

69-83 (consecutive) and 18-38 (evens only), The Coppice, Waterlooville

3 Proposal

Application for; (1) garage extension along side elevation; (2) loft conversion with rear dormer; and (3) additional works to remove existing flue and install hardstanding in front curtilage for the parking of vehicles.

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

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

Emsworth Neighbourhood Plan Post Examination Version 2020

Not applicable.

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Diana Patrick

No formal councillor comments received.

Councillor Elizabeth (formerly Dianne) Lloyd

No formal councillor comments received.

Councillor Sarah Milne

No formal councillor comments received.

Developer Services, Southern Water

Southern Water requires a formal application for any new connection to the public sewer to be made by the Applicant or Developer. To make an application, visit Southern Water's Get Connected service (<https://developerservices.southernwater.co.uk/>) and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

<https://www.southernwater.co.uk/help-advice/connection-charging-arrangements>

In situations where surface water is being considered for discharge to our network, we require the following hierarchy – reuse, infiltration, watercourse, storm sewer, combined sewer – for surface water to be followed which is reflected in Part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments. Guidance on Building Regulations is here:

<https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-do>

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water at: Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX; or by Tel: 0330 303 0119; Website: [southernwater.co.uk](https://www.southernwater.co.uk); or by email at: southernwaterplanning@southernwater.co.uk

Officer comment: *The above has been addressed as an informative and a planning condition on the Decision Notice (DN).*

Environment Agency

No comments received.

Portsmouth Water Company

07 September 2022

Thank you for consulting Portsmouth Water on this application. Our team have no concerns from a groundwater quality perspective.

28 September 2022

Portsmouth Water have reviewed the application and associated documents for APP/22/00676 and have no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission.

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: 18

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 4

This planning application was initially consulted on between 16 August and 06 September 2022. During this time, it was discovered that the Applicant was not the homeowner, and that the description of development was incorrect. An amended Application Form and Ownership Certificate was submitted to the Council, and the description of development was amended accordingly. The amended information and plans were then re-consulted on between 14 September and 06 October 2022. This latter consultation was later extended to 13 October 2022 when it was discovered that there were issues with the Council's website on w/c Monday 26 September 2022. In total, 4no. different households objected to the proposed development over both consultation periods. The objections, and the Council's responses, can be found in the table below.

Comment	Officer Comment
I see the plans only have a roof extension, but we have firm information that the people who rent this house also want to extend the garage out the front. I object to this proposal due to it ruining the line of the road and because it will mean that the cars and large van they own will then have to be parked on the road, this is already a busy cul-de-sac and will be made dangerous by more vehicles parking on it.	The Council apologises for the initial incorrect description of development – please see further explanation in the paragraph above this table. The Applicant is now proposing to install hardstanding in the front curtilage of the property to accommodate additional onsite vehicular parking spaces. In terms of the garage extension, it is acknowledged that the proposed development would alter the common building line. However, it is not considered that this would cause demonstrable harm as; the proposal would not protrude any further forward than the existing building line; the proposal would be single-storey and so the existing “gap” between the properties would still be respected when reading the streetscene as a whole; and some properties have already constructed car ports in similar areas (see No.16 Montgomery Walk).
I have no objection to the rear dormer, but I do with the “rear” single storey extension. From looking at the plans, the single storey extension is not to the rear of the property but to the front of the property – building out from the original single storey building making it flush with the front of their house. My issues with this, is that it will reduce the length of their drive. The resident has a large van which he parks on the drive. With this extension, it would mean that he juts out onto the pavement. I know that their direct neighbours already struggle to reverse their car out of their own drive due to this van.	The Council apologises for the initial incorrect description of development – please see further explanation in the paragraph above this table. The Applicant is now proposing to install hardstanding in the front curtilage of the property to accommodate additional onsite vehicular parking spaces.
The description of works is misleading	The Council apologises for the initial

