

Recommendation: **GRANT PERMISSION**

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| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS12 | (Chichester Harbour Area of Outstanding Natural Beauty (AONB)) |
| CS15 | (Flood and Coastal Erosion) |
| CS16 | (High Quality Design) |

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

- E5 (Chichester Harbour Area of Outstanding Natural Beauty)
E4 (Development on the Coast)
E1* (High quality design)
E19 (Managing flood risk in new development)
E14 (The Local Ecological Network)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No comments received.

Previously commented that the works were not adjudged to be harmful to the AONB landscape nor the purposes of its designation.

Councillor Leah Turner - Hayling East

No comments received.

Councillor M Wilson - Hayling West Ward

No comments received.

Councillor R Raines - Hayling East

No comments received.

Environment Agency

No comments received.

Natural England Government Team

No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Royal Society for the Protection of Birds

No comments received.

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: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of representation raising the following issues:

- Welcome the changes made in the revised proposal
- Existing tree cannot be relied upon to provide screening in the longer term
- Bats present in the garden
- Will limit sunlight to summerhouse patio

7 Planning Considerations

7.1 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 and setting of the AONB
- (iii) Effect on neighbouring properties
- (iv) Impact on European sites of conservation importance/ SSSI/protected species
- (v) Flood risk

(i) Principle of development

7.2 The application site is located within the defined urban area; therefore, development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area and setting of the AONB

7.3 The site is prominent from the Creek and the Chichester Harbour AONB. However, there are other two storey properties in a similar position. As such, a two storey development is not considered to be out of character when viewed from the water.

7.4 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

7.5 The previous scheme was refused because of the impact it would have on the amenity of the adjacent property, No. 13 A Salterns Lane in terms of loss of privacy and overbearing impact. The current revised scheme seeks to overcome the reasons for refusal.

7.6 In this regard, there has been a reduction in the pitch of the roof and overall height and a reduction in the extent of the proposals.

- 7.7 The proposals include a balcony to the rear north elevation. The drawings indicate that the sides of the balcony would have a Brise Soleil, which is of louvred design and ordinarily installed on buildings to reduce direct sunlight and heat gain. However, it is considered that the use of this product would reduce overlooking to the gardens of the adjacent properties. The scheme has also been amended to have a 10mm obscure screen behind the Brise Soleil to both sides. An appropriate condition can be imposed in order to secure the installation of the Brise Soleil and obscure screen prior to the use of the balcony.
- 7.8 The proposed first floor windows in the western elevation are to be obscurely glazed and an appropriate condition can be imposed to ensure these windows are obscurely glazed and non openable below 1.7m from internal floor level.
- 7.9 The proposed first floor windows in the eastern elevation are shown to be obscurely glazed, other than the large window serving bedroom 1. The applicants planning statement states that this window would be located approximately 18m from the side windows of the recently approved No.19A and that the proposed angle of potential view should reduce any potential concern of overlooking or loss of privacy between these two houses.
- 7.10 Whilst it is understandable that the applicant wishes to have views across the harbour, whilst the impact on No.19A may be acceptable due to the angle and distance from the side window serving bedroom 1, there would still be significant overlooking of the private amenity space to the adjacent property No.17. As such, it is considered that all windows to the eastern elevation should also be obscurely glazed and non openable below 1.7m from floor level. It is also noted that this window is effectively a secondary window with the patio doors leading to the balcony as the primary source of light.
- 7.11 It is considered that both the reduction in the height and scale of the proposals are sufficient to reduce the adverse impact to the residential amenities of the adjacent property No. 13A.
- 7.12 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking (subject to suitable conditions) and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Impact on European sites of conservation importance/SSSI/protected species

- 7.13 Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.14 Following a request, the applicant commissioned a bat survey which did not reveal the presence of bats but recommended habitat enhancement.

(v) Flood risk

- 7.15 Whilst part of the site is within flood zones 2 & 3, the building itself is within flood zone 1. However, a flood risk assessment has been provided.
- 7.16 In this instance, the proposal would not increase the ground floor footprint of the dwelling and all sleeping accommodation would be on the first floor.

- 7.17 It is considered that there would be no increased flood risk as a result of the development.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours, the character and visual amenities of the area, flood risk and ecology and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00721 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:

LOCATION AND SITE PLAN

D08 - PROPOSED FLOOR PLANS

D12 - PROPOSED GROUND FLOOR LAYOUT

D13 - PROPOSED FIRST FLOOR LAYOUT

D11 - PROPOSED SOUTH ELEVATION

D06 - PROPOSED NORTH AND SOUTH ELEVATIONS

D07 - PROPOSED EAST AND WEST ELEVATIONS / SITE PLAN VIEW

EXISTING AND PROPOSED 3D IMAGES

D15 - EXISTING AND PROPOSED VIEWS FROM 13A

Reason: To ensure provision of a satisfactory development.

- 3 The development shall not be erected other than in the following materials or such other materials as have been approved in writing by the borough council:

Walls: timber weather boarding

Roof: artificial slate roof

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 The Brise Soleil backed with an obscure screen shown on the western and eastern elevations of the rear balcony shall be installed prior to the use of the development hereby approved and thereafter retained in perpetuity.

Reason: To protect the amenities of adjoining residential properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The 1st floor windows in the western and eastern elevations of the development hereby permitted shall at all times be and remain glazed entirely with obscure glass and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The particular type of obscure glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4

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.

- 6 The development shall be carried out in accordance with the conclusions and recommendations in the Preliminary Roost Assessment - Report including any proposals for biodiversity enhancements, mitigation and compensation recommended by Greenwood Environmental Ltd. dated 28 September 2021.

Reason: In the interest of preserving and enhancing protected species and biodiversity in compliance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Submission Version Havant Local Plan and the National Planning Policy Framework 2021.