

DELEGATED OFFICER REPORT

Site Address:	8 Fourth Avenue, Havant, PO9 2QX		
Proposal:	Proposed annex with internal garage, pitched roof and dormer windows.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00849	Expiry Date:	01/01/2025
Applicant:	Mr Morrison		
Agent:	Mr Walker	Case Officer:	Tina Pickup
	Parkers Design		
Ward:	St Faiths		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to a substantial, detached, Victorian Villa style detached two storey dwelling located on the north side of Fourth Avenue. It is constructed of traditional red brick with yellow brick banding, beneath a grey slate hipped roof - the eaves line includes original decorative corbel brackets. To the front there is a double bay with linking porch at ground floor and the dwelling is set at 45 degrees to the road. This angled siting results in a staggered siting relative to adjacent properties, which is repeated on both sides of the road at this section of Fourth Avenue, creating a spacious setting to the road.
- 1.2 Vehicular access is taken off Fourth Avenue at the eastern corner of the site, serving a graveled drive area set behind a high evergreen privet hedge. The dwelling is sited relatively close to the western boundary, but there is a separation of about 3m to the eastern boundary.
- 1.3 To the rear the site has had a recent two storey extension, permitted under APP/20/00218 and amended by APP/20/01114. This is set off the eastern side flank by about 2.2m but otherwise is full width with a depth of 5m. The rear garden is substantial, being about 46m long and is largely lawned with some mature shrubs and a notable laurel tree. Boundaries are high hedges, which appear to belong to both neighbours - on the western boundary a line of young laurel plants have been planted on the applicants side.
- 1.4 The site is relatively flat and outside any current or future flood zone.

2 Planning History

90/55552/000 - Conservatory at rear., PERM,21/11/1990
APP/20/00218 - Removal of the rear conservatory, erection of 2 storey extension., PERM,16/07/2020
APP/20/01114 - Variation of condition 2 of Planning Permission APP/20/00218 (Removal of the rear conservatory, erection of 2 storey extension) relating to provision of hip ends on roof as opposed to gable ends as approved. , PERM,08/01/2021
APP/23/01006 - Annex in rear of garden - Withdrawn
APP/24/00372 - Detached 3 bed annex across two floors, one below ground level and one above ground level. Withdrawn 09/07/2024

3 Proposal

- 3.1 Proposed annex with internal garage, pitched roof and dormer windows.
- 3.2 The proposal is for a pitched roofed, two storey detached building to be sited behind the main house, and close to the eastern boundary, to be used as an annex. It would measure 12.8m x 6.5m with a height to eaves of 3.2m and to ridge of 6.5m. The layout includes a double garage in the front half of the ground floor, with living space in the rear half and at first floor level. Two dormers are proposed in the western roof slope, and three roof lights in the eastern. First floor windows would also be in each gable end. Materials are proposed to be render with clad dormers and tiled roof.
- 3.3 It should be noted that the proposed site plan is inaccurate in that it does not show the built two storey rear extension approved under APP/20/01114. As a result of this error, the proposed siting would mean the outbuilding would in reality be much closer to the rear facade of the main dwelling, making vehicular access into the western garage impossible. It should also be noted that the proposed siting would result in the loss of a mature laurel tree, which is not shown on the plans or acknowledged on the planning application form.

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)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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 Daniel Berwick

None received

Councillor Gillian Harris

Aware of neighbours concerns and note not a single storey development as advised at pre-application stage, and could overlook neighbours

Councillor Phil Munday - St Faiths

None received

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: 13

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
<u>Residential amenity</u> on shared boundary with considerable overlap; due to 2 storey height and positioning will result in loss of light to west facing windows which will no longer receive natural light;	Noted - see section 7
<u>Overlooking/loss of privacy</u> upstairs dormer windows will directly look into the main body of garden resulting in loss of privacy;	Noted - see section 7
<u>Out of character</u> modern building in area of predominantly Victorian & Edwardian houses out of character; new building is 135sqm which is only just smaller than properties in Swallow Close, making out of scale with other development in the area;	Noted - see section 7
<u>Visual Appearance in streetscene</u> houses are equally spaced and this will be squeezed in and look out of place	Noted - see section 7
<u>Use as annex</u> appears as completely separate dwelling with own entrance and driveway; need for additional accommodation does not appear to be justified;	Noted - see section 7
<u>Noise & Pollution from access</u> would result in vehicle movements with increased noise and emission pollution to surrounding properties; noise of maneuvering vehicles detrimental to residential amenity and use of gardens;	Noted - see section 7
<u>Parking and turning</u>	