do not mention the extension to the front of the property. The road is getting busier with cars, and this will not help matters as the property has 2 large vehicles and will lose their driveway or will block part of the pathway as the drive will not be big enough for the vehicles. This will also not be in keeping with the other properties in the road. The construction works would also cause problems for parking and accessing private driveways.	incorrect description of development – please see further explanation in the paragraph above this table. The Applicant is now proposing to install hardstanding in the front curtilage of the property to accommodate additional onsite vehicular parking spaces. In terms of the garage extension, it is acknowledged that the proposed development would alter the common building line. However, it is not considered that this would cause demonstrable harm as; the proposal would not protrude any further forward than the existing building line; the proposal would be single-storey and so the existing “gap” between the properties would still be respected when reading the streetscene as a whole; and some properties have already constructed car ports in similar areas (see No.16 Montgomery Walk).
<u>Initial comments on 17 August 2022 (Received 18 August 2022)</u> We learned about the above named planning application purely by accident on Tuesday 09 August 2022. It came as quite a shock. Having studied the application, we notice a couple of anomalies: - (1) The Applicant is listed as [REDACTED], who later in the Application claims to be the sole owner [REDACTED]. (2) Description of works states it is a garage extension and loft conversion. The plan submitted shows a garage extension at the front of the property whilst in the Proposal on the Havant Borough Council website a single storey rear extension is mentioned. Certainly, on the proposed Ground Floor Plan there are doors leading from the "gym" to the store although the floor levels differ by circa 3 feet and 6 inches. With regard to the dormer extension part of the plans, we have no objections to the construction as it is wholly on the owner's land.	The Council apologises for the initial incorrect description of development. Further explanation about the Application Form, Ownership Certificate, and correct description of development can be found in the paragraph above this table. <u>Asbestos</u> The Environmental Health (EH) Team was informally consulted about the potential for the presence of asbestos. As set out under Paragraph 188 of the NPPF, the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions which are subject to separate pollution control regimes. Indeed, planning decisions should assume that these pollution control regimes will operate effectively. However, for the avoidance of doubt, an appropriately worded informative has been included on the Decision Notice (DN). <u>Garage Extension</u> The proposed development would comprise a front extension to the former garage. There would be no rear extension to the former garage, and the existing rear storage area behind the former garage would be retained.

However, we wish to strongly object to the garage being extended and being brought forward to align with the front of the house, as it is not consistent with any of the other houses of this style in Montgomery Walk, this changing the street appearance. If Havant Borough Council approves this part of the application, it will set a precedence for all the other similar houses to do likewise.

Any approval involves an extension to the existing party wall which runs through and separates 24 and 25's garages. Furthermore, this will involve digging foundations to a depth of circa three feet close to our house, in an area where underground drains are known to exist. This would also impinge on our using our garage as we garage our car on a nightly basis. Additionally, a circa nine-foot-high wall between the two properties would seriously exclude welcome natural light into our kitchen.

Any extension of the garage structure at No.24 would also reduce available parking space and could result in even more congested street parking in Montgomery Walk.

The Council may also wish to be aware that asbestos is present in the party wall between both garages.

Forwarded for consideration.

Please confirm receipt via email.

Further comments on 02 September 2022 -
(Received 05 September 2022)

Further to our letter of the 16 August 2022 regarding the proposed building plan, copy attached for ease of reference, our attention has been drawn to the faint red line running down the right-hand side of the proposed Ground Floor Plan. This indicates that the exterior side wall of

It is acknowledged that the proposed development would alter the common building line. However, it is not considered that this would cause demonstrable harm to the streetscene as; the proposal would not protrude any further forward than the existing building line; the proposal would be single-storey and so the existing "gap" between the properties would still be respected when reading the streetscene as a whole; and some properties have already constructed car ports in similar areas (see No.16 Montgomery Walk).

In terms of any potential overshadowing and/or loss of light to the neighbour's kitchen, this would only affect the neighbouring property's kitchen side door. As the front of the properties are north-east facing, there is already existing overshadowing to the neighbour's kitchen side door from the existing dwellinghouse and side garage. Any potential increase in loss of light from the garage extension would be limited to the early morning hours and would not warrant a justified reason for refusal in this instance.

Party Wall

The Agent has confirmed that the development would be entirely within the curtilage of the application site (i.e., No.24 Montgomery Walk). Moreover, the Party Wall Act 1996 provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls, and excavations near neighbouring buildings. For the avoidance of doubt, the Party Wall Act is separate to the submission of a planning application; however, gaining planning permission does not remove the need to comply with the Act where it is applicable. Notwithstanding the above, the requirements under the Party Wall Act are a private interest matter between landowners and is not material in the determination of a planning application.

Parking

The Applicant is now proposing to install

the utility room will be built OVER the existing boundary line.

We strongly object to this assumption and we do not give our consent. We are also aware that Article 24 of the Party Wall Act 1996 explanatory booklet clearly states that if the adjoining owner does not consent to the new party wall being astride the boundary line any wall must be built wholly on the applicants own land etc ...

