

Site Address: 5 Willow Close, Havant, PO9 2SX
 Proposal: Application for Variation of condition 2 of Planning Permission
 APP/22/00237 relating to increase in depth of extension by approx. 450mm to align with
 existing back wall of garage and to line of original rear extension removed as a part of this
 work along with alterations to the decking area (part retrospective).
 Application Type: Variation/Relief of Condition
 Application No: APP/23/00838 Expiry Date: 28/11/2023
 Applicant: Mrs Pearce
 Agent: Mr Sutcliff Case Officer: Joseph Toole
 Sutcliff Consultants Ltd.
 Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located on the southern side of Willow Close and is occupied by a detached two storey dwellinghouse with an attached double garage.

The surrounding area is residential in character with properties of varying styles and design.

2 Planning History

APP/22/00064 - Replacement 1.8m high boundary fence (Retrospective).
 PERM.23/09/2022

APP/22/00237 - Replacement single storey rear extension with raised terrace to rear of property and utility room in garage space, PERM,09/06/2022

APP/23/00689 - Application for Non-material amendment to Planning Permission APP/22/00237 relating to the increase in depth of extension by approx. 450mm to align with existing back wall of garage and to line of original rear extension removed as a part of this work. WD,22/09/2023

3 Proposal

Application for Variation of condition 2 of Planning Permission APP/22/00237 relating to increase in depth of extension by approx. 450mm to align with existing back wall of garage and to line of original rear extension removed as a part of this work along with alterations to the decking area. Only the differences within this application from the approved works under planning reference APP/22/00237 will be considered below. The works to the extension have already taken place along with some works to the raised decking. There is still some outstanding works needed to the raised decking in order to comply with the proposed plans.

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
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

Councillor Gillian Harris (1)

a) Design and appearance. The structure is bigger, closer and uglier than originally approved. It is out of keeping with the surroundings and overbearing.

b) Effect on privacy. The upper level of the terrace (not decking) is closer than approved and immediately adjacent to the boundary fence. This has the effect of reducing the effectiveness in eliminating overlooking of a standard 2m fence to that of a 1.5m fence.

Councillor Gillian Harris (2)

I am content to withdraw the red card on the condition that an approval would be conditioned so that "no part of the raised terrace, whatever its height, is closer to the boundary than approved at APP/22/00237"

Officer Comment

Amended plans were provided showing the raised decking no closer to the boundary than approved under APP/22/00237. If minded to approve a condition for the raised decking to be carried out to the approved plans within 3 months of the decision date would be recommended.

Councillor Imogen Payter
No Comment.

Councillor Phil Munday - St Faiths
No Comment.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3 objections and 1 support

Comment	Officer Comment
Original Plans The application has only been applied for following enforcement action Discrepancies on the submitted drawings APP/22/00237 noted the impact on visual amenity and concerns with loss of privacy however were not sufficiently great to warrant a refusal. Revised works operate at a further disadvantage New southern end wall has been constructed right on the boundary. Very overbearing. Damaging on visual amenity. The approved plans showed the raised terrace outside the extension some 1.1m from the boundary fence. The as built terrace is now with centimetres of the fence some 40cm above ground level therefore a 1.8 metre is now 1.4 metres. This will cause harmful overlooking. The lengthening of the extension has brought the study window closer to the boundary increasing further degree of overlooking and loss of privacy Certificate A is incorrect. Built outside of the application site. There is an outstanding application from Land Registry. Boundary disputes Planning safety concerns	Noted Revised plans have been submitted addressing these. Please see Section 7. Please see Section 7. Please see Section 7. Please see Section 7. The Agent has confirmed the works are solely within the ownership of the applicant. This would be a private matter between the parties involved. This will be assessed under Building Regulations
Revised Plans Plans detriment to the visual amenity Infringement of the privacy of the	Please see Section 7. Please see Section 7.

neighbouring property	
Set a precedent for similar developments	This is not a material planning consideration.
Indicative Sight Line plans continue to show overlooking. Loss of privacy is complete. Significantly worse than APP/22/00237.	Please see Section 7.
Terrace extending right up against the boundary thus creating a viewing platform over the neighbouring property	Please see Section 7.
Extension out of keeping with the wider context and very detrimental to visual amenity	Please see Section 7.
Bricks do not match the garage - very unsightly	Please see Section 7.
Application form errors	There appears to be no error. Regardless this does not impact a decision being made
Land ownership concerns - boundary dispute	The Agent has confirmed the works are solely within the ownership of the applicant. This would be a private matter between the parties involved.
Works cannot be completed without accessing the neighbouring property	This is not a material planning consideration
Support	
Extension is a visual improvement	Noted
Creates no disturbance	

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 extension is approximately 450mm closer to the shared boundary than the approved extension under planning reference APP/22/00237 with No.16 Wade Court Road. The extension has brickwork which matches the existing dwellinghouse. Whilst it does not match the garage it is attached to, as it is not readily visible from the street scene it is not considered to have an unacceptable impact on the character of the area. Due to its modest increase in size it is not considered to have an adverse impact on the character of the area. Whilst the roof is not in line with the eaves of the existing garage it is not directly visible from the street scene thus does not warrant a reason for refusal.
- 7.4 The design and appearance of the works 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 does not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.5 The extension has extended approximately 450mm closer to the shared boundary with No.16 Wade Court Road. This is not considered to have an adversely impactful difference from the previous approval thus not considered to appear overbearing or result in the harmful loss of light to the occupiers of No.16 Wade Court Road.
- 7.6 Whilst the window in the study has been moved further south due to the addition, it is not considered to have an adversely material difference from the previous approval. It is also worth noting the windows within the original conservatory were further south thus it is not considered to add additional harmful views from this side. Furthermore, the windows and doors on the east side of the extension is approximately 23 metres plus away from the rear walls of No.16 Wade Court Road. As such this distance complies with the Havant Borough Design Guide SPD in terms of separation distances. Consequently, the extension is not considered to cause harmful overlooking into the neighbour's private amenity space of No.16 Wade Court Road to warrant a refusal.
- 7.7 With regards to the raised decking it has currently been built closer to the boundary with No.16 Wade Court Road. Following discussions with the applicant's agent amended plans were provided showing the raised decking no closer to the shared boundary than approved under APP/22/00237. As this has not been carried out yet a condition for the works to be undertaken within 3 months of the decision date has been recommended. Therefore, as the raised decking would be no closer to the shared boundary than previously approved, set lower than the previous design and cut away from the southern boundary it is considered to have an improved impact on No.16.
- 7.8 Consequently, it is considered that the works does not appear overbearing or lead to a loss of light, outlook or privacy and has a 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 development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area and has a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00838 subject to the following conditions

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

Location Plan and Block Plan - 2327-MMA-A-00
Approved and Proposed Elevations - 2327-MMA-A-01C
Approved and Proposed Floor Plans - 2327-MMA-A-02C

Reason: - To ensure provision of a satisfactory development.

- 2 Within 3 months of the grant of planning permission the raised decking shall be reduced in height to that approved under planning permission APP/22/00237, as shown on drawing number 2136-MMA/01 Revision C 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.