
Site Address:	Breckland, Edward Gardens, Havant, PO9 3JJ		
Proposal:	Removal of Condition 4 of Planning Permission APP/22/00496.		
Application Type:	Variation/Relief of Condition		
Application No:	APP/22/00882	Expiry Date:	04/11/2022
Applicant:	Mr Haynes		
Agent:	Mrs Wells	Case Officer:	Selina Donophy
	Applecore PDM Ltd		
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

This application site is a two storey, detached dwellinghouse located on the north side of Edward Gardens, Havant. This property has a hipped roof with garages at ground floor level to the side and elevations of brick construction. The site is surrounded by trees and backs on to Tulip Gardens to the north. The site is located within the Old Bedhampton Conservation Area. Along Edward Gardens, there is a Grade II listed building – The Manor House.

2 Planning History

07/72752/000 - Cut Fir trees back to boundary within the curtilage of Breckland, Edward Gardens, Havant within Old Bedhampton Conservation Area., RNO,07/01/2008
APP/15/01040 - Fell 14No. Conifer trees within Conservation Area of Old Bedhampton., RNO,06/11/2015
APP/20/00545 - Crown reduce east sector of 1No. Lawson Cypress (T1 on plan) by up to 1.5m or to old pruning points and crown reduce height by up to 5m to leave an overall height of 8m; Crown reduce northern and eastern facing branches of 1No. Beech (T2 on plan) by up to 1.5m or back to boundary edge, cut to growth points to leave a natural shape. Within conservation area of Old Bedhampton., RNO,14/08/2020
APP/22/00496 - Loft conversion with front and rear gables, dormers and addition of solar panels., PERM,25/08/2022

3 Proposal

Removal of Condition 4 of Planning Permission APP/22/00496.

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

CS11 (Protecting and Enhancing the Special Environment and Heritage of
Havant Borough)
CS16 (High Quality Design)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

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

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No comment received

Conservation Officer

With regards to the application above, I confirm that there are no heritage objections to the removal of Condition 4 of PP APP/22/00496

Councillor D Guest

No comment received

Councillor Liz Fairhurst - Bedhampton

No comment received

Councillor Mark Inkster

No comment received

County Archaeologist, Strategic Environmental Delivery Group, HCC

Thank you for your consultation. We have no comments regarding this application

Developer Services, Southern Water

Southern Water has no objections to the above Removal of Condition 4. The comments in our response dated 02/08/2022 remain unchanged and valid.

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: 12

Number of site notices: 1

Statutory advertisement: 14/10/2022

Number of representations received: 0

Comment	Officer Comment
None received	

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 and the Conservation 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.

7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

7.4 As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect. Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

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

- 7.5 This proposal seeks to remove condition Condition 4 of APP/22/00496 :

4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the bedroom and bathroom dormer windows in the second floor on the side elevation facing west shall be fitted with non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7.6 This proposal is not considered to result in harm to the character of the area nor the Bedhampton Conservation Area. Havant's Heritage Officer upholds no objection to this proposal.
- 7.7 The design and appearance of the proposal 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 would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.8 The applicant states in their submission that there are existing views from the first floor west side elevation windows which would result in a similar overlooking impact to the second floor dormer windows as approved and conditioned under APP/22/00496 if the condition were to be removed. The original function of Condition 4 which sought obscure glazed and fixed shut windows was to reduce overlooking impact on the properties and rear gardens to the west as there is a very close relationship between this side elevation wall and these properties. Whilst the existing windows are noted, it is considered that additional windows would increase overlooking as well as resulting in expanded views directly down into the neighbouring gardens and private amenity spaces. It has been considered that the window sited further towards the front elevation of the property serving the front bedroom could be clear glazed as the views from this window would be sited further away from the neighbouring properties with some tree cover . The bathroom and rear bedroom windows would be required to remain obscure glazed with top opening lights to allow for ventilation . It is noted both bedrooms are also served by clear glazed windows to the front and rear elevations.
- 7.9 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have 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). It is noted no letters of objection were received with respect to the scheme.

8 **Conclusion**

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00882 subject to the following conditions

- 1 The development must be begun on or before 25/08/2025.

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:

PG.7050.22.02 REV C proposed floor plans
PG.7050.22.03 REV D Amended proposed elevations
Location plan uploaded on the 02.11.2022
Block plan uploaded on the 02.11.2022

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

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 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the rear bedroom and bathroom dormer windows in the second floor on the side elevation facing west shall be fitted with , to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.