
Site Address: 1 Lawrence Place, Waterloooville, PO7 5FS
Proposal: Retrospective single storey rear extension, rear boundary fencing and
2 x air-conditioning units on the roof of the rear extension
Application No: APP/21/00945 Expiry Date: 06/10/2021
Applicant: Mr Sutton
Agent: Mr C Flint Case Officer: Julie Terzoudis
Chris Flint Associates Ltd
Ward: Stakes

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

- 1.1 The application relates to a two-storey, redbrick detached dwelling located within a cul-de-sac at 1 Lawrence Place, in Waterloooville. The street is very narrow with restricted on-street parking and minimal front setbacks for dwellings from the public highway. The front gardens within Lawrence Place comprise small sectional grassed open areas, and small but enclosed rear gardens with high close-boarded fencing.

2 Planning History

- 2.1 APP/14/00032 - Reserved Matters Application for 246 residential dwellings, phase 2 of the Berewood development within the West of Waterloooville MDA development (to meet the requirements of Condition 6), together with discharge of Conditions 3 (Compliance with outline documents), 4 (Compliance with Design Code), 11 (noise mitigation) and 16 (Construction Management Plan), of Outline permission APP/10/00828. APPROVED

APP/10/00828 - Outline application for the development of approx 2,550 no. dwellings including the construction of a new access from Ladybridge Roundabout, Milk Lane and completion of Maurepas Way access, a local centre (comprising retail, community building, land for health care, land for elderly care) public house, land for 2 primary schools, land for a nursery, land for employment uses, associated amenity space along with substantial green infrastructure, SuDS, land for allotments, main pumping station, land for cemetery, restoration of River Wallington, together with landscape structure planting (Matters for Approval Access only). Full planning application for the development of Phase 1 comprising 194 no. dwellings, internal roads, garages, driveways, pathways, boundary treatment, substation, pedestrian/cycle ways, including to Maurepas Way, associated parking spaces, flood attenuation ponds, temporary play provision, associated amenity space and hard and soft landscape works. Full planning for engineering operations associated with infrastructure requirements and service provision for the detailed Phase 1 application, the temporary closure of Havant Footpath No 11 and Southwick and Widley Footpath No 30, with suitable alternative route provided (approved 18/04/2012). Request to Discharge Conditions 6(ii) (a, (d, (e, (f, (i, l, 11 and 18 (09/12/2016). Request to discharge condition No.6 (11) (o) (18.04.17). Request to Discharge Condition 6 (ii) o) (23.05.17). Request to Discharge Condition FULL 22 of Decision Notice dated 20/04/2012 (10.05.18). Request to Discharge Condition 10 (21.09.18). Request to Discharge Conditions 6(ii)(d) and 18 (06.02.19). Request to Discharge Conditions 6(ii) a, d, e, f, i, 11 and 18 (30.08.19). Request to discharge condition 7 (04.05.20).

- 2.2 A Condition was placed on the original approval for dwelling removing the following Permitted Development Rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Class A, B, C or E of Part 1 of the Order shall be carried out without prior written consent of the Local Planning Authority.

3 Proposal

- 3.1 The application seeks retrospective planning permission in three parts:

1. For a single storey rear extension which extends across the width of the dwelling, projecting out to a depth of 3.6m, with a flat roof height of 2.9m (excluding a single roof lantern);
2. for the replacement of the rear and side boundary close-boarded fencing at 2.15m in height; and
3. for the installation of 2 x air-conditioning units set upon the roof of the single storey rear extension.

4 Policy Considerations

National Planning Policy Framework 2021
Planning Practice Guidance 2016
Havant Borough Council Borough Design Guide SPD December 2011
Berewood Design Code March 2013

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E1* (High quality design)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Diana Patrick

No comments received.

Councillor Elizabeth (formerly Dianne) Lloyd

No comments received.

Councillor S Milne

No comments received.

Environmental Health Manager, Community Group (summarised)

13/10/21: I note there is no noise information provided with the application. For this reason we recommend refusal. Any future application should be accompanied with a British Standard 4142:2014+A1:2019 noise report.

15/11/21: We recommend that permission for the plant is refused. The noise report (albeit there are issues with the report itself) clearly demonstrates that mitigation needs to be put in place in order to deal with the noise.

30/11/21: Conditions would need to be placed on any decision to ensure the units would only ever be used in 'cooling' mode and that only one unit will be used at any one time. Taking this into consideration, and the fact that no complaints have been received about the units we would not have any objection to the application, subject to the conditions referred to above.

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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment (summarised)	Officer Comment
The existing properties have black wooden fascias, black metal gutters, and black metal downpipes. The air-conditioning unit electrical trunking and drainpipes are white plastic trunking and not in keeping with the property making it extremely unsightly and invasive in the design appearance, layout, and outlook. If the electrical trunking and water pipes are to remain on the west elevation, they should at least be black and wherever hidden.	The trunking and pipework serving the air conditioning units would be conditioned to be painted black.
We have no objection to the extension and placement of the air conditioning units them shelves but the external trunking and water pipes connected to the air conditioning units on the west facing wall are very unsightly and not in character with the rest of the building they are white in colour if they were painted black like the fascia boards, guttering and down pipes they would blend in better.	The trunking and pipework serving the air conditioning units would be conditioned to be painted black.

