
Site Address: 76 Bosmere Gardens, Emsworth, PO10 7NR
Proposal: Variation of Condition 10 of Planning Permission APP/16/00743 relating to additional roof windows creating 4th bedroom.
Application No: APP/18/00417 Expiry Date: 11/06/2018
Applicant: Mr J Durkin
Agent: Mr A Airey Case Officer: Tina Pickup
 Medlams Surverys Ltd
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is located on the north side of Bosmere Gardens and comprises an end of terrace, two-storey dwelling of red brick and tile construction. The site is a corner plot having a rear garden to the north for the existing dwelling and a side garden to the east, which extends up to the curved highway edge where an evergreen hedge provides boundary screening. Within this side garden area is a large old conifer tree and in the north eastern corner, just beyond the application site within the curtilage of No 74, is a significant ash tree that overhangs the application site. There is an area of hard standing at the front of No 76 which provides on site parking for up to 2 vehicles. The existing dwelling has a rear flat roofed dormer and a single storey flat roofed linked side/rear porch/outbuilding.

The land is level and the surrounding area residential in character, mainly terraced two storey dwellings with some bungalows to the west.

Permission APP/16/00743 permitted an extension creating an additional dwelling and this is currently under construction on site.

2 Planning History

APP/15/00784 - Application for Lawful Development Certificate relating to single storey rear extension., PERM,04/09/2015

APP/16/00743 - Erection of 1No. 3 bed dwelling to extend existing terrace. (Approved 12.10.16). Request to discharge condition (TBC),

3 Proposal

Variation of Condition 10 of Planning Permission APP/16/00743 relating to additional roof windows creating 4th bedroom.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - Highways

This application should be determined by The Planning Authority using guidance given in the Highway Design Standards

Traffic Management Team

We have received a complaint from local residents about inconsiderate parking in Bosmere Gardens and the area has been added to our list of areas for new waiting restrictions. When I visited the site there was a number of obstructions caused but this is on the main part of Bosmere Gardens not the spur where the new property is proposed. I therefore do not have any concerns about this lack of parking space.

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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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 upon the character and appearance of the area

- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Other matters/conditions

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The principle of an additional dwelling has been accepted by APP/16/00743 and is currently under construction on site. That permission related to a 3 bed dwelling and provided 2 on site car parking spaces in accordance with the adopted Parking SPD. The impact of inserting 4 additional roof lights (2 in each roofslope) to provide an additional bedroom and en suite in the loft space is now under consideration:

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

Within this established residential area roof lights and dormers are prevalent. The proposed roof lights are modest in scale and appropriately sited above windows below, such that their visual impact to the street scene and character of the area is considered appropriate and acceptable, in accordance with Policy CS16.

(iii) Impact upon residential amenity

The rooflights are set relatively high on the roofslope and would be unlikely to result in any direct overlooking to neighbouring properties. Therefore the amenity of adjacent residents would not be materially harmed.

(iv) Highways and parking

The introduction of a 4th bedroom does trigger the need for a third on site car parking space to meet the adopted Parking SPD. However this cannot be provided on site without detriment to the available amenity space or loss of landscaped frontage and roadside hedge. Therefore the applicant has undertaken a Parking Survey to demonstrate that there is sufficient capacity on local roads to accommodate the shortfall - as required by para 4.33 of the Parking SPD. This has been undertaken at a variety of times including 22.00hrs and whilst overnight was, as expected, the most parked up, nevertheless the cul-de-sac part of the Bosmere Gardens, immediately adjacent the site, had some availability. The traffic team has been consulted and notes that some parts of Bosmere Gardens are known to suffer from indiscriminate parking, but not the spur adjacent to the application site. Hence they raise no objection. Accordingly it is considered that the lack of the on site space to serve the 4th bedroom would not be materially harmful to local highway amenity sufficient to substantiate a refusal as contrary to policy DM3.

(v) Other matters/conditions

This is a Section 73 application and its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have already been discharged. There were 2 pre-commencement conditions that needed discharging - condition 4 (hardsurfacing materials for the parking area) and condition 6 (landscaping with replacement tree). The details have been submitted as part of this application and fulfil their intention - the parking surfacing is porous and has a delineated path between breaking up the visual impact; and the replacement field maple tree with under storey planting has been confirmed by the landscape Officer as being appropriate. Therefore these conditions need not be re-imposed as pre-commencement conditions but as compliance with the details submitted.

8 **Conclusion**

On balance it is considered that the substituted plans showing rooflights to create a 4th bedroom are acceptable and would not result in any material harm to either the street scene or neighbouring amenity. Condition 10 can therefore be varied to allow for the additional rooflights.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00417

(A) subject to the following conditions

- 1 The development hereby permitted shall not be first occupied until the implementation of the hardsurfacing has been completed in full accordance with the details specified on dwg no PL50 Rev B. Thereafter the 2 parking spaces provided for both No 76 Bosmere Gardens and the proposed dwelling as shown on the hereby approved plans, shall be kept available for such purposes.

Reason: In the interests of highway safety and having due regard to the Parking Supplementary Planning Document, 2016, and policy DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 2 The existing hedge along the eastern boundary of the site, as shown on the hereby approved plans, shall be retained in perpetuity to a minimum height of 1.5m, except where required to provide improved visibility for the car parking spaces.

Reason: To provide adequate screening to form a private amenity area for future occupiers and to protect the appearance and character of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 3 The landscaping shown on Dwg no PL50 Rev B shall be completed in full accordance with the approved plan within the first planting season following first occupation of the hereby approved development. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The first floor bathroom window in the rear, north, elevation, shall:-

(i) consist of at least two lights divided horizontally with only the top light capable of being opened, and shall be maintained in that condition at all times;

and

ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

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 2012.

- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Class A of the 1995 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to maintain control of such additions in the interests of the amenity of neighbouring residents, to ensure an adequate amount of amenity space and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.

- 6 No development shall take place until the ash tree in the north eastern corner that is to be retained is enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Elevations and Plans Drawing No PL01 Rev A dated 04.07.16
Hardsurfacing and Landscaping Plan Drawing No PL50 Rev B

Reason: - To ensure provision of a satisfactory development.