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|-------------------|----------------------------------------------------------------|---------------|------------|
| Site Address:     | 43 Monterey Drive, Havant, PO9 5TQ                             |               |            |
| Proposal:         | Single storey rear extension to replace existing conservatory. |               |            |
| Application Type: | Full Planning Permission                                       |               |            |
| Application No:   | APP/22/00256                                                   | Expiry Date:  | 27/05/2022 |
| Applicant:        | Mr & Mrs Lovett                                                |               |            |
| Agent:            | Mr Bessant                                                     | Case Officer: | Lewis Ford |
|                   | JB Architecture Design Ltd                                     |               |            |
| Ward:             | Bondfields                                                     |               |            |

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

The application site is 43 Monterey Drive, Havant, PO9 5TQ. The site comprises an end-of-terrace, 2-storey dwellinghouse of traditional brick and tile construction. The site is accessed via Monterey Drive (off Douglas Gardens and Martin Road respectively) and is surrounded by employment / industrial units to the east and by residential development on all other aspects.

## **2 Planning History**

92/50858/10 – OUTLINE PERM in Aug 1994 for 150 dwellings.  
94/50858/11 – APPROVAL of Reserved Matters for details of 140 dwellings.  
GEN/13/00668 – Planning Enquiry regarding potential for double garage.  
APP/22/00135 – Prior Notification for single storey development (WITHDRAWN).

## **3 Proposal**

Single storey rear extension to replace 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) |
| CS19 | (Effective Provision of Infrastructure)                                |
| 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) |

### Emsworth Neighbourhood Plan Post Examination Version 2020

Not applicable.

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

## **5 Statutory and Non Statutory Consultations**

### **Councillor Alex Rennie**

No comment.

### **Councillor Richard Stone**

No comment.

### **Developer Services, Southern Water**

Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. To make an application, please visit Southern Water's "Get Connected" service:

<https://developerservices.southernwater.co.uk/>.

In situations where surface water is being considered for discharge to our network, we require the following hierarchy for surface water – reuse, infiltration, watercourse, storm sewer, and combined sewer – to be followed which is reflected in Part H3 of Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

### **Portsmouth Water Company**

The Portsmouth Water Catchment Management Team have reviewed this application and have no subsequent adverse comments to make in regard to this development from a groundwater quality protection perspective. This is due to the development's small nature and location within SPZ 1c of the groundwater catchment.

## 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: 2

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

The planning application was originally consulted on between 04 and 26 April 2022. After the site visit, concerns were raised about the potential for the overshadowing of, and loss of light to, No.41 Monterey Drive (the adjoining neighbouring property). Amended Proposed Plans were received on 04 and 20 May 2022, and two 7-day neighbour re-consultations were carried out between 06 and 13 May 2022, and again on 25 May and 07 June 2022, respectively. To date, no formal comments have been received.

## 7 Planning Considerations

7.1 The proposed development would comprise:

- The demolition of the existing rear conservatory; and
- The construction of a single-storey rear extension; and
- The installation of a clear-glazed window on the ground floor of the south-east side elevation.

7.2 The proposed development was originally submitted under a prior approval application (ref. APP/22/00135) in late February 2022. However, a planning history search revealed that the previous Outline Planning Permission (ref. 92/50858/10) and subsequent Reserved Matters approval (ref. 94/50858/11) both included the following Planning Condition:

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 as amended or by any replacement or re-enactment thereof, no building or structure permitted by Class A of Part 1 of Schedule 2 of the Order shall be erected without the consent of the Local Planning Authority.

**Reason:** To secure well planned development.

7.3 The above Planning Condition removes the property's Permitted Development Rights (PDR) – and the opportunity for prior approval - under **Schedule 2, Part 1, Class A** of the Town and Country Planning (General Permitted Development) (England) Order 2015. Notwithstanding the above, the existing rear conservatory does not benefit from formal planning permission and, due to the above Planning Condition, would be considered as a breach of planning control. However, as the existing conservatory was completed more than 4 years ago, it is immune from any planning enforcement action.

7.4 All the above was communicated to the Agent and the prior approval application (ref. APP/22/00135) was withdrawn. A householder planning application was then submitted to the Council in April 2022 and is the subject of this report. In having due regard to the policies in the development plan, it is considered that the main issues arising from this householder planning application are:

- (i) Principle of Development
- (ii) Impact on Character of the Area & Appropriateness of Design
- (iii) Impact on Neighbouring Properties
- (iv) Impact on the Source Protection Zone (SPZ)
- (v) Impact on Utilities

(i) Principle of Development

7.5 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 the Character of the Area & Appropriateness of Design

7.6 The existing rear conservatory has a depth and width of approximately 2.65m and 2.75m respectively and comprises a pitched roof with a maximum height of approximately 2.95m, sloping down to approximately 2.5m. The proposed development would comprise the demolition of the existing conservatory and the construction of a single-storey rear extension with a depth and width of approximately 3m and 3.9m respectively. In terms of roofing, the proposed extension would include a pitched roof similar to the (soon-to-be-demolished) existing rear conservatory but with a greater maximum height of approximately 3.4m, sloping down to approximately 2.6m. Moreover, the proposed rear extension would be approximately 0.35m deeper, 1.15m wider, 0.45m taller, and have a greater surface area of approximately 4.41 square metres (sqm) compared to the (soon-to-be-demolished) existing rear conservatory. Finally, the proposed rear extension would be used for a kitchen, allowing for the creation of a utility room, WC and larger dining room area in the existing dwellinghouse.

