
Site Address: Land adj. Farm Cottages, 13 Lower Road, Havant
Proposal: Variation of Condition No. 16 of Planning Permission APP/10/00533
(which granted permission for construction of 1No. detached 4 bed house with car port
and altered access to Lower Road) to substitute approved drawings with revised plans
seeking to regularise discrepancies in ground/eaves/ridge levels and finished floor
levels in development undertaken on site.

Application No:	APP/14/01040	Expiry Date:	28/11/2014
Applicant:	Mr E Clutton & Ms S Goodall	Team:	Team 1
Agent:	Mr N Freemantle	Case Officer:	Heather Lealan
	Mapledean Special Projects		
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located on the southern side of Lower Road in Bedhampton. It is directly south of Farm Cottages and to the east of Old Manor Farm, which has now been converted to residential dwellings. To the eastern site boundary is a hedgerow which is very important with regard to the visual amenities of the area. To the south is open countryside and this boundary is untreated.
- 1.2 The access to the site is directly adjacent to the eastern site curtilage of Manor Farm Cottages.

2 Planning History

05/70873/000

Outline application for the erection of two dwellings on the site utilising the existing access to Lower Road. Application withdrawn 17 January 2006

07/70873/001

Construction of 1 detached four bedroom dwelling with car port and altered access to Lower Road - Permitted 28/06/2007

10/70873/002

Extension of time limit for implementation of Planning Permission 07/70873/001 for the Construction of 1 detached four bedroom dwelling with car port and altered access to Lower Road. The legislative provisions enabling applications to be made for an extension of the time limit, (for implementations of permissions that have not commenced), came into effect on 01/01/2009. - Extension to time limit granted 30/03/2010 for a further three years.

APP/10/00533

Revised application for construction of 1No. detached 4 bed house with car port and altered access to Lower Road. The application was the same as the extant 2010 permission except that a further single storey section is proposed to the southern elevation of the building.

Further details were submitted regarding site levels, details of enclosure and other matters with regard to meeting the requirements of some of the conditions applied to previous permission 10/70873/002 - Permitted

APP/12/00160

Application for non-material change to Planning Permission APP/10/00533 relating to increase in width of western section and addition of 2No. velux rooflights. The proposed ridge height of the western section was increased by 300mm in line with the rest of the permitted building's roof ridges - Permitted

APP/12/01152

Application for non material changes to Planning Permission APP/10/00533 relating to change from car port to garage, addition of porch, change to location of front door, alterations to window sizes and location, addition of new roof lights. - Permitted

APP/14/00960

Non Material Change, (NMC) application for the addition of a new condition to list all plans and documents approved with application APP/10/00533, together with those plans and documents approved by Non-Material Amendment application APP/12/00160 and APP/12/01152 - Permitted 1/10/2014

3 Proposal

- 3.1 Variation of Condition No. 16 of Planning Permission APP/10/00533 (which granted permission for construction of 1No. detached 4 bed house with car port and altered access to Lower Road) to substitute approved drawings with revised plans seeking to regularise discrepancies in ground/eaves/ridge levels and finished floor levels in development undertaken on site.
- 3.2 The previous planning permission for a single dwelling has been implemented and is under construction. However, following an enforcement investigation it was established that the ridge and associated eaves heights are 0.5m higher than those approved at either initial full application stage or through the two NMC applications.
- 3.3 Condition 16 was added to the original planning consent under a S73 application (APP/14/00960) to secure a minor amendment to allow a list of approved plans to be added to the original consent. (The NMC application was submitted because, if the applicants were to submit a revised full application in an attempt to regularise the current breach, and if it was recommended for permission, then the build would be CIL liable and as it has already commenced no exemption could now be sought.) The applicants are now seeking, through the application subject of this report, to change these listed approved plans under a Variation of Condition application. Such an approach is accommodated within planning law and has allowed for full neighbour consultation and the consideration of the merits of the changes to the height of the scheme is set out within section 7.
- 3.4 The applicant has previously asserted that the second NMC application APP/12/01152 included plans which raised the ridge height. It is not considered that this is correct by case officers and that both the NMC applications considered only minor alterations as set out in the descriptions.

4 Policy Considerations

National Planning Policy Framework 2012

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)
DM10	(Pollution)
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

None

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: One

Statutory advertisement: Not applicable.