plans don't show if feasible to turn a car so can enter and leave in a forward gear;	Noted - see section 7
<u>Emergency access</u> insufficient access for emergency vehicles should the need arise;	Emergency access would be possible via the main house
<u>Hedge & Trees</u> Existing boundary a mature hedge which will be affected (root stability) and loss of a Prunus Lusitania (laurel) tree	Noted - see section 7
<u>Pre-application for single storey</u> pre-app advice on basis of single storey building but this is two storey;	Pre-app was broader than this and did not specify height of building
<u>Future use</u> entrance through bi-fold kitchen doors but also a front door to garage, so in future if garages changed then would be a 2 bedroom detached house rather than annex	Noted - see section 7
<u>Wildlife</u> loss of hedge & tree will affect animal habitats	Noted - see section on BNG
<u>Inaccuracies</u> The Statement for the annex notes 'at the rear of the garden' but plans are for adjacent the main house; east and west appear transposed on elevations; dormer shown as west but should be east; no height marked on plans; states no trees or hedges removed but this impossible as both mature tree and hedge would be lost;	Noted - also site plan inaccurate as fails to show rear two storey extension - see section 7 below
<u>Contrary to National & Local policies</u> esp the NPPF, CS11 and CS16 and the Design Guide as essentially a tandem backland development and creation of a new 2 bed detached dwelling	Noted - see section 7 below

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 and Ancillary Use
- (ii) Appropriateness of design and impact on the character of the area

- (iii) Effect on neighbouring properties
- (iv) Parking and access
- (v) Impact on Trees and Biodiversity Net Gain (BNG)
- (vi) CIL

(i) Principle of development and Ancillary use

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the planning considerations. In this instance the proposal is for a 2 storey annex which has all the attributes of a dwellinghouse, including kitchen and living area on the ground floor, aswell as double garage, with what is essentially 2 bedrooms and a bathroom upstairs (although one of the rooms has been annotated as an office). As noted at paragraph 3.3 above the proposed site plan is incorrect and the two storey rear extension not shown. This affects the relationship and separation distance to the host dwelling. However, because the proposal is recommended for refusal, and updating the site plan would not change that recommendation, then this inaccuracy has not been addressed and an amended site plan not sought.
- 7.3 With respect to the proposed justification for the annex, the supporting information is considered ambiguous - at one point it indicates the accommodation is for the current owner to reside in when they retire with their children living in the main house; but it also states the primary purpose of the annex is to offer independent living accommodation for the applicants adult children, providing stable living arrangements for children. No informaton has been provided explaining the care needs of those living in the annex.
- 7.4 Should either the existing dwelling or the proposed annex be occupied 'independently' of the other, then this would not constitute ancillary accommodation, but rather the formation of a new dwelling and planning unit on the site. The fact that 'adult children' are mentioned repeatedly in the justification for the proposal is concerning. It is considered that potentially young adults could be leading independent lives from whichever building they are occupying, with their own comings and goings, work patterns, visitors etc. with limited reliance on the main house. No informaton has been provided explaining the care needs of anyone living in the annex. The statement about the annex also fails to mention whether any of the services would be taken via the main house - there is no mention of how bills would be paid, post/deliveries made etc.
- 7.5 To be a genuine annex there needs to be a functional link with the main house and it is usual to have a degree of care taking place and some shared facilities, such as kitchen for meals and utility for laundry. In this instance there is no obvious shared facilities, making the proposal particularly capable of independent occupation. Furthermore it is noted that the scale of proposed development is not particularly subservient or subordinate in scale to the main dwelling. The original Victorian dwelling on the site, had a footprint of about 10m x 10m. In comparison the proposed footprint would measure some 12.8m x 6.5m which is considered over-large and not ancillary in scale relative to the scale of the host dwelling.
- 7.6 It is however acknowledged that the application is submitted as an 'annex'. Case law on whether annexes are ancillary or create separate planning units is quite extensive, with Uttlesford DC v SSE & White 1992 noting that even if the accommodation provided facilities for independent day to day living, it would be a matter of fact and degree whether a separate planning unit had been formed. If a planning unit remains in single family occupation and continues to function as a single household, then no

material change of use occurs.

7.7 In this instance very limited information has been provided about how the proposed building would function in association with the host dwelling to ensure the site would remain a single family dwelling in perpetuity, occupied by a single household. No specific information has been provided setting out who would occupy the annex or the role of anyone in the main house in providing care and support to the occupiers of the annex. There is no apparent sharing of communal facilities and the size and scale of the building is almost equal to the host dwelling. The lack of any clear functional link, connection or reliance on the main dwelling, with the annex being capable of independent occupation with separate visitors and deliveries possible, is such that in this case the proposed building could be both physically and functionally separate, potentially forming a new planning unit on the site. It is considered that insufficient information has been submitted to adequately demonstrate that the accommodation proposed would be occupied on a genuinely ancillary basis with appropriate functional link to the main house.

