
Site Address:	99 Church Road, Hayling Island, PO11 0NR		
Proposal:	First floor rear extension.		
Application No:	APP/16/00863	Expiry Date:	18/10/2016
Applicant:	Mr Magee		
Agent:	Mr C Power	Case Officer:	Tina Pickup
	Thorns - Young Ltd		
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

99 Church Road is a two storey detached dwelling on the west side of Church Road. It is constructed of red brick with brown tile roof and the property has a single storey lean to style front extension and a flat roofed single storey rear extension, the latter constructed under permitted development.

It was the northern most dwelling until permission was granted in 2006 for an additional dwelling to the north, which is currently under construction and nearing completion. This new dwelling, No 101 Church Road, was recently granted planning permission (28/9/16) for a single storey rear extension - APP/16/00856. A further site visit on 10/10/2016 verified that this has already been implemented and the walls completed ready for the roof. The garden boundaries are not yet divided with fences but the intended subdivision of the site will result in No 99 having a 10m garden from the rear extension. The new dwelling at No 101 has been constructed slightly further east than shown on the approved plans, such that its rear elevation is some 300mm staggered to the east of the two storey rear element of No 99.

To the south, No 97 is a two storey dwelling having recently had a full width, 3m deep, two storey rear extension with hipped roof end and first floor Juliet style doors. (APP/15/01242 refers)

The site lies within the urban area and just outside Flood Zone 2 and 3.

2 Planning History

05/70557/00 - Outline for one dwelling utilising altered access to Church Road - Withdrawn

06/70557/001 - Construction of a detached 3 bed dwelling with associated car parking utilising an altered access to Church Road Permitted 05/06/2006

09/70557/002 - Discharge of condition 2,3,5 and 6 of 06/70557/001

09/70557/003 - Two storey rear extension and single storey front extension (at No 99), Refused 19/01/2010 Appeal split decision - 2 storey rear dismissed; single storey front allowed 28/5/2010

3 Proposal

The proposal is to add a first floor above the existing single storey flat roofed extension. As originally proposed this was full depth of the single storey extension below (some 4m deep) with a flat roof having a total height of 5.3m.

During the course of determining the application amended site and block plans have been received correcting the siting of the new dwelling at 101 in relation to No 99 swell as the intended subdivision of the plots. This then demonstrated that at full depth the 45 degree guidance within Havant Borough Design Guide SPD was breached so further amended plans were received reducing the depth of the proposal to 2.5m. It would be constructed of matching bricks.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

CS17 (Concentration and Distribution of Development within the Urban Areas)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

and Borough Design Guide SPD 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - no adverse 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: 1

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

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 and history of site
- (ii) Impact upon the streetscene
- (iii) Impact upon residential amenity

(i) Principle of development and history of site

The application site is situated within the urban area (the CS17 boundary runs along the northern boundary of No 101) where further development is considered acceptable subject to the usual development control criteria. The site is of sufficient size to accommodate the proposed extension with the plot subdivision from 101 retaining a 10m rear garden for No 99. In 2010 an appeal was dismissed for a two storey rear extension at No 99 due to its impact on the living conditions of No 101. The Inspector was concerned at the over-dominant and intrusive effect of the extension right on the boundary with the private sitting out area of No 101.

This application is similar to the proposal that was dismissed (but the first floor has now been reduced in depth and is only flat roofed), and site circumstances have changed since then. No 99 has erected a permitted development single storey rear extension which in effect already partly creates the scenario the Inspector was trying to avoid ie development on the boundary adjacent the sitting out area, albeit only single storey; No 97 has implemented a 3m deep two storey rear extension granted permission under APP/15/01242 in Dec 2015 including a Juliet rear balcony; and No 101 has partly implemented the single storey extension recently granted which re-locates the sitting out area westward to beyond the footprint of No 99.

Accordingly the current application must be reassessed given the current proposal and site circumstances.

(ii) Impact upon the streetscene

The proposed first floor rear extension will not be visible from the Church Road roundabout due to the tree screening and presence of No 101. There are no public footpaths so whilst a flat roof is not an optimum design solution, given the site circumstances it will not actually be harmful to any public viewpoint.

(iii) Impact upon residential amenity

Given that the rear elevations of the single storey elements of No 99 and 101 now align then there would be no impact on either the ground floor or sitting out area of No 101. However the impact on the first floor must be considered using the 45 degree rule. As originally submitted the full depth 4m extension would have breached the 45 line and resulted in the outlook and light available to this first floor bedroom window being significantly compromised and contrary to policy CS16 - especially due to the orientation (proposal due south of No 101). Therefore amended plans have been submitted reducing the proposed depth to 2.5m which complies with the 45 degree line.

It is also considered that the proposed flat roof design would actually further reduce the impact on this adjacent first floor room at No 101 as any roof would add mass and bulk and add to the overshadowing and overbearing impact. Therefore being a flat roof would minimise the impact on neighbouring residential amenity.

With respect to No 97 to the south, the proposed two storey addition would not extend as deep as the recently constructed two storey extension at No 97. Therefore there would be no overshadowing effect or other harm to the amenity of the occupiers of 97.

It is also noteworthy that No 97 has a Juliete style balcony in its new extension and the proposal includes two Juliet style balconies in the proposed rear elevation. These are permitted development and deemed to be acceptable. However since the design also results in a flat roof element it is important that this be conditioned to prevent its use as a balcony. A full sitting out balcony in such close proximity to adjacent gardens would be likely to result in unacceptable levels of overlooking and loss of privacy. This can be conditioned.

8 **Conclusion**

The amended proposal and current site circumstances complies with current policy and would not be detrimental to neighbouring amenity. Although flat roofed extensions are not encouraged, this is to the rear and would not be publicly visible and reduces the impact on the neighbouring amenity. On balance the proposal would not cause any material harm and is recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00863

(A) 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 external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.
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.
- 3 The hereby approved flat roofed element to the rear elevation shall not be used as a balcony or sitting out area.
Reason: To protect the amenity of the occupiers of the adjacent dwelling, having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

1:1250 site plan received 15/09/2016
1:500 Block Plan received 10/10/2016
First Floor Extension Plan Drg No. 9177.16 Rev A received 10/10/2016

Reason: - To ensure provision of a satisfactory development.

