

Recommendation: **GRANT PERMISSION**

- 1.1 The application site is a two storey older style semi detached house located within a residential road in Denvilles. Fifth Avenue is characterised by regularly spaced detached and semi detached properties which adhere to a similar building line.
- 1.2 The application site has a hipped tiled roof, with elevations of brick and render. The front of the property provides off road parking for several vehicles.

APP/17/01284 - Prior notification for single storey development extending 6 metres beyond the rear wall of the original dwelling, incorporating an eaves height of 2.35 metres and a maximum height of 3.6 metres., WITHDRAWN,04/12/2017

Single storey side and rear extension.

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)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5.1 No consultees were required for this application.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
• Why does the extension need to be 7m, why not sufficient to align with ours? • Why does it need to be so tall - will totally block the late afternoon sun from our garden seated areas • The extension will be out of keeping with the design and character of the pair of semi detached properties and create a tunnelling effect • The proposed location of the doors and windows should not face east towards our property • Why does the extension need to be so close to the party wall? • The light pollution from fenestration of the extension will floodlight our garden • The application form does not indicate that the privet hedge and birch tree will be affected by this extension. • The extension will have an unacceptable impact on the amenities of our property in terms of overlooking, loss of privacy and will be overbearing, representing an un-neighbourly form of development • Our kitchen/diner, private amenity area of our garden, landscaped patio with seating and summer house will be severely overshadowed and overlooked from the extension, resulting in an invasion of our privacy • The Human Rights Act states that a person has the right to peaceful enjoyment of their home and land, and a person has the substantive right to respect for their private and family life which encompasses not only the home but also the immediate surroundings.	Comments addressed in Section 7

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 Due to the proposed location of the extension, it is not considered that it would be readily visible from the public domain and therefore will have a minimal and acceptable impact on the character of the area. Notwithstanding this, the proposed materials are to be similar to those used on the host dwelling.

- 7.4 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

- 7.5 Due to the separation gap between the proposed development and the properties to the north and south of the application site, it is not considered that the extension would impact the occupiers of these neighbouring properties.
- 7.6 The property to the west (7 Fifth Avenue) is a detached two storey dwelling which has been extended to the rear by means of a single storey pitched roof extension. Running along the boundary line between the application site and this neighbouring property is a detached garage, which extends approximately 10m to the south, into the rear garden of No. 7. The separation gap between the proposed extension and this neighbouring property will be over 4m. It is noted that the proposal includes a window to the western elevation to provide light and ventilation to a Utility room. This window will face the blank wall of the extension of No. 7 Fifth Avenue.
- 7.7 To the east of the application site is the adjoining semi detached property - No. 11 Fifth Avenue. This neighbouring property benefits from a small extension to the rear, with a patio door providing access to the rear garden. The current boundary treatment between these two properties is a privet hedge which is sited within the curtilage of the application site.
- 7.8 Concerns have been raised by the occupiers of No. 11 Fifth Avenue in relation to loss of light and privacy to both their kitchen/diner and their external amenity area (their concerns are noted in section 6 of this report), and these points are to be addressed below.
- 7.9 Initially the occupiers of the application site submitted a Prior Notification application, proposing a rear extension the width of the host dwelling, which would extend 6m. Concerns were raised in relation to the impact that this would have on the occupiers of No. 11 and subsequently this application was withdrawn. This application was subsequently submitted, with the extension set approximately 2.5m back from the boundary line with No. 11, extending approximately 7m from the rear wall of the original dwelling to compensate for the reduction in the width. The plans show the extension to have a maximum roof height of 3.4m and an eaves height of 2.5m. The roof is to be pitched and therefore the maximum height of 3.4m will be set 4.7m from the boundary line. These proposed heights fall below those allowed under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for a single storey rear extension. It is accepted that Permitted Development rights would only apply for an extension projecting up to 3m, however this could be constructed on the boundary line, whereas this application shows a separation gap of approximately 2.5m will be retained. Whilst carrying out the site visit it was noted that a designated seating area is located to the rear of the converted garage / garden room at No. 11. Due to its position within the garden the extension would have no impact on this amenity space.

To assess the potential loss of light to the kitchen/diner of No. 11, a 45 degree overshadowing test has been carried out showing that the extension would have a minimal and acceptable impact, which would not be significant enough to justify the refusal of the application in terms of loss of light or overshadowing.

- 7.10 With regard to the potential loss of privacy of the occupiers of No. 11, again it has to be recognised that the extension is to be set approximately 2.5m from the boundary line. The current boundary treatment is a privett hedge. It is understood that, although the applicants would prefer to remove the hedge and replace with 2m close board fencing, they are aware that the occupiers of No. 11 Fifth Avenue would like the natural screening to be retained. The hedge has not been measured however it stands at approximately 1.5m in height. Concerns have been raised from the occupiers of No. 11 that the insertion of doors to the side (eastern) elevations of the extension will result in unacceptable overlooking into their kitchen/diner, and rear amenity garden area. It was noted on the site visit that the garage of the occupiers of No. 11 has been converted into a garden room, with doors looking to the west, towards the application site.
- 7.11 It is accepted that the two sets of patio doors to be inserted into the eastern elevation of the extension will result in an element of overlooking towards No. 11. However the separation gap of approximately 2.5m has to be considered, along with the current boundary hedging. It is considered that, on balance, any overlooking caused by the extension would not be significant enough to justify the refusal of this application. Furthermore any overlooking could be reduced by the addition of 2m high fencing, however the occupiers of the neighbouring property have expressed their desire for the hedge to be retained. It is therefore suggested that a condition is attached to this decision to retain a form of boundary treatment to a minimum height of 1.5m.
- 7.12 Concern has been raised that by permitting this application it would be contrary to residents' human rights with particular reference to allowing a form of development which would impact their peaceful enjoyment of their property and respect for privacy and family life. It is considered that given the safeguards provided by planning conditions and other legislation, no material interference with the residents' human rights has been established and there is no need to consider the matter further.
- 7.13 Consequently, it is considered that the proposal is unlikely to 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 or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

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/18/00153 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 development hereby permitted shall be carried out in accordance with the following approved plans:
Site and location plan - 01

Existing plans and elevations - 02

Proposed plans and elevations - 03

Reason: - To ensure provision of a satisfactory development.

- 3 The boundary treatment between the application site and the property to the east (11 Fifth Avenue), shall be retained at a minimum height of 1.5m.

Reason: To safeguard the amenities of the 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 external materials used shall be as indicated on the hereby approved plans and details unless otherwise agreed in writing by the Local Planning Authority.

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.