Number of representations received: 6

Summary (with officer comments in italics):

(a) Building is much higher than previously permitted to the detriment of the amenities of the occupiers of the adjacent residential dwellings and the application should be refused and the height reduced to that originally approved. It has increased in height by approx 800mm.

The south western side section of the roof has increased by 800mm from the original permission. However 300mm of this was approved as a NMC; it was considered non-material as it concerned a small section of the ridge and it did not exceed the overall permitted ridge height. As such the current application seeks in effect to consider the additional 500mm increase in height of the ridge overall and associated eaves and finished floor levels.

(b) Two "non-material" amendments (APP/12/00160 and APP/12/01152) which saw the addition of extra rooms in the roof were passed by the Council without any public consultation.

The 2010 application included rooms in the roof and internal alterations to provide

further rooms in the roof could have been undertaken without the need for planning permission at a later stage. The two applications quoted were considered to be non-material as no new issues of overlooking or of overbearing impact would have been created by the amendments sought. Please refer to full officer reports for the two non-material amendments.

(c) Approving this application would send out the wrong message to this and other developers, it being open season in Havant, as the planning process is not fit for purpose and can be easily manipulated with a retrospective application. *This is not a material consideration, every planning application must be considered on its own merits.*

(d) The obscurely glazed windows in the northern elevation are openable and will create overlooking.

The original planning permission for the development (APP/10/00533) anticipated a habitable room (playroom) at first floor level in this location with an obscure glazed, top hung central casement window facing north. Whilst the room to be served by the window is now proposed to be a bedroom, this change to the room classification is not development in itself and as such does not fall under planning control.

Notwithstanding this, the increased bulk of the development and the side hung casement windows shown on the plans indicate that the risk of actual and perceived overlooking is greater under this revised scheme - as such, opening restrictors should be considered to mitigate this impact.

(e) There is a cable for a security light and there is concern that this will cause disruption to neighbours.

This is not a consideration for the variation of condition application.

(f) The building is an overpowering building and causes loss of views over open fields to the south.

Loss of view is not in itself a material planning consideration; planning permission exists for a building of identical footprint and similar scale to that now proposed. The impact of the development on residential amenity is considered in Section 7 below.

(g) Concerns regarding access to development.

This matter was considered through the previous full planning application process (APP/10/00533) and the current application, in seeking to vary only the physical attributes of the approved building, does not result in any changes to the approved access arrangements.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan and the planning history of the site, it is considered that the main issues arising from the revised proposals the subject of this application are:

- (i) Principle of development
- (ii) Impact upon the streetscene
- (iii) Impact upon residential amenity

(i) Principle of development

7.1 The application site is situated within an urban area where further development is

considered acceptable subject to the usual development control criteria. The acceptability of a new dwelling of identical footprint and similar scale has been established under APP/10/00533 and in essence this variation of condition application now seeks to regularise discrepancies in the ground/eaves/ridge levels and finished floor levels compared to those agreed under the original planning permission and subsequent NMCs.

- 7.2 The principle of the conversion of the dwelling from what was understood to be a 'bungalow' to a two storey house has been raised by the adjoining residents. However, the 2007 and 2010 planning permissions allowed a dwelling with a playroom within the roof space and there was sufficient room to convert further of the roof space at a later date through the introduction of velux windows. This would have accorded with the dwelling's permitted development rights. The classification of rooms has changed over the course of the applications submitted. What started out as being described as a playroom has now been converted to bedroom 3. This re-classification is not in itself development and does not require planning permission; however the impact of the revised bulk and design of the scheme must be given due consideration and this is set out below.

(ii) Impact upon the streetscene

- 7.3 It is not considered that the changes to the approved plans as listed in 7.1 will have a detrimental impact on the visual amenities of the streetscene and public realm as the property is located to the rear of the terrace of dwellings fronting Lower Road and does not hold a prominent position in public views along Lower Road.

