
Site Address:	3 Eastern Road, Havant, PO9 2JE		
Proposal:	Extensions to south, east and north elevations; first floor extension with roof terrace to rear.		
Application No:	APP/14/00935	Expiry Date:	07/11/2014
Applicant:	Ms King	Team:	Team 1
Agent:	Mr Appleton	Case Officer:	Heather Lealan
	Thorns-Young Ltd		
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

Eastern Road is located in the defined urban area within the St Faiths Ward. The north side of the road is typically characterised by regularly spaced, detached properties with large rear gardens.

No. 3 Eastern Road is a detached, two storey property with a pitched roof, which unusually lies behind the main building frontage. The property has been extended and incorporates a large single storey extension containing a swimming pool. There is a garage and outbuilding to the north west of the property and a large parking area to the south west. It adjoins the rear gardens of properties in Eastern Road and Leigh Road on its southern and western boundaries respectively; to the east is a large area of open space.

The property is not visible from within the public realm as it is set back from the road by over 60 metres. It is set roughly centrally within its plot, with substantial amenity areas of 25m depth to the south and a tapering northern amenity area of a maximum of 55m depth. It is also set approximately 14m off both the western and eastern boundaries.

2 Planning History

APP/12/00566 - The application sought consent for a two storey side extension with the same footprint as the existing single storey extension containing the swimming pool - Permitted 28/8/12 but not implemented

APP/14/00016 - The application sought consent for ground floor extensions to north, south and west elevations; first floor extension to east with roof terrace to rear; new pitched roof to replace flat roof to north elevation at first floor level. - Permitted 07/05/2014 but not implemented

3 Proposal

Extensions to south, east and north elevations; first floor extension with roof terrace to rear.

4 Policy Considerations

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Borough Design Guide Supplementary Planning Document 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency-

No bespoke comments

Development Engineer -

I have no adverse comment to this application.

Tree Officer -

Acceptable so long as location of material compound is conditioned as per application APP/14/00016.

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: 8

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary:

a) The proposed increase is from 325sqm to in excess of 500sqm, an increase of 60% which we consider excessive and contrary to guide-lines.

b) Our property is already subject to intrusive noise from this property. Music is played so loudly that it is possible to hear the lyrics themselves, and this is often late at night, keeping us awake and forcing us to sleep with our windows shut in order to try to sleep. The proposed extension not only wishes to have a games room on the ground floor, but a long roof terrace on the first floor. The elevated position of the terrace will permit sound to travel more easily and further, resulting in louder noises reaching us, causing even more disturbance than now. Our assessment is that this

constitutes a “nuisance” and is prejudicial to health, and intrudes on our right to privacy, contravening planning law. However, if the Council is minded to approve the application, at the minimum we request that the application is subject to a condition that no music or other form of live or recorded entertainment takes place on the roof terrace after 10.30pm, with an undertaking by the Council to enforce an Abatement Order if the applicant contravenes the condition.

Officer comment: *Issues of antisocial behaviour are matters for environmental health legislation to control, rather than a planning consideration, and the concerns expressed are not considered, in themselves, to form a sustainable basis to refuse planning permission in this case.*

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
- (iii) Effect on the neighbouring properties
- (iv) Flood issues
- (v) Trees
- (vi) CIL Liability

(i) Principle of development

The site lies within an urban area, as identified by the Core Strategy, therefore the proposed development is acceptable in principle subject to satisfying the criteria of the policies summarised in section 4 of this report.

(ii) Appropriateness of design

The proposed extensions are significant, however the subject dwelling lies within a substantial plot, and the ridge heights of the first floor elements are no higher than the main roof - as a result it is not considered that the extensions will appear out of proportion with the host property. The first floor terrace is to the north of the dwelling and faces toward the rear garden. It is therefore considered that the proposed extensions comply with the design criteria of policy CS16 and the guidance set out in the Borough Design Guide SPD. A condition can be incorporated to ensure that the materials used match those of the host property.

(iii) Effect on the neighbouring properties

The proposed extensions will be partially visible from some of the neighbouring properties to the south, however the impact on their amenities will be limited and acceptable as the extensions will be located over 40 metres to the north. The previous planning permission had a similar scale and relationship with these properties. Furthermore, the previous 2012 consent permitted a first floor terrace to the south elevation. This has been relocated to the northern elevation within this application and the application permitted earlier this year, (see planning history); thus it faces the rear garden and not directly towards neighbouring dwellings. With regard to the neighbour objection received, it is considered that the development is a sufficient distance from this adjacent dwelling (approximately 45m dwelling to dwelling) for the development not to appear

unduly intrusive or overbearing. The noise and disturbance from parties held at the house is not a material planning consideration for the current application. As explained in Section 6 of this report, it is a matter of unneighbourly behaviour which is more properly dealt with under environmental health legislation.

(iv) Flood issues

The flood risk assessment complies with the requirements of policy CS15. The incorporation of condition SP1 will require the FRA submitted on 12 September 2014 to be adhered to.

(v) Trees

There are no TPOs within the site. There are some high value trees on site but it is not considered by the Tree Officer that they will be detrimentally impacted so long as the location of the materials storage compound as submitted within the previously permitted application APP/14/00016 is conditioned.

(vi) CIL Liability

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre on new floorspace (measured as gross internal area).

It is considered that there is a CIL liability for this site. A credit can be given for the existing floorspace of the dwelling within the site and therefore only the additional floorspace is CIL liable. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space will be 103m and as such this will require a CIL payment of £8,240. The applicant has been advised of this sum accordingly and has completed the self build extension claim form, If accepted CIL will only become payable if the dwelling is sold within 3 years of completion of the development proposed (or if the requisite commencement notice is not submitted prior to the commencement of development).

8 Conclusion

The extension is considered to comply with the policies summarised in section 4 of this report, therefore it is recommended that consent is granted.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00935 subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with 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:

OS Location Plan received 11 September 2014
OS Block Plan received 11 September 2014
Proposed Ground Floor Plan and South & East Elevations Drg.No 7199.14.2 rev A received 11 September 2014
Proposed First Floor Plan and North & West Elevations Drg.No 7199.14.3 rev. A received 11 September 2014
Proposed Second Floor and Section Drg.No 7199.14.6 received 11 September 2014
Existing Plans and Elevations Drg.No 7199.14.1 received 11 September 2014
Sections Drg.No 7199.14.4 received 11 September 2014
Flood Risk Assessment submitted on 12 September 2014
Site Plan showing material storage compound 29 January 2014 submitted in associated with previous planning permission APP/14/00016

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials to be used shall match in type, colour and texture those on the existing building.
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 2012.

- 4 The material storage compound as shown on the site layout plan submitted on 29th January 2014 in association with previous planning permission APP/14/00016 shall be made available prior to the commencement of any building works and throughout the construction period and no materials required for the construction of the development hereby approved shall be stored anywhere else on the site.
Reason: To safeguard the amenities of the on-site trees 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.