

Grounds for appeal against refusal of prior approval on Havant borough council planning APP/21/01305

Site Address:

Larkrise, 93 Sea Front, Hayling Island, PO11 0AW

Proposal:

Prior Approval for the enlargement of a dwellinghouse consisting of the construction of one additional storey, immediately above the topmost storey of the dwellinghouse, with a maximum height of 10.7 metres.

The local authority stated two reasons for refusal, to address this in order

The first reason was

The proposed additional storey includes two windows in the side (east) elevation.

As such, this fails criterion AA.2. (2) (b) which states:

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house.

Therefore, the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.

We accept that the proposal should not have windows in the side (east) elevations on the additional storey and are happy for these to be removed in any potential approval agreed, These windows are either to a bathroom or are additional windows to rooms with rear facing windows and as such are not required.

The second reason was

The proposed development by reason of increase in height, scale and massing, would adversely affect the residential amenities of the neighbouring property, No.93a, by reason of appearing overbearing and loss of sunlight.

As such, the proposed development is contrary to the requirements of Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD and the National Planning Policy Framework 2021.

This reason is somewhat more subjective than the first and raises a number of concerns with regards to the viability of any prior approval application for additional storeys on a dwelling, as in such cases it is always likely to result in a taller building sitting next to an existing smaller building. Due to this most cases could be seen by some as overbearing.

In terms of the defined reason for refusal

'The proposed development by reason of increase in height, scale and massing would adversely affect the residential amenities of the neighbouring property, No.93a, 'by reason of appearing overbearing and loss of sunlight.'

We question whether “*height scale and massing*” being overbearing is a reason for refusal under class AA permitted development rights. The Class AA permitted development legislation states in AA.2 sub paragraph 3 part I, that the council can only consider ‘*impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light*’



Despite this point we have addressed the councils reason for refusal below.

In this case the proposed building is sitting in the shadow of the neighbouring four storey block of flats (see below) and due to this the applicant decided only to propose the addition of one storey rather than the possible two additional storeys.

The reason to only add one floor was to step the design down from the four storey flats to the three storey proposed dwelling and finally to the two storey neighbouring dwelling.

Consideration needs to be given to the existing two storey building and whether the extra storey significantly increases any existing overbearing and loss of sunlight, or creates overlooking and loss of privacy

In terms of the overbearing impact on the views from the neighbours property, they are unlikely to be affected as the current buildings already obscures those views.

In terms of the overbearing impact of increased overlooking or loss of privacy, this would not be the case as no additional windows have been added to the side elevation.

In terms of the extra height created by the additional storey, the building would still sit in the shadow of the much taller four storey block of flats which is by far the dominant building in the relationship between the properties.

In terms of mass, the building would still appear smaller than the much larger flats behind and as such we do not believe it would be excessive or overbearing when compared to the current relationship between the buildings.

Finally in terms of loss of sunlight. The building and garden are south facing and open on the south and west boundaries and as such receive significant sunlight from those boundaries. In terms of the western boundary, this elevation has always received an element of reduced sunlight due to the existing dwelling and the four storey flats to the west, we believe the additional storey is unlikely to add significantly to this impact.

We would therefore request that consideration be given to supporting the appeal against the refusal notice.