(iii) Impact upon residential amenity

- 7.4 It is considered that the increase in the height of the dwelling from the plans approved at initial application stage and the further NMC, this being 500mm, will not cause an unacceptable detriment to the occupiers of the dwellings to the west of the site. From this vantage point the additional building bulk will be mostly screened by the boundary fence and vegetation and is set sufficient distance from the adjacent property so as not to be overbearing to their amenity.
- 7.5 The residents of Manor Farm cottages to the north have raised concerns regarding a number of issues, most of which have been directly addressed within section 6 of this report. This application to vary the submitted plans principally concerns a height increase of the dwelling only and as such this is the principal material consideration of this application - all other matters, such as the principle of development in this location and the access to it, being consistent with the previous approval. It is not considered that, given the separation distance of 17.5 metres of the main section of the application dwelling from the adjacent terrace, the increase of 0.5m in the overall height of the dwelling under construction would detriment the amenities of the occupiers of the adjacent residential dwellings in terms of outlook, compared to the existing approved plans, to an extent to warrant a refusal of the application.
- 7.6 With regard to the concerns raised regarding overlooking, it is noted that the plans approved under APP/10/00533 clearly specified that the then-playroom window at first floor would be obscure glazed with only the central casement shown as openable - and this being top-hung. This would have limited overlooking to the north. The current application suggests the use of side-hung windows and coupled with the increased building bulk, this is likely to increase the likelihood of actual and perceived overlooking. A reasonable compromise to address this issue would be to

require the use of opening restrictors to the north facing Bedroom 3 window to limit the views and protect the amenity of the adjoining residents - the rooflight serving this room in the east elevation will provide reasonable outlook and ventilation to occupiers of the room notwithstanding.

- 7.7 With this further condition imposed to safeguard privacy and amenity of the neighbours to the north, it is considered that the proposed amendments are in accordance with policy CS16 of the Core Strategy.

8 Conclusion

- 8.1 It is considered that the variation to the submitted plans are acceptable and that this application should be permitted subject to relevant conditions reflecting those on planning consent APP/10/00533, and a further condition regarding opening restrictors to the north facing bedroom window as set out below.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/01040 subject to the following conditions:

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

Plans received 3 October 2014;
Site layout Plan showing proposed planting, site levels, fencing & surface materials drwg. no LS01 rev B
Ground Floor drwg. no 12-097 1 rev L
First Floor drwg. no 12-097 2 rev L
South and North Elevations drwg. no 12-097 3 rev L
East and West Elevations drwg. no 12-097 4 rev L
Sections drwg. no 12-097 E12 rev G

Reason: - To ensure provision of a satisfactory development.

- 2 The dwelling the subject of this permission shall not be occupied unless and until opening restrictors have been installed to the north facing 'Bed 3' windows, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such opening restrictors shall be retained at all times thereafter.

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.

- 3 All windows in the northern elevation of the building shall at all times be and remain glazed entirely with obscure glass, the particular type of which 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 2012.

- 4 The existing Hawthorn and Ivy hedgerow along the eastern boundary of the site shall be retained and reinforced where necessary to a minimum height of 2.5 metres and to a standard consistent with good arboricultural practice.
Reason: To ensure the maintenance of screening to the site and to protect the appearance and character of the area and having due regard to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The development shall be carried out in accordance with the detailed proposals for the protection of the existing Hawthorn and Ivy hedgerow to the eastern boundary and sycamore tree approved under Discharge of Condition application APP/13/00408 dated 18 June 2013, which shall be installed and maintained at all times during the course of construction on the site.
Reason: In the interest of maintaining the amenity value of the area and having due regard to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 No works involving noise and heavy machinery should occur within the waterfowl over-wintering period 1 October to 31 March inclusive.
Reason: To ensure the protection of wildlife interests in the locality and having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 All equipment, materials or machinery must be retained within the site and should not cross the boundary into the SINC Area.
Reason: To ensure the protection of wildlife interests in the locality and having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 8 Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.
Reason: To protect the amenity of adjoining residents and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 9 Construction of the dwelling hereby permitted shall utilise the external facing and roofing materials approved under Discharge of Condition applications APP/13/00408 dated 18 June 2013 or APP/14/00511 dated 3 June 2014.
Reason: To ensure the appearance of the development is satisfactory and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 10 The landscaping scheme approved under Discharge of Condition application APP/13/00408 dated 18 June 2013 shall be completed prior to the occupation of the dwelling hereby approved, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during 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 that the landscape scheme is completed in the interests of the appearance of development and having due regard to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 11 The materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced shall be in accordance with the details approved under Discharge of Condition application APP/13/00408 dated 18 June 2013. 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 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 12 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A and E of the 1995 Order, as amended, shall be erected within the curtilage of the site 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.
- 13 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no further alteration to the roof of the dwelling hereby approved including the addition of windows permitted by Part 1, Classes B and C of the 1995 Order, as amended, shall be constructed 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.
- 14 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 east, west or north elevations 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.
- 15 The development shall not be brought into use until a minimum of 3 parking 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 Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.