
Site Address: 26 Leigh Road, Havant, PO9 2ET
Proposal: Variation of Condition 16 of Planning Permission APP/14/00244.
Ground dug out to reduce garage floor level, pitched roof removed in favour of a flat roof that will form a balcony and alteration to materials.
Application No: APP/16/00850 Expiry Date: 18/10/2016
Applicant: Mr Patterson
Agent: Mr Critchley Case Officer: David Eaves
 Martin Critchley, Architect
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

The site lies to the east of Leigh Road close to the junction with Lavant Drive. An access has been provided to serve this application site and its adjacent neighbour which is subject to a separate application for a substantial extension to an existing dwelling. The adjacent extended and re-modeled property has now been completed.

To the rear (east of the site) is a Community Clinic Health facility, with associated car parking to the north and east of the property.

Residential properties are located to the south and west (beyond Leigh Road). The property to the south is a set back bungalow.

2 Planning History

APP/14/00242 - Extensions to, and remodelling of existing building to create a 4 bedroom dwelling house with accommodation at second floor level within a raised and re-orientated roof. Detached double garage to front. , PERM,09/05/2014

APP/14/00244 - Construction of 1No. 4 bed detached house and garage with access from Leigh Road., PERM,06/05/2014

APP/14/00558 - Discharge of Condition No/s 1 - 15 of Planning Permission APP/14/00242., SPL,04/03/2015

APP/14/00559 - Discharge of Condition No/s 1 - 16 of Planning Permission APP/14/00244., NPW,14/08/2015

3 Proposal

Variation of Condition 16 of Planning Permission APP/14/00244. Ground dug out to reduce garage floor level, pitched roof removed in favour of a flat roof that will form a balcony and alteration to materials.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No comments received, however TPO tree previously reduced to stump due to its condition.

Engineering/Drainage

Although unlikely it is possible that perched water associated with the Lavant Stream may be encountered in any excavations (informative only)

Development Engineer (Highways)

The highway Authority has no adverse comment to this application.

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: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2 (3 emails)

Summary:

Concerns in relation to adjacent unit and materials.

Comment:

Not part of this application.

Summary:

Plan for second house unable to utilise the remaining ground with a garden fit to house a family.

Comment:

The principal of the second dwelling on this land is already established.

Summary:

Finishes of houses has changed and the positioning on already elevated ground will have unacceptable impact on neighbouring properties.

Overlooking

People on balcony visible from my house and garden

Overlooking to house and garden

Intrusive

Noise and general disturbance a balcony will cause.

Leigh Road a quiet residential area and sensitive to noise and disturbance particularly in late evening.

Likely to be used for BBQ's, parties etc increasing noise and general disturbance experienced by residents of adjacent properties.

Impact on amenity and privacy.

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. In this case, a previous consent has been granted which established the provision of the dwelling on this site. The proposals would amend the garage and provide a balcony, the garage is set into the existing slope/bank on the site.

(ii) Impact upon the streetscene

The front garage is set down below original ground level at the front of the site. Given its frontage position it would be relatively prominent in the street scene. It is therefore considered important to provide a landscaped frontage and a condition is recommended to ensure that the bank (a characteristic of Leigh Road) is re-instated with appropriate planting provided.

The proposal includes a side screen and this is broken up visually by cladding to the top section.

The application also seeks to vary materials from those previously approved. The proposed dwelling would have cladding and render walls and concrete tile roof with a similar appearance to the new adjacent property. This would be in keeping with the

modern materials incorporated in the Community Clinic to the east. It is considered that the materials are acceptable.

Overall it is considered that subject to conditions the proposal would have a limited and acceptable impact on the character and appearance of the area.

(iii) Impact upon residential amenity

The main properties affected by the proposals are considered to be No.24, 26 (the amended dwelling) 31 and 33 Leigh Road.

The site would be adjacent to the bungalow at No.24 which has a garage set closest to the proposed dwelling and is set further from the road than the application house. The proposed dwelling would have only 1 ground floor window serving the kitchen facing south towards No.24. The balcony would potentially have resulted in overlooking, however this has been addressed by the provision of a side screen 1.8m above the floor level of the balcony. This feature will ensure that there would be no overlooking to No.24 or properties to the south beyond. The garage/balcony is also located to the north of No.24 and there would be no significant impact on light. This relationship is therefore considered to be acceptable.

No. 26 (the extended house) to the north is in the same ownership at present. The garage and balcony would be set into the ground to reduce its impact. The balcony is set off the boundary and it is considered that whilst there would be a view from the balcony back towards the front of No.26 this would not be sufficient to warrant a refusal of planning permission.

The properties opposite at 31 and 33 Leigh Road are bungalows located to the western side of Leigh Road with hedges between. The proposed single storey garage with balcony would be set closest to the road with the dwelling set back. Given the distances between the proposed balcony and the bungalows approximately 31m, the road between and the hedges, the impact of the proposals on these properties are considered limited and acceptable.

Concern has been raised in relation to the use of the balcony and potential noise and disturbance. Whilst this concern is understood, the garden area could be used for outdoor sitting, BBQ's etc in the same way as the balcony. The screen and distances to adjacent properties would help to mitigate any potential concerns relating to the use. It is not considered that the potential concerns would warrant the refusal of planning permission.

8 Conclusion

In conclusion, the proposed alterations to the previously approved dwelling are considered acceptable in principle. They would also have a limited and acceptable impact on the character and appearance of the area and amenities of nearby residents. Planning permission can therefore be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00850

(A) subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of planning permission APP/14/00244 (i.e. by 6th May 2017).
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 No development hereby permitted shall be commenced above original ground level until a detailed soft landscaping scheme for all open parts of the site (including the re-instated bank subject to condition 7) not proposed to be hardsurfaced (which shall include the provision of a Horse Chestnut tree standard close to the site frontage with Leigh Road) has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.
The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.
Reason: To ensure the retention of adequate on-site car parking in accordance with the standards adopted in the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and to discourage parking on the adjoining highway in the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows / doors or other openings shall be constructed within the north facing elevation without the prior written approval of the Local Planning Authority.
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 2012.
- 5 The development shall not be brought into use until a minimum of 3 parking spaces (including the two garage spaces) have been provided within the

curtilage of the site and thereafter all of those spaces kept available for such purposes.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 No development hereby permitted shall commence above original ground level until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 No development hereby permitted shall be carried out above the original ground level unless and until plans and details including section drawings in relation to the re-instatement of the bank to the site frontage with Leigh Road and the timing of such works have been submitted to and approved in writing by the Local Planning Authority. The bank shall thereafter be re-instated and maintained in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 The balcony hereby permitted shall not be brought into use unless and until the screen wall to the south facing elevation and part east facing elevation of the balcony has been provided in accordance with the approved plans. The screen wall shall thereafter be retained and maintained in accordance with the approved details.

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

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

Location and Block Plan Drawing No. 1645-102

Site Plan Drawing No. 1645-108 Rev E

Ground Floor Plan and North Elevation Drawing No. 1645-211 Rev A

Proposal Elevations (North and West) Drawing No. 1645-501 Rev B

Proposal Elevations (East and South) Drawing No. 1645-502 Rev B

Reason: - To ensure provision of a satisfactory development.