

Recommendation: **GRANT PERMISSION**

- 3.1 The application is for the refurbishment and extension of existing detached residential unit, works to include: infill of undercroft areas on ground floor, internal alterations and new window openings, balcony to first floor, new shutters on ground floor of southern elevation and new sea defence wall to rear garden. Landscaped garden to include a jacuzzi and decking area. Garage block to be rearranged with new entrance canopy and garage extension. The proposed ground floor plan also shows a store to the eastern elevation of the property, but the agent has confirmed this will be constructed at a later stage under permitted development allowances.

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

CS15 (Flood and Coastal Erosion)
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**

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: 16

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
We are most concerned about the proposed raising of the height of the existing wall between our property (wall being at present 1 metre high). Any raising of this height as a so called 'secondary sea defence' would impact greatly on outlook and there are no other properties in the area which feel the need for such, as records show there has been no flooding since the 1960s.	See section 7.
Our other objection is the erection of of a 1st floor balcony projecting out over the original footprint of the current property which will result in us being overlooked from on high impeding our right to the enjoyment of our property.	See section 7.
From our small garden our view to the	See section 7.

east will be greatly restricted if wall as planned goes ahead which would be a great disappointment and being overlooked by proposed extended balcony disconcerting. Can we please refer you to the following in conjunction with our aforesaid objections ECSP (CS16c of the District Wide Local Plan/Core Strategy) and ESCP (CS15.3 District Wide Local Plan/Core Strategy) We ask that you take our objections into consideration on deciding the application.	
We object to the so called secondary sea wall defences which state on plans to existing heights, but we fear the applicant has a design to make it at least the the main wall at the rear of the property much high than it is currently. The rear wall onto the beach is part of the coastal defence scheme and should not contravene any future proposals the Eastern Solent Coastal Partnership may employ. It must remain at the same height as current as indicated in CS16 c of the District Wide Local Plan/Core Strategy.	See section 7.
Our main living room and garden face eastwards and will be greatly impacted by the development of the undercroft. We are very concerned that the boundary wall between our property and the applicants must remain at the same height as it is currently set at 1m otherwise we will again be impacted in the living room and garden.	See section 7.
If the secondary wall height is increased it could cause water to escape into our property should a flood occur. The increase in wall heights may well not be in line with future plans and policies of the ESCP thus causing further conflict of interest for us and other neighbours with any defence enhancements to be carried out by the ESCP.	This is not a material planning consideration.
A fully independent flood risk assessment should be carried out involving neighbours the ESCP and any other interested party before the applicant is given permission that could allow wall heights to increase and	A detailed flood risk assessment was submitted as part of the application.

cause detrimental effects to neighbouring properties. No other property has so called 'secondary sea defence' arrangement records show there has been no flooding since the 1960s. There are no other secondary sea defence walls at other properties in the area as per Policy Cs15.3 of the District Wide Local Plan/Core Strategy.	
The proposed site of the development is at such an angle tht the primary amenity area of our garden, a terrace with seating and living room would be severely overlooked from the new balcony resulting in a serious invasion of our privacy. The balcony will project out over the footprint of the building and is unlike other properties in the vicinity.	See section 7.
Contrary to Policy CS16 points c and e. The design does not afford adequate privacy for the occupants of the building or of the adjacent properties particularly with regard to their right to the quiet enjoyment of garden amenities. We would urge you to consider the Human Rights Act regarding the peaceful enjoyment of the home and other land. We believe the proposed development would have a dominating impact on us.	See section 7.
We would like to request that should the application be approved the council should enforce controlled hours of operation and consideration with access of construction vehicles unloading and parking without causing a highway hazard.	See section 7.
We would welcome the opportunity to meet with a representative of the planning department to illustrate our objections.	The planning officer visited the neighbouring property on 29 June 2018.

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) Flood issues
- (v) Developer contributions

