
Site Address: 98 Westbourne Avenue, Emsworth, PO10 7QJ
Proposal: Application for; (1) retrospective application for existing conservatory; and
(2) new application for change of roof to existing conservatory.
Application Type: Full Planning Permission
Application No: APP/22/00734 Expiry Date: 23/11/2022
Applicant: Mr T Gilyead
Agent: Case Officer: Lewis Ford
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is 98 Westbourne Avenue, Emsworth, PO10 7QJ.

The site is in Residential Character Area 2 (East of New Brighton Road) of the Emsworth Neighbourhood Plan. The area is characterised as a quiet suburban, semi-open, area of mixed housing. The site, itself, includes a two-storey, semi-detached, dwellinghouse of traditional brick and tile construction. The dwellinghouse also includes white UPVC windows and doors, along with hanging tiles on its front first-floor elevation. Finally, the site includes a front garden of lawn and hardstanding for the parking of 2no. vehicles, and a rear garden which is also laid to lawn with a depth of approximately 14m.

2 Planning History

19498/1 – APPLICATION WITHDRAWN in July 1976 relation to proposed residential development of houses and flats.

19498/3 – OUTLINE PERMISSION in January 1980 for residential development with amenity open space.

19498/4 – PERMISSION in January 1981 for residential development for 104no. houses and 26no. flat dwellings.

3 Proposal

Application for; (1) retrospective application for existing conservatory; and (2) new application for change of roof to existing conservatory.

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)

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

ENP_D1 (General Design Policy)
ENP_D2 (Height, Mass & Materials)

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

5 Statutory and Non Statutory Consultations

Councillor J Thain-Smith - Emsworth

No comments received.

Councillor L Bowerman - Emsworth

No comments received.

Councillor R Kennett - Emsworth

No comments 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: 14

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments received.	

This planning application was publicly consulted on between 29 September and 28 October 2022. During this time, no neighbour comments were received.

7 Planning Considerations

- 7.1 The existing brick, UPVC and polycarbonate conservatory was built in the late 1990s and does not benefit from formal planning permission. Although the existing conservatory does not accord with the permitted development rights (PDR) set out under **Schedule 2, Part 1, Class A** of the **GPDO**; it is immune from any planning enforcement action as the structure has been erected for more than 4 years. The Planning Enforcement Team has advised that although the existing conservatory is immune from enforcement action in its current form, any adaptation works would result in the conservatory no longer being immune for future enforcement action. As such, this planning application has been submitted to regularise the existing conservatory, and provide consent for the proposed roof alterations.
- 7.2 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
- (i) Principle of Development
- 7.3 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
- 7.4 The proposed development comprises the retention (and regularisation) of the existing conservatory, but with a replacement roof. The existing conservatory comprises a depth, width, eaves height, and maximum height of approximately 3.65m, 3.00m, 2.40m, and 3.20m respectively. As part of the proposed development, the mass, bulk, and form of the existing conservatory would be retained, but its existing polycarbonate roof would be replaced with equinox premium (composite) tiles with two toughened glass panels.
- 7.5 The Havant Borough Design Guide SPD states that householder developments should be smaller, subservient, sympathetic, and modest in mass and height compared to the main dwellinghouse. In addition, the Design Guide SPD also explains that proposals should look to the existing dwellinghouse (and its neighbours) as the main reference points for appearance, materials, and detailing. In this instance, the existing conservatory is subservient to the main dwellinghouse, and the proposed replacement roof materials would not be out of keeping with the existing material palette of the locality.

7.6 Moreover, the appearance, design and mass of the existing and proposed development is deemed to be acceptable and appropriate in the context of the locality, and would not result in an adverse impact on the visual amenity of the area. Given all the above, the proposed development would meet the requirements of Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011, and Policies D1 and D2 in the Emsworth Neighbourhood Plan.

(iii) Impact on Neighbouring Properties

7.7 The Havant Borough Design Guide SPD states that householder developments:

- Should be at least 8m from the rear boundary;
- Should be at least 20m from the neighbouring rear property;
- Should be at least 1m from the neighbouring side property; and
- Must not negatively impact the amenities of neighbouring properties.

7.8 The proposed development would accord with the first two bullet points. Although the existing conservatory is flush with the eastern side boundary, it is noted that the neighbouring property (No.96 Westbourne Avenue) has also built up to this boundary, and so non-accordance with the third bullet point is not a justified reason for refusal. Finally, given the existing boundary treatments and neighbouring rear extension at No.96, the existing conservatory and its proposed alterations does / would not result in any overshadowing, loss of light, overlooking and/or loss of privacy to neighbouring properties.

7.9 Consequently, the existing conservatory and its proposed alterations has / would have a limited and an acceptable impact on neighbouring properties. As such, the development meets the requirements of Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011. Notwithstanding the above, it is noted that no letters of objection have been received in relation to this planning application.

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 is recommended for approval subject to appropriate planning conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00734 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:

Application Form (Dated 22 September; Published 26 September 2022)
Site Location Plan (Published 26 September 2022)
Existing Roof Plan (Published 26 September 2022)
Existing & Proposed Floor Plan (Published 26 September 2022)
Existing & Proposed Roof Plan & Elevations (Published 26 September 2022)

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match in type, colour, and texture, to 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.