

## **1 Site Description**

The site relates to an existing three storey residential building containing flats on the north side of Sea Front. This development was allowed at appeal in 2005. To the east of the site is a large detached property which is a children's home. To the west are a number of multi-storey apartment buildings (Token House and St. Catherines Court). To the rear of the site are three detached two-storey houses. An access road runs along the eastern side of the property to gates on the side. The access road also serves the three houses to the rear.

The Sea Front Road on Hayling Island marks a clear boundary between the built up areas of South Hayling and the largely open and semi-natural area of Beachlands to the south. The western arm of Sea Front, west of Staunton Avenue, faces just such an area of Beachlands, which is used largely for passive recreation, consequently the residential properties fronting the road form part of a street scene which is open to view from large distances and many vantage points.

In 2011 planning permission was refused for the provision of a fourth floor to the existing block of flats to provide an additional penthouse apartment. However this was allowed at appeal in 2013.

## **2 Planning History**

### APP/11/01818

Provision of fourth floor to existing block of flats to provide additional penthouse apartment. Refused 08/03/12 Allowed on Appeal 21/02/13

### APP/13/00561

Application for non-material amendment to Planning Permission APP/11/01818 relating to re-profile of glazing around second to third storey staircase; change of material of short length of third floor side elevation from red brick to render; slight repositioning of oriel windows WT01 and WT06 and minor alignment of section of third floor rear wall. Permitted 09/08/13

## **3 Proposal**

This is also an application for a non-material amendment to Planning Permission APP/11/01818. As initially submitted it sought 4 changes:

1. two additional windows in the rear (north) elevation
2. repositioning of windows in rear (north) elevation
3. amendment to the rear wall line
4. reconfiguration of internal layout

However, during the course of determining the application it was decided that the addition of two further windows could not be considered a non-material amendment (see reasoning at 7.2 below) and accordingly the applicant agreed to withdraw this element from the current application. Amended plans were therefore supplied which also reverted the positioning of the rear windows to the original position and this application therefore relates to just 2 minor amendments - no 3 and 4 above. It is understood that a section 73 planning application will be submitted in due course seeking the changes to the fenestration on the rear elevation.

#### **4 Policy Considerations**

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011  
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014  
AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

#### **5 Statutory and Non Statutory Consultations**

#### **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: 0 - N/A

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received:

#### **7 Planning Considerations**

7.1 Initially it is necessary to consider whether the proposed alterations are appropriate to be considered as Non-Material Minor Amendments. There is no statutory definition of 'non-material' as each amendment will depend on its context. It is considered that the proposed repositioning of windows in the rear (north) elevation, minor realignment of the rear wall line and resultant reconfiguration of internal layout are all minor changes that would not materially affect the external appearance of the development and as such can be considered as non-material amendments.

7.2 However, it is considered that the insertion of two additional windows in the rear elevation would fundamentally alter this rear elevation, both visually in terms of appearance of building and perception of being overlooked. Since flats do not have any permitted development rights to make any alterations that materially affect the external appearance and this would include the insertion of additional windows, then this is a useful guide to indicate that similarly additional windows in a flat cannot be considered a non-material amendment. Additionally the Inspectors decision letter, at para 23 considered the impact of the bedroom windows and noted that as both high level and obscure glass then these factors were sufficient to protect privacy. This highlights the sensitivity of potential overlooking from the bedrooms and as such to now allow the addition of two further windows as a minor amendment would be inappropriate and deny

local residents of their right to comment. Accordingly the applicants agent was requested to withdraw this element from the current application - which, after some debate, was agreed to, despite not agreeing with the LPA's stance on this matter.

7.3 Amended plans were submitted which also reverted the positioning of the rear windows to the original position and this NMA application therefore relates to just 2 minor amendments. Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Impact of the proposed changes

7.5 The minor realignment (by literally approximately 0.25m) of the rear wall and internal layout changes are considered acceptable in design terms and would not adversely affect the appearance of the building. There would be no loss of amenity to neighbouring properties. As such it is recommended that the non material amendment is approved.

## 8 **Conclusion**

The proposed amendments are considered to have no material impact and are therefore recommended for approval.

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## 9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00170

(A)

(B) subject to the following conditions