7.8 Overall it is considered that the scale and layout of the proposed annex would provide more than subservient ancillary annex accommodation and could be readily occupied independently as a new planning unit, let out on AirBnB etc. It has not been adequately demonstrated that there would be a functional link between the proposed annex and host dwelling on the site. As such the proposal is considered tantamount to the creation of a new dwelling, which is not in accordance with the terms of the application.

(ii) Appropriateness of design and impact on the character of the area

7.9 The host dwelling is a well maintained Victorian Villa with several original features and traditional materials and proportions. In contrast the proposed annex would be modern and contemporary in design, proposed to be render with clad dormers. It has no design features that reflect the proportions and details of the host dwelling, and would have a poor visual relationship with the host dwelling. The front gable window proposed, which would be highly visible from the street scene, would be wide and shallow, in contrast to the tall and thin proportions of windows of the host dwelling. This lack of design cohesion would be detrimental to the visual appearance of the site and area.

7.10 Furthermore the immediate setting of the site is also characterised by similar Victorian styled dwellings set in spacious plots. The 45 degree angled siting to the road creates a spacious setting to each dwelling and any existing side outbuildings in other dwellings in the area are genuine small scale, single storey outbuildings, that are visually in keeping with the host dwellings and retain a sense of space between dwellings. It is considered that the introduction of a 6.5m high, two storey rendered outbuilding would not read in street scene terms as an appropriate ancillary outbuilding. It would visually fill the gap between number 8 and 6 with a mass and bulk of development that would be harmful to the existing spacious setting of the site and area.

7.11 Policy CS16 requires new development to respect local context use the characteristics of the locality to help inform the design, including heights, massing, materials and proportions of windows and doors. Such aims are repeated in the Borough Design Guide SPD. It is considered the proposed siting, height and design of the two storey detached outbuilding would be visually inappropriate to the site and its setting, detrimental to the spacious setting of the site and strong Victorian characteristics of

the area, contrary to policy CS16 and the Design Guide SPD.

(iii) Effect on neighbouring properties

- 7.12 Based on the submitted inaccurate site plan, the proposed annex building would have a considerable overlap with number 6 to the east. The side elevation of the proposed annex would measure 3.2m to eaves with ridge height of 6.5m, set just 0.5m from the shared boundary, extending at least 5m beyond the furthest rear element of number 6. This would have an enclosing and overbearing effect, that would also result in loss of light and overshadowing. It is likely that had the site plan been corrected and updated, then the proposed annex would have been re-sited further north in the site, increasing the overlap with number 6 and making these impacts worse.
- 7.13 Number 6 has its main ground floor living room in the western half of the house, ie that closest to the shared boundary. This is a through room, with main windows at both front and back, and a small secondary window in the west elevation. As a result of the tunnelling effect from number 6's own original, part single part two storey central projection, and the proposed annex, then light to, and outlook from, the rear opening (patio doors) window would be compromised. The existing boundary privet hedge is evergreen and at least 2m high, and provides some screening, but the proximity of the annex to the hedge may in the long run affect its root and health, and the annex building would be much higher than the hedge. This western section of the garden of number 6 and outlook from the living room patio doors would feel very hemmed in. Additionally, due to the orientation, the proposed 6.5m high structure would cause overshadowing to this part of number 6's curtilage in the afternoon.
- 7.14 The proposed annex also includes two side dormer windows facing west, and a line of roof lights in the east roof slope. The clear glazed dormer windows would enable a direct line of sight over the hedge to the private garden area of number 10, resulting in a loss of privacy for the occupiers of number 10. No details have been provided of the cill height of the roof lights relative to the finished floor level, and it is considered likely that these would be set lower than the permitted development 1.7m above finished floor level and as such would also result in direct overlooking towards number 6. The presence of these roof lights so close to the shared boundary and aligned with private garden areas, even if obscure glazed and non-opening, would also add to a perception of being overlooked.
- 7.15 Overall it is considered that due to the height and siting of the proposed annex, then the light available to, and outlook from the habitable room of number 6 would be harmed, and the garden area closest to the shared boundary would be overshadowed. Additionally the presence of dormers and roof lights on the side elevations would result in direct overlooking and loss of privacy to both the occupiers of number 10 and 6. This would be detrimental to the amenity of the occupiers of number 6 and 10, which would be contrary to policy CS16 clause e) which requires new development not to cause unacceptable harm to amenity from outlook or overlooking.