Forwarded for inclusion with our original letter on this subject.

Further comments on 16 September 2022

(Received 16 September 2022)

We acknowledge receipt of Havant Borough Council's letter regarding Planning Application ref. APP/22/00676 and the substantial amendments to the original plan. It would appear now that the garage extension is to be both at the front and the rear of the existing garage, which was not disclosed on the original submission.

We note that the revised plans now clearly indicate that the west wall of any construction at the front of the garage will be built wholly on Mr and Mrs Jones' property.

As stated previously, there is an existing Party Wall that separates the garages of No.24 and No.25, and forms the boundary between the two properties. This Party Wall was continued at the rear of the garages to a height of circa 4 feet to clearly define the boundary line. This happened at the time that the houses were built. This is common with all houses built on the south side of Montgomery Walk.

Having examined the revised plan, I note that the red boundary line suggests this wall is wholly on Mr & Mrs Jones' property. The fact that Mr Moody (or others) chose to build on

hardstanding in the front curtilage of the property to accommodate additional onsite vehicular parking spaces

this Party Wall without requesting written approval or otherwise, at a time that we were away - [REDACTED] - this does not mean we have relinquished our shared ownership. The plans require further amendment to reflect that this is a Party Wall and all that a Party Wall entails.

In conclusion, as previously stated we have no objections to the construction of a dormer extension, or indeed the additional parking spaces to reduce on street parking, but our objections to the proposed front of garage extension remains the same as stated in our letters dated 17 August and 02 September, and any construction at the rear of the garage needs to be clearly defined as to be wholly on Mr & Mrs Jones' property.

Should any points raised in this submission require clarification, I can be contacted on the above numbers.

7 Planning Considerations

7.1 In having due regard to the policies in the development plan, it is considered that the main issues arising from this application are:

- (i) Principle of Development
- (ii) Impact on Character of the Area & Appropriateness of Design
- (iii) Impact on Neighbouring Properties
- (iv) Parking
- (v) Source Protection Zone (SPZ)
- (vi) Pollution & Utilities

(i) Principle of Development

7.2 The application site is located within the defined urban area as set out in Policies CS17 and AL2. As such, development is considered acceptable in principle subject to development management criteria.

(ii) Impact on Character of the Area & Appropriateness of Design

7.3 The proposed development would comprise the following four (4) elements:

- A flat-roofed rear dormer;
- A flat-roofed, single-storey, front garage extension;
- The removal of the existing rear flue; and
- The provision of hard surfacing in the front curtilage for vehicular parking.

Mass, Bulk & Streetscene

- 7.4 The proposed, **flat-roofed, rear dormer** would create an additional fourth bedroom, wardrobe and ensuite, and it would broadly match the mass and bulk of the rear dormer at No.23 Montgomery Walk – the adjoining neighbouring property to the south-east. The rear dormer would comprise a depth, width, and height of approximately 5.3m, 5.2m, and 3.0m respectively. The above would equate to a “resulting roof space” of approximately 41.3 cubic metres and so the mass and bulk of the proposed dormer could be delivered under the permitted development rights (PDR) set out under **Schedule 2, Part 1, Class B** of the Town and Country Planning (General Permitted Development) (England) Order 2015 – also known as the **GPDO** – without the need for formal planning permission.
- 7.5 The proposed, **flat-roofed, single-storey, front garage extension** would comprise a depth, width, and height of approximately 2.4m, 2.4m, and 2.5 respectively. In doing so, the proposed extension would be flush with the existing front building line, and would provide a utility room and an internal access to the recently converted garage/gym. In total, 3no. (of the 4no.) objections have commented that the proposed garage extension would be out of keeping with the streetscene as it would break the style of the semi-detached properties being linked attached via their set back garages. Although it is acknowledged that the proposed development would alter the common building line (and potentially set a precedent for future development), it is considered that this would not cause demonstrable harm to the streetscene. This is because; the proposal would not protrude any further forward than the existing building line; the proposal would be single-storey and so the existing “gap” between the properties would still be respected when reading the streetscene as a whole; and some properties have already constructed car ports in similar areas (see No.16 Montgomery Walk).
- 7.6 As for the **removal of the flue**, this relates to a previous enforcement investigation by the Council’s Environmental Health (EH) Team about the unlawful use of the former garage and rear store for commercial / business use. The officer’s site visit on 06 September 2022 confirmed that the business has now relocated elsewhere. As such, the removal of the flue is welcomed as it would improve the appearance of the dwellinghouse from the streetscene.

