. The property has subsequently been converted to a Residential Home and extended to provide 30 bedrooms.

The site lies within a primarily residential areas and to the south is a substantial detached dwelling at 44 New Brighton Road. To the north lies the cul-de-sac of Silvertrees which was constructed on the house and grounds of No46 in the early 1980's. Three of those houses closely adjoin the northern boundary of the application site. To the rear the application site is adjoined by other houses of post war construction situated in the cul-de-sac of Danbury Court.

2 Planning History

95/53834/003 - Single storey rear extension and conservatory to provide four additional rest home bed spaces, conservatory addition to north (dining room) and associated parking revisions
, REF, 14/12/1995

91/53834/001 - New window at ground floor level on the north elevation, 8ft high fence on part of northern boundary, & internal alts to permit an increase from 22 to 23 residents., PERM, 14/08/1991

APP/13/00275 - Refurbishment scheme to existing care home to include replacement three storey extension to south elevation; part single storey, part three storey extension to north elevation; part single storey, part two storey extension to east elevation, and associated works. Closure of one existing vehicular access and provision of additional parking., WD, 09/05/2013

APP/13/00765 - Internal alterations, proposed replacement side extension (3 storey), proposed replacement side/rear extension (2 storey) with new build addition, and infill of existing central courtyard to form 30No. bed care home. Closure of one existing vehicular access and provision of additional parking (approved on appeal 12.03.2014). Request to Discharge Condition 4 (04.05.2016). Request to Discharge Condition 6 (12.07.2016). , PERM, 18/09/2013

APP/14/01303 - Erection of 2No. outbuildings to rear, for office and storage purposes ancillary to the care home., REF, 04/03/2015

3 Proposal

Variation of condition 2 of Planning Permission APP/13/00765 relating to amended fenestration on east elevation.

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)

CS7 ()

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

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: 2

Comment	Officer Comment
Window not shown on the approved plans.	see section 7
This window appears to have been installed with no thought given to its external appearance and its impact on the properties it overlooks.	see section 7
It is considerably more dominant than the 2 feature windows it replaced. These were set off with wide, light coloured lintels and window ledges in keeping with the rest of the original property. The new window is installed much higher than the original windows - its ledge being the same height as the lintels of the original windows. The height, size and style of this window in a dark brick gable makes it very dominant.	see section 7

The retention of the lintels and ledges whilst bricking up the original windows gives this part of the building a rather odd and unattractive appearance. Please note that the drawings provided with this application have omitted to show the retained window ledges.	see section 7
This replacement window is a different design to the window approved and installed in the new gable at the other end of the eastern facade. That new window is installed in a similar high position in the gable which is clad in a light coloured roughcast setting so it is not obtrusive.	see section 7
We believe that the large single window installed significantly higher in the gable has reduced our privacy in 2 ways - the increased elevation combined with the use of plain glass puts it in direct line of sight of our second bedroom.	see section 7
We strongly believe this new window installation is unacceptable and retrospective planning permission should not be granted.	see section 7
It faces directly onto properties in Danbury Court resulting in loss of privacy to the main bedroom. Privacy is already compromised by the window on the extension to No46 which overlooks lounge/living room.	see section 7

7 **Planning Considerations**

- 7.1 This application has been submitted pursuant to S73 of the Town and Country Planning Act, in order to seek approval for a form of development on the site which differs from the original APP/13/00765 permission - this relating to a revised window arrangement at second floor level in the east elevation of the premises. The approved scheme included two separate low level windows serving a room on this floor; the revised scheme, which has already been carried out, sees these openings blocked up and the windows reused in a consolidated opening at higher level on the elevation. The effect of an approval under S73 is that a fresh permission is granted for the development in question.

- 7.2 S73 (2) of the Act states: *On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.*

The majority of the matters considered under the original application are not affected by the proposed changes. Having regard to the relevant policies of the development plan it is considered that the main issues arising from the changes proposed in this S73 application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development

- 7.3 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the character and appearance of the area

- 7.4 The revised window arrangement is situated in the rear elevation and is therefore not prominent in the street scene. It replaces 2 smaller windows in this elevation, but is set at a greater height to better relate to the floor level in the room it serves. The existing windows have been infilled with brickwork although the window lintels and ledges have been retained. The rear elevation contains a number of windows of varying size and height, and the revised window, whilst of a different design, is considered to be of acceptable appearance.

- 7.5 The design and appearance of the proposal is therefore deemed appropriate in context to the main building and is 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) Impact upon residential amenity

- 7.6 The new window arrangement serves a bedroom, and whilst sited at a higher level than the 2 small windows it replaced, is nonetheless set off the rear boundary by in excess of 40m and as such adequate separation is provided between the window and properties in Danbury Close, well in excess of the requirements of the Borough Design Guide. There are limited views over the gardens of properties in Silvertrees, but these are at an angle and the impact on privacy is not considered to support a refusal of the application.
- 7.7 Consequently, it is considered that the proposal has limited and acceptable impact on the properties immediately adjacent to the application site and the properties to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 Conclusion

- 8.1 The proposal has limited and acceptable impact on the character of the area and the neighbours and is therefore considered to be appropriate and recommended for approval.
- 8.2 With regard to conditions, as the work the subject of this application is retrospective, there is no need for a time limit for the permission. A variety of previous conditions imposed on APP/13/00765 relating to pre-commencement or pre-occupation requirements have now been secured and implemented so do not need to be reimposed. However, conditions remain required relating to ongoing controls in respect of lighting, ventilation equipment, noise, parking and a Travel Plan.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01124 subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Second floor plan dwg no. 1262 rev F
Elevations dwg no. 1351 rev E
Reason: - To ensure provision of a satisfactory development.
- 2 Within 4 months of the date of this permission, the north access shall be blocked up and space for the loading, unloading and parking of vehicles shall be provided within the site in accordance with the details approved under Planning Permission APP/13/00765. Such areas shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The Travel Plan Statement dated July 2013 shall be implemented in accordance with the details approved under Planning Permission APP/13/00765 unless agreed otherwise in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The windows identified as obscure glazing on the plans approved under Planning Permission APP/13/00765 shall be permanently retained as such.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 Noise resulting from the use of any/all plant, machinery or equipment on the site shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997.
Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area and to avoid "creeping" background noise levels in the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework .
- 6 Notwithstanding any information contained in the current application, no floodlighting or other form of external lighting scheme shall be installed on the site unless it has been approved by the Local Planning Authority. Details shall include, intensity and contours of illumination at various locations but including illumination levels at the nearest residential properties. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details. There shall be no external lighting on the site other than as thereby approved.
Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy)

2011 and the National Planning Policy Framework .

- 7 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.