(iv) Parking and access

- 7.16 The existing dwelling has open frontage parking in a graveled area, sufficient to accommodate several cars. The proposal however includes a double garage necessitating cars to drive past the side of the house to access. The side separation is only about 3m wide and the introduction of vehicles passing by the side of number 6 would introduce a degree of noise and disturbance, emission and light pollution, that didn't previously exist. Furthermore it is noted that there is no room for cars to turn in

front of the garages and therefore vehicles would need to reverse out. This would add to the noise levels incurred, contrary to both policies CS16 and DM10.

- 7.17 Additionally, due to the inaccurate site plan submitted and the built rear extension, access to the western most garage would be impossible. The separation to the rear of the house would only be about 2m and the rear extension extends across most of the rear, causing a corner that would be impossible to pass. Therefore the layout proposed would not function appropriately and the floor space of the garage more likely to be converted to habitable space, further enlarging the accommodation beyond an ancillary annex.
- 7.18 If a genuine annex on a single dwellinghouse site, then the accommodation proposed would be occupied by family members sharing all facilities and cars could continue to park on the site frontage. As a 4+ bed house then 3 on site parking spaces would be required, which can be provided at the front, and additional garage spaces are not technically needed to meet the Parking SPD.

(v) Impact on Trees and Biodiversity Net Gain (BNG)

- 7.19 The submitted application forms state no trees would be affected, but the proposal would result in the loss of mature laurel tree on the site, and may impact the root stability of the adjacent hedge. The affected domestic tree in the rear garden is not worthy of a TPO, and its loss would not be detrimental to amenity and therefore shouldn't be considered as a constraint to development.
- 7.20 In terms of BNG, as a householder application then the application is exempt from the requirements relating to Biodiversity Net Gain. However should the application have been for a new dwelling on the site, then BNG would have been applicable and the lost tree would have to have been taken into account in the matrix.

(vi) CIL

- 7.21 As a detached annexe the floor space created is CIL liable. The appropriate forms have been submitted, including annexe relief claimed. However, given the recommendation for refusal, the Draft Liability Notice has not been prepared, and could be done so at appeal stage if necessary.

8 Conclusion

- 8.1 In the absence of adequate evidence to demonstrate that the proposed annex would have a functional link with the host dwelling and be occupied on an ancillary basis in perpetuity, the proposed 2 bed annex comprising of double garage, living room and kitchen would be tantamount to a new dwelling which could readily be occupied independently creating a new planning unit on the site. The proposed annex is not considered to be adequately subservient or subordinate in footprint or scale to the host dwelling and in design terms would have a poor visual relationship with the host dwelling, lacking in matching details and materials, and detrimental to the spacious setting of the site and street scene, contrary to policy CS16.
- 8.2 The proposed annex building, by virtue of its design, height and siting, would also be harmful to neighbouring amenity from both overbearing and enclosing effects, overshadowing and loss of privacy. In addition the use of the proposed garages would introduce noise and disturbance, and emission and light pollution from vehicular movements, harmful to the quiet amenity of the neighbours and area, contrary to

policies CS16 and DM10. As such it is recommended to refuse the application for a two storey annex on the site.

9 RECOMMENDATION:

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/24/00849

(A) for the following reasons

- 1 The height, scale, layout and siting of the proposed annex is not considered to be appropriately subordinate or subservient to the host dwelling. The design detail lacks cohesion with the host Victorian Villa and would result in a loss of spaciousness between dwellings, harmful to the spacious character of the street scene and the character of the area, contrary to policy CS16. Furthermore it has not been adequately demonstrated that the proposed annex would have a functional link with the host dwelling and be occupied on an ancillary basis in perpetuity. The proposal does not therefore meet the terms of the application and would be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011; and the National Planning Policy Framework.
- 2 Notwithstanding the inaccurate site plan, the proposed design, height and siting of the proposed annex building would result in an overbearing, enclosing and overshadowing development close to the shared boundary with number 6 Fourth Avenue, detrimental to the outlook, light and amenities of the occupier of this property. Furthermore the proposed side dormers and roof lights would result in overlooking of the private garden areas of number 10 and 6 Fourth Avenue, leading to a direct loss of privacy, harmful to the amenity of these residents. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 Due to the inaccurate site plan the western garage space would not be accessible to vehicles and no on site turning can be achieved. The use of the eastern garage space would nevertheless result in noise and disturbance, emission and light pollution, from the comings and goings of vehicles, including in reverse, to the detriment of the quiet amenity of adjacent neighbours. The proposal is therefore contrary to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.