

Recommendation: **GRANT PERMISSION**

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)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Planning Considerations

5.1 As detailed in paragraph 3.1 above, this application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application. The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment.

5.2 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) Effect on neighbouring properties

(i) Principle of development

5.3 The application site is located within the defined urban area, to the rear of the approved dwelling, so the proposed minor amendment would not be visible from the public realm. The development is considered acceptable in principle subject to development control criteria.

(ii) Effect on neighbouring properties

5.5 The proposal is only for an additional high level window on the eastern wall and has been determined on that basis. This additional window would face out onto the neighbour's garden to the east. However, as with the other ground floor window (and roof lights) on this elevation, it would be conditioned so as to be obscurely glazed. A revised wording of condition 5 imposed on planning permission reference APP/20/01025 is recommended to state:

Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the

windows in the first floor on the side elevation facing north, the rooflights on the rear roof facing east and the ground floor windows on the rear elevation facing east 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.*

- 5.6 The proposed change is relatively modest and it is considered is unlikely to lead to an adverse impact to the neighbouring property and can therefore be considered as non-material. Had it not been for the fact that the window had been installed during the construction process, as opposed to following occupation, then such an amendment would ordinarily have been capable of being implemented under 'permitted development' tolerances.

6 Conclusion

- 6.1 Overall, the proposed alteration is not considered to result in a material change to the extant planning permission and the change is recommended for approval.

7 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00009 subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Ground Floor Plan - HR 02 A
Proposed East Elevation - HR11

Reason: - To ensure provision of a satisfactory development.

- 2 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the windows in the first floor on the side elevation facing north, the rooflights on the rear roof facing east and the ground floor windows on the rear elevation facing east 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.

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