7.7 The Havant Borough Design Guide SPD states that rear extensions should be smaller, modest, and subservient in comparison to the main dwellinghouse. In addition, the Design Guide SPD also explains that householder developments should look to the existing dwellinghouse and its neighbours as the main reference points for appearance, materials, and detailing. The proposed development would be slightly larger than the (soon-to-be-demolished) existing rear conservatory and would comprise bricks, roof tiles and UPVC windows and doors to match the existing dwellinghouse. It is considered that the proposed development accords with the SPD's recommendations above.

7.8 Moreover, the design and appearance of the proposed development is considered to be acceptable and appropriate in the context of the application site and its locality. It is also considered that the proposed development would not result in an adverse impact on the character and visual amenity of the area and, therefore, it would meet the requirements of Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iii) Impact on Neighbouring Properties

7.9 The Havant Borough Design Guide SPD advises that rear extensions should:

- (1) Be at least 1m from the boundary with adjacent properties.
- (2) Maintain a distance of at least 8m with the rear boundary.
- (3) Maintain a distance of at least 20m with neighbouring rear properties.
- (4) Not result in an adverse negative impact in terms of neighbour amenity.

7.10 The proposed extension would be approximately 0.2m away from the north-eastern boundary. Although this would not meet Point (1) above, the above would not warrant refusal as the proposed development would follow a similar footprint to the existing rear conservatory. In terms of Points (2) and (3) above, the proposed extension would be approximately 5.5m to 7.5m from the rear boundary (due to the angle of the boundary) and would be over 27m away from the employment/industrial unit to the rear. In this instance, the non-conformity with Point (2) is not a reason for refusal given the extent of the existing rear garden which wraps around the side of the existing dwellinghouse.

7.11 In terms of Point (4), the Design Guide SPD states that the design of a rear extension should avoid the overlooking of, loss of privacy to, loss of light to, and potential for overshadowing of, neighbouring properties. The proposed double doors and windows are positioned at ground floor and would not lead to any overlooking, or loss of privacy to, neighbouring properties. As for the potential for overshadowing and loss of light, concern was previously raised about the potential impact to No.41 Monterey Drive (the adjoining neighbouring property) given the orientation of the existing dwellinghouse and proposed development. The Agent has worked with the Council to reduce the size of the proposed development to address the Council's concern.

7.12 The Design Guide SPD explains that, to mitigate the extent / potential for overshadowing, any proposed extension should not result in the centre of the existing double doors at No.41 (the adjoining neighbouring property) being within a combined plan and section **45-degree overshadowing zone**. In order to assess / determine the above, the SPD advises that:

- A 45-degree angle/line should be drawn from the top corner of the proposed extension toward the neighbour's doors/windows; and
- A 45-degree angle/line should be drawn back from the end of the proposed extension toward the neighbour's doors/windows

7.13 The SPD explains that if the centre of the main door/window of No.41 lies on the extension of both 45-degree angles/lines (emphasis added), then the proposed extension is likely to cause a noticeable reduction in sky light received by No.41's double doors. In reviewing the Amended Proposed Plans (Drg No. PL-539-22-03 REV B) received on 20 May 2022, it has been shown that the centre of No.41's double doors would only lie on one of two of the 45-degree angles/lines. In addition, although formal comments have not been submitted, informal liaison with, and photographs from, the neighbour at No.41 has provided an idea of the potential for overshadowing. It is recognised that the proposed development would lead to a degree of overshadowing and loss of light at No.41; however, it is considered that the extent of overshadowing would not warrant refusal in this instance. In addition, no formal letters of objection have been received with respect to the proposed development.

- 7.14 On balance, it is considered that proposed development would not result in an unacceptable impact – in terms of loss of light and overshadowing – on No.41 Monterey Drive. This is because the increase in height (compared to the existing conservatory) is only approximately 0.45m and the centre of No.41's double doors would only lie in one of two of the 45-degree angles/lines used to measure the potential for overshadowing. Consequently, it is considered that the resulting harm would not warrant a reason for refusing planning permission in this instance. As such, it is considered that the proposed development would not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Impact on the Source Protection Zone (SPZ)

- 7.15 The site is entirely within Source Protection Zone (SPZ) 1c in the Portsmouth Water Ground Catchment. The Portsmouth Water Catchment Management Team has reviewed the proposal and has no subsequent adverse comments to make due to the proposed development's small nature. As such, it is considered that the proposed development would not have an adverse impact on the Source Protection Zone (SPZ).

(v) Impact on Utilities

- 7.16 A Southern Water Surface Water Sewer Line runs under Monterey Drive and is approximately 26m from the existing dwellinghouse. In addition, it was noted during the site visit that there is an existing manhole cover close to the existing rear conservatory and proposed rear extension despite not being highlighted on the Council's nor Southern Water's GIS. Southern Water has advised that it may be possible that a sewer (now deemed to be public) could be crossing the application site. Southern Water has advised that, in the instance that any sewer is found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further work can commence on site. In acknowledging Southern Water's comments, an appropriate planning condition has been proposed – see Planning Condition No.4.

## **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 on neighbouring properties. The proposed development is, therefore, considered to be appropriate and recommended for approval subject to appropriate planning conditions.
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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00256 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:

**Drg No:** PL-539-21-01 REV A - Location and Block Plan [dated 08/06/22]

**Drg No:** PL-539-22-02 – Existing Floor Plan & Elevations [dated 01/04/22]

**Drg No:** PL-539-22-03 REV C – Proposed Floor Plan & Elevations [dated 08/06/22]

**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 In the event that a public sewer is found at any time when carrying out the approved development which were not previously identified, development shall STOP until details of the measures which will be undertaken to protect the public sewer have been submitted to, and approved in writing by, the Local Planning Authority. Following approval, such measures shall be implemented on site in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the adequate protection of infrastructure having due regard to Havant Borough Local Plan (Core Strategy) Policies CS19 and DM10 and the National Planning Policy Framework.