(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 upgrade and refurbish the existing property to include the infill of existing and undercroft areas at ground floor, a first floor balcony to the southern elevation and an extension to the existing garage, the scheme being visible from both Southwood Road and the public promenade to the rear of the property. Although the development would result in a generous increase to the internal volume of the property through infilling, it is only the extension to the garage which would add to the footprint of the existing site. It is considered the proposed works and external finishes would modernise and enhance the appearance of the property, resulting in a cohesive form of development.
- 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 deemed there would be no adverse impact on the existing streetscene, the character of the promenade or the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.5 The proposed works would be visible from all neighbouring properties due to the nature of the scheme and the open aspect of the site. With respect to the extensions to the dwelling, they do not extend beyond the front or side elevations of the property and there is only one first floor landing window to the front (northern) elevation. There are two new high level ground floor windows to both the eastern and western elevations which are to serve 2 cloakrooms, a bathroom and laundry room, although in isolation these would fall within the limits for permitted development. In addition the bi-fold doors in the northern ground floor elevation serving the gym do not project beyond the front elevation of the property and consequently would also be permitted development.
- 7.6 The extension to the garage is a continuation of the existing to provide a canopied area with a depth of approximately 4.3 metres. This element of the scheme is well within the property boundaries, located to the north of the adjacent properties and it is judged any impact would be negligible.
- 7.7 Concern has been raised with regard to the proposed new 'sea defence' wall which would provide a means of enclosure to the rear amenity area of the property. Whilst it is acknowledged this will have an impact on the existing views from the neighbouring ground floor flats to the east and west, the loss of private views is not a material planning consideration. Furthermore, confirmation has been received from the agent that the wall will not exceed 2 metres in height and it is noted this work can be carried out within the realms of permitted development.
- 7.8 With respect to the proposed new balcony, concern was raised regarding overlooking and the loss of privacy to the gardens of the neighbouring flats to the east at 192 Southwood Road. The new balcony will be located in between the new bay windows which are to replace the existing. There will be no increase in the width of the new windows which are set in 0.85 metres from the edge of the dwelling, although the depth and height will be enlarged by 0.25 metres and 0.5 metres respectively. The balcony is set in 3.5 metres from the edge of the dwelling and has a length of 5.8 metres and a depth of 1.5 metres and will project 1.05 metres beyond the new bay windows with a 1.1 metre

high glass balustrade.

- 7.9 There are balconies at first floor to both neighbouring buildings with balustrading of a similar height and it is noted there are no privacy screens to the sides of these existing balconies which extend to the edge of the properties. Consequently, given the situation of the proposed balcony which would maintain a distance of 4.7 metres to the western boundary and 4.9 metres to the eastern boundary and would be positioned in between the new bay windows, it would seem unreasonable to impose a condition for privacy screens to be fitted. It is noted that there are significant views in to the application site and neighbouring properties from the beach and other balconies. Open aspect balconies are therefore an accepted characteristic of the area.
- 7.10 There is a window serving the kitchen of the ground floor flat at number 196 Southwood Road and the proposed undercroft extension could be perceived to result in a loss of light to this window. However the undercroft infill will not extend beyond the existing eastern and southern elevations of the property, retaining the current gap of 2.5 metres and it is considered any additional loss of light would not constitute a defensible reason for refusal. On the western side of the property, although there are side windows in the eastern elevation of the neighbouring properties, the existing 4.7 metre gap will be retained and it is judged this would not result in a harmful impact to these neighbouring properties.
- 7.11 The scale of the development would not typically warrant a condition to control the hours of operation of the construction or associated traffic and it is advised that any concerns regarding noise during building works would be an issue for the Council's Environmental Health Section.

(iv) Flood issues

- 7.12 The site is within Flood Zones 2 and 3, however the proposed development is to extend the existing property including the provision of a balcony, and will therefore not put the occupiers or employees of the emergency services at any additional risk in the event of a flood. The agent has submitted a flood risk assessment to confirm that appropriate flood risk measures have been considered. The development therefore meets the requirements of policy CS15 of the Havant Borough, Local Plan (Core Strategy).

(v) Developer contributions

- 7.13 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Hayling Island.
- 7.14 The proposal would result in new floorspace to an existing property which exceeds 100 square metres and would therefore be Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the dwelling has been calculated by the agent as 103 sqm which generates a total CIL liability of approximately £10,300 plus indexing. It is noted that self build exemption has been claimed in relation to the development.
- 7.15 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).

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/18/00400 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 indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.
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 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drg no. 1724-002 P3 Location and block plan
Drg no. 1724-003 P2 Existing ground floor plan
Drg no. 1724-004 P2 Existing first floor and roof plan
Drg no. 1724-005 P2 Existing north and south elevations plan
Drg no. 1724-006 P3 Existing east and west elevations plan
Drg no. 1724-007 P2 Existing sections A-A and B-B plan
Drg no. 1724-008 P2 Existing sections C-C and D-D plan
Drg no. 1724-020 P1 Proposed ground floor plan
Drg no. 1724-021 P1 Proposed first floor plan
Drg no. 1724-022 P1 Proposed roof plan
Drg no. 1724-023 P1 Proposed north and south elevations plan
Drg no. 1724-024 P1 Proposed east and west elevations plan
Drg no. 1724-025 P1 Proposed sections A-A and B-B plan
Drg no. 1724-026 P1 Proposed sections C-C and D-D plan
Drg no. 1724-040 P3 Proposed garage floor and elevations plan
Design and access statement May 2018
Flood risk assessment February 2018
Reason: - To ensure provision of a satisfactory development.