
Site Address: 97 Hart Plain Avenue, Waterloooville, PO8 8RG
Proposal: Application for Non-Material amendment of Planning Permission
APP/23/00191 relating to the addition of two new windows, one to the right elevation and
an additional window in the rear dormer.
Application Type: Non-material change
Application No: APP/24/00159 Expiry Date: 08/04/2024
Applicant: Le May
Agent: Mr Walker Case Officer: Denise Sheath
Parkers Design
Ward: Hart Plain

Recommendation: **REFUSE PERMISSION**

1 Site Description

This application site comprises a two storey, detached dwellinghouse located on the west side of Hart Plain Avenue, Waterloooville. This property has a pitched roof with horizontal cladding and brickwork to the elevations. Towards the rear of the site is a detached garage and towards the front of the site is a driveway allowing for the parking of vehicles. The area is predominantly residential in character.

2 Planning History

APP/23/00191 - Double storey side and rear extension with front and rear dormers forming living space and an annexe, single storey side and rear extension and internal lift. PERM - 12/09/2023

3 Proposal

Application for Non-Material amendment of Planning Permission APP/23/00191 relating to the addition of two new windows, one to the right elevation and an additional window in the rear dormer.

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)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Planning Considerations

- 5.1 As detailed in paragraph 3.1 above, this application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application. The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment.
- 5.2 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
- 5.3 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development control criteria.
- (ii) Appropriateness of design and impact on the character of the area
- 5.4 The proposed changes to the approved application APP/23/00191 include the installation of an additional window within the rear dormer and the installation of a new window within the first floor north western side elevation of the proposed two storey extension. It is considered that the proposed windows could have the potential to impact the adjoining neighbouring property to the north (No.99) as well as changing the design and appearance of the approved plans. In this context it is considered that the proposed changes are material, and that the neighbours should have the opportunity to make comments on the proposed changes
- (iii) Effect on neighbouring properties
- 5.5 The proposed amendments to planning approval APP/23/00191, are considered a material alteration to the external appearance of the property through the change in window arrangements by the addition of 1No. window to the rear dormer and the installation of a new window at first floor level to the north western side elevation of the adjacent a sensitive boundary with 99 Hart Plain Avenue and could have the potential to impact the privacy of the rear amenity space of the adjacent neighbouring property. As such these changes are considered to be a material change as the development would need to be reassessed in terms of its impact on the neighbouring properties and would, as a result, require consultation with relevant third parties.
- 5.6 To approve the change as a non-material amendment without such consultation would result in the criteria set out in Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 not being fully appropriately assessed.

6 **Conclusion**

- 6.1 The proposed amendments to the plans previously approved will have a material effect on the amenities of neighbouring property of 99 Hart Plain Avenue. As such these changes cannot be considered as a non-material alteration and therefore this application must be refused.

7 **RECOMMENDATION:**

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/24/00159 for the following reason

- 1 The proposed changes to the approved application APP/23/00191 include the installation of an additional window within the rear dormer and the installation of a new window within the first floor north western side elevation of the proposed two storey extension. It is considered that the proposed windows would have the potential to impact the side elevation including windows and rear amenity space of the adjoining neighbouring property to the north (No.99 Hart Plain Avenue) as well as changing the design and appearance of the approved plans. Section 96A of The Town and Country Planning Act 1990 (As Amended) requires that in deciding whether a change is material, a local planning authority must have regard to the effect of the change on the planning permission as originally granted. As such these changes are considered to represent a material change as the development would need to be reassessed in terms of its impact on the neighbouring properties and would, as a result, require consultation with relevant third parties. To approve the change as a non-material amendment without such consultation and assessment under policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 would not be appropriate.