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
- (iv) Other matters

(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 retrospective single storey extension is set entirely to the rear of the dwelling and does not impact the existing character of the street. The rear extension is a minor residential addition and is not considered to cause any visual amenity impacts to the host dwelling, or the immediate surrounds.

7.4 The retrospective boundary fencing at 2.1m replaces the same style of fencing at 1.8m in height. The increase of 30cm is not considered to cause any significant increase in overshadowing or overbearing impacts to the surrounding rear gardens, over and above the level already experienced from a 1.8m fence.

7.5 The 2 no. air conditioning units are located upon the roof of the rear extension and would not be visible from the public realm. The units are set against the rear elevation of the dwelling and although noticeably visible from the rear, are not large enough to result in any significant visual impacts to the host dwelling, nor to the surrounding neighbours.

7.6 The current ducting paraphernalia serving the air conditioning units is plastic and coloured white. The Berewood Design Code is an adopted planning document with strict requirements for materials and detailing upon all development within the Berewood Estate, within which No. 1 Lawrence Place falls. GS03.03 of the design code is specific to the ducting colour/material and stipulates that rainwater goods should be metal guttering or high-quality imitations, only in black. The associated ducting for the power cables/trunking/water pipes etc. serving the air conditioning units would fall under the umbrella of 'rainwater goods' and therefore should be black in colour to accord with the Berewood Design Code.

7.7 Therefore, it was requested that the ducting serving the air-conditioning units are either painted with high quality black paint or replaced with metal black coloured ducting. The agent confirmed that the existing ducting would remain but would be painted in RAL 9004 Matt Black, which can be secured through an appropriate planning condition.

7.8 The design and appearance of the rear extension, replacement fencing and 2 no. air conditioning units are deemed appropriate in context to the main dwelling and are therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy 2011). 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

- 7.9 The rear extension is single storey in nature and of a minor scale, it is therefore not considered to cause any overshadowing, overbearing or overlooking impacts to the neighbouring occupier at 2 Lawrence Place.
- 7.10 The retrospective fencing does not result in any amenity harm to the private open space serving the surrounding neighbours. The increased height of the fencing provides a reciprocal increase in the levels of privacy for all neighbours abutting the fencing. It is also noted that no complaints have been raised regarding the replacement fencing.
- 7.11 The installation of 2 no. air conditioning units in proximity to other nearby residential receptors could result in an adverse impact on use of the neighbour's gardens and internal living conditions, especially at night-time. Planning guidance on noise states that significant effects must be avoided, and adverse effects mitigated and reduced to a minimum.
- 7.12 A single unit was located on the ground against the north-western elevation of the dwelling, with the other unit positioned on the roof of the rear extension. However, to minimise noise impacts to the neighbouring dwelling, the side unit was relocated to sit adjacent the second unit upon the roof of the extension. Consultation with Council's Environmental Health Officer resulted in an initial holding objection until an appropriate noise assessment was undertaken and supported.
- 7.13 The noise report concludes that noise emissions are highest when the air conditioning units are used in 'heating' mode and when both units are operating at the same time. The noise report also states that the units would only ever be used in 'cooling' mode and that only one unit would be used at any one time. The rating level of one unit operating in cooling mode has been predicted to be 'very low' at the receiver. This combined with a very low background sound level means that consideration of the absolute noise level may be more relevant. In this case, the noise from the unit would not lead to unacceptable internal noise levels.
- 7.14 A variety of options exist to reduce the noise impact of air conditioning units. In this case, the units have been located to the rear to limit the noise to the neighbouring receptor and are proposed to be used exclusively for cooling, their quietest mode, with only one unit to be used at any one time. A condition would be placed on the approval securing these limitations to protect the neighbouring amenity in perpetuity.
- 7.15 Consequently, it is considered that the retrospective development does not appear overbearing or lead to overlooking. The 2 no. air conditioning units used as conditioned, would not lead to any significant noise impacts. The overall development has an 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 2011). It is noted that the letters of objection received with respect to the scheme made no complaint regarding noise concerns from the air con units.

(iv) Other matters

- 7.16 Decking was laid over a concrete slab as part of redevelopment undertaken within the rear garden. Evidence has been submitted to demonstrate that the decking constructed as part of the development does not exceed 300mm in height from the original ground level and would not trigger the need for planning permission. Therefore, the decking does not form part of this approval and does not need to be regularised.
- 7.17 Comments have been made regarding damp issues within the neighbouring garage, allegedly caused by elements of the retrospective development. Property owners are responsible for managing water flows within their own property, including mitigating the risks of water entering neighbouring properties and causing potential damage. The allegation of water damage is a wholly civil matter and is not a material planning consideration.

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.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/21/00945, 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:

Floor Plans and Elevations CFA/FULL/BS REV 02 - received 29 November 2021

Noise Impact Assessment Ref: 26754REP-1B Version B - received 24 November 2021

Email confirming colour of ducting - received 9 December 2021

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, 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 The two air-conditioning units hereby approved shown in Drw. No. CFA/FULL/BS/02 shall be limited to use in the cooling mode only, and only one air-conditioning unit can be in use at any one time.

Reason: To safeguard the noise amenities of the neighbouring occupiers and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The air-conditioning ducting as shown on the western elevation on Drw. No. CFA/FULL/BS/02 shall be painted in RAL 9004 Matt Black within three months from the date of this decision and shall be retained in perpetuity.

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.