Materials

- 7.7 The Havant Borough Design Guide SPD states that householder developments should look to the existing dwellinghouse (and its neighbours) as the main reference points for appearance, materials, and detailing.
- 7.8 The **proposed garage extension** would remove the existing horizontal cream cladding boards at ground-floor level and would, instead, utilise matching bricks and a UPVC window. This is supported as the existing cream coloured cladding boards appear out of keeping with the main dwellinghouse and streetscene at ground level.
- 7.9 The **proposed rear dormer and first-floor front elevation** would include horizontal grey cladding boards to match the existing cladding boards on the first-floor rear elevation of the main dwellinghouse. The proposed grey cladding on the front elevation would remove the existing green hanging tiles which are a consistent characteristic of the properties along the south-western side of the street. Although the proposed cladding would break the local aesthetic, it is acknowledged that the

cladding boards could be installed on the first-floor front elevation under the permitted development rights (PDR) set out under **Schedule 2, Part 1, Class A** of the **GPDO**. Indeed, Class A explains that alterations to a dwellinghouse must use external materials which are of a similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse. As for the proposed rear dormer, although the proposed cladding cannot be delivered under PDR, it is still considered acceptable in this instance when considering the existing materials on the rear of the main dwellinghouse.

- 7.10 The submitted plans suggest that the **proposed driveway** would include either block paving or resin. However, after liaising with the Agent, it has been agreed that the driveway works would be carried out under **Schedule 2, Part 1, Class F** of the **GPDO**. As such, notwithstanding any description of proposed driveway materials in the submitted Amended Plan (Drg No: MT/1547/3 REV C), the proposed driveway will either need to be made of porous materials, or provision shall need to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse - see Planning Condition No.4.

Summary

- 7.11 Moreover, the appearance, design, and mass of the proposed development would not be unacceptable in the context of the application site and its locality. Although the proposed front garage extension and first-floor grey cladding would alter the uniform appearance of the semi-detached dwellinghouses along the south-western side of the road, it is considered on balance that this would not lead to demonstrable harm. Indeed, the proposed development would simplify the existing material palette so that the main dwellinghouse would predominantly comprise of matching bricks and horizontal grey cladding boards. In light of all the above, it is considered that the proposed development would not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iii) Impact on Neighbouring Properties

- 7.12 The Havant Borough Design Guide SPD states that householder developments should not result in an adverse impact on the amenity of neighbouring properties.
- 7.13 The **proposed dormer** would include an ensuite window and double doors with a Juliette balcony. The dormer could be constructed under permitted development rights (PDR) and would; broadly mirror the neighbouring dormer at No.23; and look out onto Fielders Park to the south-west. As the mass, bulk, and fenestration of the proposed dormer could be delivered through PDR, any potential impact on neighbouring amenity is considered to be acceptable and limited.
- 7.14 The **proposed garage extension** would include 1no. wide window on the upper wall of its front elevation facing the streetscene only. The proposed extension and high window would not lead to any overlooking and/or loss of privacy above existing levels. In terms of overshadowing and/or loss of light, 1no. objection has raised concerns about the potential of the proposed garage extension to reduce natural light to the front kitchen of the neighbouring property to the west – No.25. The Design Guide SPD explains that - to mitigate the extent / potential for overshadowing and/or loss of light – any proposed extension should not result in the centre of an existing door or window being within a combined plan and section **45-degree overshadowing zone** at the neighbouring property. In order to assess / determine the above, the SPD advises that:

- A 45-degree angle/line should be drawn from the top corner of the proposed extension toward the neighbour's doors/windows; and
- A 45-degree angle/line should be drawn back from the end of the proposed extension towards the neighbour's doors/windows.

7.15 The SPD explains that if the centre of the main doors/windows at the neighbouring property lies on the extension of both 45-degree angles/lines (emphasis added), then the proposed extension is likely to cause a noticeable reduction in sky light received by the neighbouring property's doors/windows. As the proposed garage extension would be flush with the front building line, the door/window in question is the side kitchen door on No.25's south-east side elevation. In reviewing the "Amended Site, Existing & Proposed Plans" (Drg No: MT/1547/3 REV C), the centre of No.25's side door would not lie on both of the 45-degree angles/lines. As such, although it is recognised that the proposed garage extension may lead to a slight degree of loss of light in the early morning hours, the extent of loss of light would not warrant a justified reason for refusal in this instance.

