

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure

No comment

Councillor Leah Turner - Hayling East

No comment

Councillor M Wilson - Hayling East

No comment

Councillor R Raines - Hayling East

No comment

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: 24

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 10

Comment	Officer Comment
Comments received in objection - 8 Comments received in support - 0	Issues raised in objections : • Impact on amenity of adjacent properties - overlooking to adjacent property of garden and flat windows opposite - overshadowing to rooflight windows of adjacent property - loss of outlook from flats opposite • Impact on the character of the area - Dominant design - Unattractive and out of keeping with surrounding area and surrounding properties - Overbearing Other points :

	- Points have been raised suggesting the long term proposal is to split the building into apartments. - Linked to this concerns have been raised in regards to additional vehicles on site. Case officer comment : Whilst the floor plans do suggest there could be scope for splitting the building up, this has not been proposed by the applicant and would require planning permission separate from this application .
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7 Planning Considerations

- 7.1 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.
- 7.2 The proposed additional two storeys are the subject of recent changes to the General Permitted Development Order (GPDO) which have given general permitted development rights for such changes to take place under a 'prior approval' process. As the additional storeys are proposed to a dwellinghouse then it is deemed the application can be considered under Part 1, Class AA "*enlargement of a dwellinghouse by construction of additional storeys*" of the GPDO.

Paragraph AA.1 of Class AA

- 7.3 Paragraph AA.1 of Class AA details instances where development under Class AA is not permitted. Assessment against this criteria is provided below:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

-Met

(b) the dwellinghouse is located on—

(i) article 2(3) land; or

(ii) a site of special scientific interest

-Met

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

-Met

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

- The planning history for this property suggests that an additional storey was added to the property in the 1970's and that the property had originally been at least partially single storey prior to that or as originally built. There are no plans available in

the Havant planning archive to validate the original approved plans for this property which was approved in 1971 however planning documentation from a planning application and appeal in 1977 suggests this included the addition of a second storey.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

- The highest part of the roof does not exceed 18 metres

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

- The highest part of the proposal would not exceed the highest part of the existing roof by more than 7 metres (was 6.2 metres high now approximately 12 metres high)

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or

(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

- This dwellinghouse is detached

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

- The floor to ceiling height would not exceed 3 metres or any height of an existing storey

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

- Met

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

- Met

7.4 Conditions

AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

- Met - application form states materials would match existing

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

- Met

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

- Met

(3) The conditions in this sub-paragraph are as follows—

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of—

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(i) Impact on the amenity of any adjoining premises has been considered :

It is considered that this criterion does not exclude considerations of other potential impacts on adjoining premises.

Immediately to the east of the application site is no 4 Bembridge Drive. This property has been re-developed in recent years and is set at two storey level with a pitched roof comprising of multiple rooflight windows on the side (western) roof slope adjacent with the application site. The additional two storeys would add approximately 6 metres to the total height of the property which is considered to result in harmful loss of light to these rooflight windows exacerbated by the very close proximity between both dwellings at approximately 2 metres separation distance. Whilst it is noted the first floor rear bedroom would also be served by windows to the rear , any sunlight from the west would be particularly impaired , notably at ground floor level which already experiences limited light due to the close proximity of the building lines as stated above.

The proposed four storey height dwelling within 2 metres of no 4 is considered to be

particularly overbearing and dominant resulting an oppressive presence. The windows would allow for some increased overlooking towards the rear garden area of no 4 although it is noted the higher level windows would have more indirect views which would mainly comprise of the beach front.

To the north of the application site is the apartment building , Bembridge House which is of four storey height and has outlooks towards the sea. There are approximately 30 metres separation distance between Bembridge House and no 2 Bembridge Drive . This exceeds the minimum separation distance of 20 metres as recommended in the Havant Borough Design Guide of properties of the same height to reduce overlooking and therefore this is not judged to be an issue between these properties. To the east of this is a three storey apartment building with nos 6-14 , a minimum separation distance of 24 metres would be required between these properties and no 2 which has been met as 4 metres extra is required per difference in storey number. Whilst the outlooks to the sea from the apartments opposite would be diminished as a result of the additional two storeys, this is not a material planning consideration.

(ii) Impact of the external appearance of the dwellinghouse , including the design and architectural features of the principal elevation of the dwellinghouse has been considered :

This proposal would result in almost a doubling of the existing property height .The existing property with the flat roof is not considered to be of particularly high quality design and therefore the addition of extra storeys is considered to amplify the prominence of this building in a highly visible location along Hayling sea front. Although it is noted the apartments opposite comprise of four storeys, these form part of the row of the building line which includes the flats above the shops and cafes along Rails Lane . The dwellings along Bembridge Drive are predominantly two storey in height and any that are higher are not located within as highly visible locations. The proposed four storey height dwelling is considered to be visually dominant in an area which forms a focus for tourism on Hayling Island . The appearance would not appear subservient to the host dwelling and would result in an overdeveloped appearance. The proposal is therefore considered, by virtue of its height and design would result in a harmful form of development out of keeping with the host dwelling and the wider character of the area.

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(3) issued by the Secretary of State;

-Met

8 Conclusion

Evidence from the planning history of this property shows the property was originally at least partially single storey when it was originally built in 1971 . In the 1970's it appears that second storey additions were proposed and approved , as such this fails criterion AA.1 (d) which states :

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in

reliance on the permission granted by Class AA or otherwise;

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

The proposed development by virtue of the design, scale and height of the additional storeys sited in a highly visible location within the public realm would appear harmfully prominent and visually dominant and massing within the context of both the host dwelling and the wider character of the locality.

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.

The proposed development by reason of increase in height, scale and massing, would adversely affect the residential amenities of the neighbouring property, No 4 Bembridge Drive, 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.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PRIOR APPROVAL** for application APP/22/00084

(B) for the following reasons

- 1 Evidence from the planning history of this property shows the property was originally at least partially single storey when it was originally built in 1971. In the 1970's it appears that second storey additions were proposed and approved, as such this fails criterion AA.1 (d) which states:

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

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

- 2 The proposed development by virtue of the design, scale and height of the additional storeys sited in a highly visible location within the public realm would appear harmfully prominent and visually dominant and massing within the context of both the host dwelling and the wider character of the locality.
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.

- 3 The proposed development by reason of increase in height, scale and

massing, would adversely affect the residential amenities of the neighbouring property, No 4 Bembridge Drive , 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.