

The increased level of the driveway
The repositioning of the boundary wall to the north
Changes to the layout of the front garden/parking area

- 3.2 This application is retrospective and at the time of the Officer's site visit, the revised works had been implemented and completed.

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)

Havant Borough Local Plan (Allocations) July 2014
DM20 (Historic Assets)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Conservation Officer, Development Control
No objection.

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: 2

Comment	OfficerComment
The driveway from Bath Road to 40 Bath Road's garage under the house. The original first scaled drawing submitted 2015 Proposed Site Section A-A, was given planning permission, which we supported, other than the difference of opinion of the front boundary between 39 and 40.	See section 7.

Independent professional surveys have been produced for 39, 40 and 41. These have reached different conclusions. In order to reach an agreement the differences between the surveys were agreed on site to be halved and a wall built accordingly. The wall that is now built has been moved 215mm north from the original wall. Our survey shows that our boundary is south of this new wall by 215mm plus the depth of the original wall. All three sets of owners have agreed that we would cooperate and send to the land registry revised boundary dimensions.

As this approved plans section A-A showed, the drive's North Side elevation was drawn as it had been for many years at an angle into the former archway (now garage) and its height measured from the road upward to within the inside angled garage flooring. There is also a scaled illustration of a vehicle shown parked close to the garage door either front or rearward facing, with its roof just showing above shrubs on the north wall.

Increasing the driveway angle height has occurred because the slope within the garage has been altered to be an overall horizontal floor. The start point of the garage level flooring has been brought forward by 1800mm because of the extension. This has meant that the original entrance pillars are now the second pillars in the garage and therefore the old angled floor is even further into the new garage. In turn these two changes have meant that the height ratio of the change to driveway is closer to an increase of 550/600 mm and explains why the cars were mainly hidden in the original approved drawings.

Safety Concerns: These results now make the driveway much steeper than approved, making vehicles higher and more prominent. All vehicles now drive and park at a much higher level than expected had the floor under the archway not been raised. In turn it is more dangerous during driver error or mechanical failure for any person driving or persons in the drive of 39, as the single brick wall is now not as robust as the previous double wall with earth in-between.

Emsworth Conservation characteristics: The original second drawing - the ***Proposed Street Scene Front Elevation***, clearly shows a parked vehicle pointing north which is hardly visible. This is because the ground level front garden is parallel to the road and low. However now vehicles parked on the extensive drive are no longer hidden as in the original plans with its well-designed changes in levels and planting. Visitors and residents can prominently see vehicles and a large extent of parking from across the Millpond and part of Bath Road. Due to the increase in the area and height of parking, 41 Bath Road will also have vehicles clearly on display from their front rooms.

As this is an application for variation of the conditions, there are oversights with the submitted **Drawing, as it does not show what has already been developed at 40 Bath Road**

Revised plans were submitted 27/04/17.

☐ Proposed Street scene shows a Hidden Car with low floor level and vegetation, cars will not be able to be hidden in the way drawn because of reasons given previously. ☐ In particular there is no provision for shrubbery to hide cars along the Bath Road wall or the upper wall. ☐ There are no ground level measurements to show the actual height variation changes on site. ☐ The submitted plan of the Front Elevation of 40 shows the approved plans – they do not show what has actually been built– i.e. approved horizontal cladding now vertical cladding, three window horizontal designed Garage door now vertical conventional electric garage door. In conclusion we supported the original planning application with its well-constructed design of the front parking area with features that hid any cars from being so visible in a Conservation area and a front parking area that did not visually dominate. We do not support the parking or driveway as it is currently constructed for the reasons given in this letter and request that the council find ways to restore most of the features of the previous approved application.	
We are writing to update our objection to the request for retrospective revision of condition 4 at 40 Bath Road following the submission of further details by the owners. These works are not "proposed" they have already been completed but not in accordance with the planning permission. Our objection is on the following basis: Impact on the character of a conservation area: The previous scheme had been carefully professionally designed to minimise the visual impact of vehicles being parked in front of No. 40 in the former front garden. A combination of a lowered ground level and walls with raised landscaping substantially obscured all but the tallest cars from view from both across the pond, from No. 41 and from No. 39. Helpfully the cars were drawn to scale on the original "Proposed site & location plan, site section and street scene" submitted with the planning application which also clearly shows the proposed ground levels throughout the area to the front of the house. It was on the basis of these original detailed proposals that we decided to support the proposals. We understand that Havant planning department requested that the front wall was not lowered, further improving the extent to which cars were obscured. We fully support this intervention. We are glad that the owners now acknowledge that they have not built in accordance with the detailed technical drawings for which planning permission was granted. The drawings	See section 7.

submitted were not 'Artistic Impressions' they were planning drawing and the claim that what was originally drawn was 'unfeasible' to implement is an issue they should have addressed with their architect. If they had wanted to change approach they should have consulted and sought a revised permission prior to implementation. We advised them of the need to do this prior to implementation.

