

Recommendation: **GRANT PERMISSION**

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Development Engineer - Highways

No adverse comments.

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: 3

Comment	Officer Comment
I would like to object to the proposed extension at No 48 Kings Road Cowplain. The previous application was dismissed at Appeal. I do not believe the application has overcome the reason for the previous refusal and this application should likewise be refused. The proposal would result in what would essentially be a 5m wide, 4.85m High brick wall within 2m of the boundary wall. This would have a very severe impact on the amenities and quality of our life, and also any future residents. The rear wall of No 48 is already deeper than the rear wall at No 50 and this extension would exacerbate an already uneven situation	See section 7.

and would cause loss of light and outlook to the rear windows at our property.	
The Havant Core Strategy Policy CS16 states that development should not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking. The Havant Borough Design Guidelines go into more detail as to how this can be mitigated and states that rear extensions should be a maximum of 3m from the rear wall and two storey rear extensions should be at least 2m away from the side boundary. The proposed extension is only 1.3m from the boundary wall and there is only 2.85m separating the two houses. The only change that was made between the previous application and this is a reduction in depth at first floor level of less than 1m. This does not address the issue of the proximity to the boundary nor the overbearing nature of the proposal.	See section 7.
In addition although the Inspector inferred that it was a supplementary issue, the loss of light to the rear windows at our property and to the conservatory, further indicates that this application should not move forward. The proximity of the extension to the east of our property would further block out light to the north facing windows which already receive only minimal sunlight, especially in the winter months.	See section 7.
The proposed extension would result in loss of Light and outlook and cause a sense of overbearing to our property which is unacceptable according to the Havant Borough Core Strategy and Design Guidelines and therefore the application should be refused.	See section 7.
I note that the plans submitted at 48 Kings Road have been slightly amended again therefore I want to resubmit my comments from 1/2/18 and restate my objection thus:	

My elderly parents live at number 50 Kings Road. I feel that the proposed rear two storey extension at 48 Kings Road would have a severe adverse effect on the quality of life they enjoy there for the following reasons: 1) I feel that the modified extension design would still appear very bulky and overbearing particularly with regards to my parents outlook from the kitchen window and conservatory and therefore greatly impact their use and enjoyment of the property. 2) I feel that the extension would cast shadow across the whole of their patio area/top garden area, and restrict available light into the kitchen and conservatory. The kitchen in particular would get very little natural light afterwards and become very dark throughout the day. In summary, the new planning application does not satisfactorily overcome the previous reasons for refusal therefore this application should also be rejected.	See section 7. See section 7.
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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, 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 proposal is for a first floor side addition and a two storey and single storey extension to the rear of the property. It would provide generous additional accommodation including a substantial kitchen/diner, a fourth bedroom and an increase in size to two of the existing bedrooms at first floor.

- 7.4 Following the refusal of APP/17/00294 and the dismissal of the appeal which was subsequently lodged, the revised plans have reduced the depth of the first floor rear element of the extension by 0.9 metres. However, taking into consideration the comments made by the Planning Inspector in the appeal decision notice, it was regarded that this reduction was not sufficient to address the reasons for the dismissal of the appeal, those being that the extension was overbearing and would result in a loss of amenity to No. 50. Consequently the scheme was further amended to reduce the depth of the first floor element of the rear extension by an additional 1.1 metres resulting in an overall reduction of 2 metres. The single storey rear extension has been set back 0.3 metres to 4 metres. In isolation, this is the depth to which the ground floor element of the extension could be built within the realms of permitted development.
- 7.5 The new roof over the study and front porch, together with the first floor side infill extension will upgrade and regularise the external appearance of the property.
- 7.6 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

- 7.7 Concerns were raised with respect to the size of the scheme, with little modification to the proposal refused under APP/17/00294 and subsequently dismissed at appeal. In particular, the rear extension appearing overbearing and affecting the light of the neighbouring property at number 50. The revised scheme has reduced the depth of the first floor rear element by 2 metres (almost half the original scheme) with a roof which pitches away from the property boundaries and is hipped to the rear to lessen the bulk. This reduction is considered to be a significant amendment to the original scheme and the amended scheme which only reduced the extension by 0.9m.
- 7.8 Whilst the single storey element is 1 metre deeper than the existing conservatory, it has a mono-pitched roof of a modest height of 3.1 metres and in isolation does not exceed the 4 metre depth which could be built within the realms of permitted development. It is noted a rear extension of the same depth with an eaves height of 3 metres and total height of 4 metres could be constructed without planning permission.
- 7.9 A 45 degree angle test was carried out as recommended in the Havant Borough Council Borough Design Guide SPD, which verified the single storey element of the rear extension would fall marginally within the overshadowing zone of the kitchen window at number 50 Kings Road. However, the proposed 4 metre of this part of the extension could be built under permitted development. The reduced two-storey element of the extension would pass the 45 degree test and therefore on planning grounds, a reasonable outlook would be retained from the closest neighbouring windows at No. 50.
- 7.10 Furthermore, the rear windows in this property face north, consequently the proposal would have a lesser impact in reducing sunlight received in the garden of this property.
- 7.11 Whilst it is recognised the proposal will mainly affect the occupiers of the property at number 50 Kings Road, the impact of the reduced extension is significantly less than that of the previous application and although it would still be visible, on balance it is

now considered the impact would not be so great as to constitute a defensible for refusal.

- 7.12 Whereas there could be the perception of a degree of overlooking into the neighbouring rear garden at number 46 from the northern-most window serving bedroom 2 in the south east elevation, it is considered to be situated far enough away to limit any additional overlooking. A degree of overlooking to the rear gardens of the neighbouring properties already exists from the rear first floor windows.
- 7.13 The properties to the rear are deemed to be a sufficient distance away for any impact to be negligible.

(iv) Parking

- 7.14 There is an increase in the number of bedrooms from three to four, subsequently there will be a requirement for three on site parking spaces as recommended in the HBC Parking SPD (July 2016). A parking plan has been submitted as part of the application to reflect this and it is therefore considered a condition is not necessary in this instance.
- 7.15 Consequently, it is considered that the revised proposal has reduced the perception of the scheme appearing overbearing and is unlikely to lead to additional 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/18/00044 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 external materials used shall be as stated under Section 11 (Materials) of the application form.
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.

- 3 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the two southernmost windows in the first floor on the south east elevation serving the en-suite and bathroom shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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.

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

Location plan

Drg No. 4670/500 - Rev A

Drg No. 4670/1

Drg No. 4670/2

Drg No. 4670/3

Drg No. 4670/4 - Rev D

Drg No. 4670/5 - Rev F

Drg No. 4670/6 - Rev E

Site layout and parking plan

Existing ground floor plan

Existing first floor plan

Existing elevations plan

Proposed ground floor plan

Proposed first floor plan

Proposed elevations plan

Reason: - To ensure provision of a satisfactory development.