

Recommendation: **REFUSE PERMISSION**

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) Appropriateness of design and impact on the character of the area
 - (iii) Effect on neighbouring properties
- (i) Principle of development
- 5.3 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development control criteria.
- (ii) Appropriateness of design and impact on the character of the area
- 5.4 The proposed changes to the design of Plot 3 to include the installation of 2No. Velux windows within the roof slope of the northern. The proposed alterations will impact the rear amenity of the adjoining neighbouring property. Condition 9 was added to the approved decision APP/18/00628 stating in part that no additional windows were to be installed within the curtilage of the site without the prior notification of the Local Planning Authority to protect the amenities of the neighbouring properties. In this context it is considered that the proposed changes are material, and that the neighbours should have the opportunity to make comments on the proposed changes
- (iii) Effect on neighbouring properties
- 5.5 The proposed changes to Plot 3, adjacent to 7a Sea View Road, are a material alteration to the external appearance of the property through the change in window arrangements by the addition of 2No. roof windows within the northern elevation on the roof slope of the approved scheme on a sensitive boundary with 7A Sea View Road, could have the potential to impact the privacy of the rear amenity space of the adjacent neighbouring property. As such these changes are considered to be a material change as the development would need to be reassessed in terms of its impact on the neighbouring properties and would, as a result, require consultation with relevant third parties.
- 5.6 To approve the change as a non-material amendment without such consultation would result in the criteria set out in Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 not being complied with.

6 Conclusion

- 6.1 The changes proposed to Plot 3 to the plans previously approved will have a material effect on the amenities of neighbouring property of 7A Sea View Road. As such these changes cannot be considered as a non-material alteration and therefore this application must be refused.
-

7 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/00522 for the following reasons

- 1 The proposed changes to the design of Plot 3 to include the installation of 2No. Velux windows within the roof slope of the northern. The proposed alterations will impact the rear amenity of the adjoining neighbouring property. Condition 9 was added to the approved decision APP/18/00628 stating in part that no additional windows were to be installed within the curtilage of the site without the prior notification of the Local Planning Authority to protect the amenities of the neighbouring properties. As such these changes are considered to be a material change as the development would need to be reassessed in terms of its impact on the neighbouring properties and would, as a result, require consultation with relevant third parties.

To approve the change as a non-material amendment without such consultation would result in the criteria set out in Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 not being complied with.

Should you wish to pursue the changes proposed, a revised planning application will need to be submitted.