The revised scheme has raised the ground level, removed the proposed raised planters both in front of their bay window and along the Bath Road wall and substantially increased the paved area. This has resulted in all cars (even low ones) being totally unobscured so being clearly visible from across the pond and from No. 41. This is clearly demonstrated on the revised "Proposed site section A-A" and the "Proposed Street Scene". The new claim that the view of their car park from our bedroom window will be blocked by plants is wrong.

The double wall (and grass bank between them) that separated No. 40 from No.39 has been demolished without planning consent and replaced with a single wall further increasing the paved area and removing the opportunity for planting.

Inaccuracy of drawings: The site plan has been revised in parts (both inside and outside the red bubble but this work is not comprehensive so the drawings do not reflect what has actually been constructed. As a result there are a number of significant inaccuracies including the following:

- The ground levels have not been revised on the new "proposed site plan", yet the written submission acknowledges that the ground levels have been raised substantially which is very apparent on site. These changes affect most of the paved area, not just the area immediately in front of the garage (in the red bubble). The latest re revised planning drawings still show the same levels which contradict the hand drawn amateur section diagram and associated table now submitted in addition.

- The claim that the floor level of the garage have been lowered there by reducing the extent of increase in drive height at the front garage doors to 145mm is hard to reconcile with other fixed features on site. The approved planning drawings showed four steps up to the front door (which has not moved) which has reduced now to one. This suggests a far greater height increase than 145mm. Furthermore, given the slope of the site, a lowering of the garage floor would have resulted in and increased step down from the side exit door into the back garden. This is not the case.

- Given that the latest amateur sketch and table do not appear to tie up with physical features on site or with the re revised planning drawings, we request that unless independently verified by a professional that they are not considered in

support of this application. - The boundary with No. 41 is still inaccurately portrayed. The front wall in fact protrudes in front of No. 41. Safety: The retaining wall between No. 39 and No. 40 is clearly shown on the "New boundary wall as view from No.39" drawing to not be of sufficient height or strength to prevent a vehicle going over the edge into No. 39. Have building control signed off the structural design and height above driveway level of what is a retaining wall? Disabled Access: The references to disabled access are in our view misleading. If anything the revised scheme is worse than the consented one. Despite a substantial redevelopment of the house flush access has not been achieved at either the front or side entrance door.	
--	--

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 The proposed variations to the approved development would not materially alter the scale and appearance of the scheme approved under application APP/15/00333. It is therefore considered that the changes undertaken are acceptable and will have no greater impact on the character and appearance of the surrounding area than the previously approved permission. The design and appearance of the proposal is deemed appropriate in context to the main building, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is deemed that the scheme would not result in an adverse impact on the visual amenity of the locality and would preserve the character and appearance of the Emsworth Conservation Area..

(iii) Effect on neighbouring properties

7.4 Notwithstanding the comments received from 39 and 41 Bath Road which have been noted, upon assessment of the plans against the retrospective development carried out, the Local Planning Authority is satisfied that the development undertaken is reflective of the plans and levels submitted. Irrespective of the plans and levels submitted with the application, the development as completed has been assessed against relevant development plan policies, the character and appearance of the area, the preservation and/or enhancement of the conservation area and neighbouring

amenity.

- 7.5 The Local Planning Authority is satisfied that the development is in keeping with the character of the area, preserves the conservation area in which it sits and does not result in unacceptable harm to neighbouring amenity.

8 Conclusion

- 8.1 It is considered the works carried out do not increase the flood risk or alter the conclusion reached under the previous application. The variation of condition 4 of planning permission APP/15/00333 is considered to be acceptable to the character of the street and would not result in unacceptable harm to neighbour amenity and is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00246 subject to the following conditions

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

Drg No. -01 Rev C Location, site and elevations plan
Section plan of driveway
Supporting information received 27 April 2017

Reason: - To ensure provision of a satisfactory development.