7.16 Consequently, it is considered that the proposed development would not lead to an unacceptable impact on the amenity of neighbouring properties. In light of all the above, it is considered that the proposed development would not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Parking

7.17 The proposed development would result in the net increase of 1no. bedroom to create a 4no. bedroom dwellinghouse. The Havant Borough Parking SPD – which supplements Policy DM13 in the Havant Borough Local Plan (Core Strategy) 2011 – states that the minimum vehicular parking requirement for a 4no. bedroom dwellinghouse is 3no. vehicular parking spaces. For the avoidance of doubt, 1no. outdoor parking space should measure 2.4m in width by 4.8m in length. The proposed development would comprise hardstanding across the front curtilage of the property. As the front curtilage has a depth and width of approximately 5.7m and 7.8m respectively, the proposed hardstanding could accommodate up to 3no. vehicles (depending on vehicle size, boundary planting, and any required drainage). Nevertheless, in the absence of any drainage details and confirmation of final driveway materials, Planning Condition No.4 has been included to ensure that the proposed parking spaces are delivered prior to the occupation of development, and to ensure that the driveway materials do not result in any localised drainage issues. Finally, as Montgomery Walk is not a trunk road nor a classified road, formal planning permission would not be required to extend the existing dropped kerb to accommodate the proposed hardstanding. That said, the Applicant would still need to apply for the relevant dropped kerb licence from Hampshire County Council (HCC) as the Highway Authority.

(v) Source Protection Zone (SPZ)

7.18 The site is entirely within Source Protection Zone (SPZ) 1c in the Portsmouth Water Ground Catchment. The Portsmouth Water Catchment Management Team has reviewed the proposals and has no concerns from a groundwater quality perspective. As such, it is considered that the proposed development would not have an adverse impact on the Source Protection Zone (SPZ).

(vi) Pollution & Utilities

- 7.19 The property's curtilage straddles the "mapped" boundary of the Former Fielders Park Landfill Site. After discussing informally with the Environmental Health (EH) Team, it was concluded that the dwellinghouse and the proposed development lies wholly outside the recorded landfill boundary. Notwithstanding the above, the "mapped" landfill boundary is expected to be smaller in reality, and the proposed ground floor element (i.e., the garage extension) is relatively minor and so would not materially alter the risk profile for the dwelling or its occupants. In terms of the third-party report of potential asbestos, please see Section 6 of this report, and the corresponding planning informative.
- 7.20 There are Southern Water Surface Water Sewer Pipes parallel to the front and rear boundaries of the site. Although it is believed that the existing sewer lines are outside the boundaries of the property, Southern Water has advised that it may be possible that a sewer (now deemed to be public) could be crossing the application site. Southern Water has advised that, in the instance that any sewer is found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works can commence on site. In acknowledging Southern Water's comments, an appropriate planning condition has been proposed – see Planning Condition No.5.

8 **Conclusion**

- 8.1 The scale, siting, and design of the proposed development would have a limited and an acceptable impact on the character of the area and neighbouring properties. The proposed development is, therefore, considered to be appropriate and recommended for approval subject to appropriate planning conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00676 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:

Drg No: MT/1547/3 REV C – Amended Site, Existing & Proposed Plans
(Published 13 September 2022; Excluding Driveway Materials)
Email re Driveway Materials
(Published 07 November 2022)

Reason: - To ensure provision of a satisfactory development.
- 3 The external materials used shall be as indicated on the submitted and hereby approved Amended Site, Existing & Proposed Plans (Drg No: MT/1547/3 REV

C) - in that the garage extension shall comprise bricks to match the ground-floor of the main dwellinghouse, and the rear dormer and first-floor front elevation shall comprise horizontal grey cladding boards to match the first-floor rear elevation of the main dwellinghouse – 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.

- 4 The development hereby permitted shall not be brought into use until the off-road parking provision has been provided in accordance with the approved drawings. Unless otherwise agreed in writing with the Local Planning Authority, the parking provision shall either; comprise porous materials; or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of dwellinghouse. The vehicular parking provision shall be retained thereafter unless agreed in writing by the Local Planning Authority.

Reason: In the interests of local drainage, highway safety and having due regard to Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 In the event that public sewers are found at any time when carrying out the approved development which were not previously identified, development shall STOP until details of the measures which will be undertaken to protect the public sewer have been submitted to, and approved in writing by, the Local Planning Authority. Following approval, such measures shall be implemented on site in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the adequate protection of infrastructure and having due regard to Policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.