

DELEGATED OFFICER REPORT

PROPOSAL	Application for non-material amendment to Planning Permission APP/22/01170 relating to various minor alterations to ground floor and first floor on the north, east, south and west elevations.
LOCATION:	Trevanion 1 Beach Road, Emsworth PO10 7JS
REFERENCE NO:	APP/25/00345
APPLICANT:	Mr and Mrs Ward
APPLICATION TYPE:	Non-Material Amendment
CONSULTATION EXPIRY DATE:	
APPLICATION EXPIRY DATE:	27/05/2025
WARD:	Emsworth
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

Trevanion, 1 Beach Road, Emsworth, is a substantial detached two storey property, with accommodation in the roof space, located to the west side of Beach Road. The property has been extended and renovated following permission granted under APP/22/01170 and is now finished in pale timber boarding and white paint with grey slate roof.

Vehicular access is from Beach Road with parking to the front, and a new front hedge has been planted and a significant silver birch tree retained.

To the rear the extended property includes a flat roofed single storey element with outdoor pizza oven and chimney linked to the rear wall. There is also a balcony above. The implementation of APP/22/01170 was not carried out in accordance with the approved plans and this application, together with 2 other current applications, have been received following enforcement enquiries and seek to regularise development on the site.

The site is bordered by various boundary treatment including close board timber fencing and sections of mature hedging to the front and side. The site has a generous rear garden.

The property is located within a residential area with surrounding properties differing in style and design.

The site lies outside any current day or future flood zone.

2. Planning History

APP/22/01170 - Erection of part single storey, part two storey rear/side extension including balcony; erection of front single storey side/front extension; erection of two storey front extension with dormers; roof alterations; and associated works.,
PERM,24/05/2023

APP/23/01071 – Resubmission of APP/22/01170 – Withdrawn

Also 2 other current applications:

APP/25/00374 – Retention of second floor and roof alterations including changes to windows, dormers and new front gable, from those approved under APP/22/01070.

APP/25/00359 – Retention of air source heat pump and associated screening

3. Proposal

- 3.1 Application for non-material amendment to Planning Permission APP/22/01170 relating to various minor alterations to ground floor and first floor on the north, east, south and west elevations.
- 3.2 This application specifically relates to the ground and first floor only and seeks to regularise the as-built amendments. These include:
- a slight enlargement of the attached garage which has been constructed aligned with the angled boundary line rather than set at 90 degrees off it, and with a flat roof with parapet instead of shallow pitch;
 - omission of cornice detailing on ground floor eaves line and link to garage;
 - change to the internal layout with resultant change to the siting of some side windows on the ground floor;
 - omission of some rooflights in the ground floor rear projection;
 - a change to the size and positioning of the walk-on-rooflight and balcony access doors;
 - omission of chimney serving ground floor rear room;
 - and inclusion of a pizza oven with chimney on the north side of the approved outdoor seating area.
- 3.3 Notably the approved roof above the outdoor seating area, to be supported by pillars, has not yet been built, but remains shown on these plans as it is still intended to erect this at some point in the future. It is however now shown as a shallow mono-pitch roof rather than flat with cornice detail.

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Local Plan (Core Strategy) March 2011

CS11 - (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS16 - (High Quality Design)

DM13 - (Car and Cycle Parking on Residential Development)

DM8 - (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) 2014

AL1 Presumption in favour of sustainable development

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1 (General Design Policy)

ENP_D2 (Height, Mass & Materials)

ENP_D3 (Layout, Form & Density)

Listed Building Grade: n/a
Conservation Area: n/a

5. Statutory and Non Statutory Consultations

Not necessary

6. Publicity and Community Involvement

Public comments - Number of representations received: 1

Unauthorised Boundary Construction and Drainage: The property has been constructed in part directly on a shared boundary line. This positioning was not shown on the original approved plans (22032-PL-702), which is why no objection was raised at that time. Additionally, drainage infrastructure has now been installed below ground level along boundary-line wall, and its observed that the guttering and downpipes at one point now overhang the property boundary, raising concerns about water run-off and maintenance access.

The previous plans for the garage did not run parallel to the boundary line and this has made the new construction more imposing than was approved. This application does not appear to address this boundary construction.

The proposed flat roof design for the extension is out of character with the existing property and the prevailing architectural style of Beach Road and the surrounding area. Most properties in this vicinity feature traditional pitched roofs, which contribute significantly to the established visual amenity and cohesive street scene. The excessive height of the flat roof, parapet wall and coping above the garage and subsequent wall along the boundary line has not been accurately reflected in the retrospective application.

The height of the wall is much higher than indicated in the proposed plans and significantly higher than the approved plans. There is no indication of drainage, parapet wall coping in the application.

This flat roof additionally gives "pedestrian access" to service the units installed and for window cleaning - which is in clear line of sight of upper floor rooms which were previously not overlooked.

Additionally a flat roof, in this context, appears:

- * Visually jarring and incongruous: It stands out as an anachronism, disrupting the consistent roofline and overall aesthetic of the neighbourhood. The loss of the approved continuous cornice detail across the front of the property adds to this issue.

- * Overbearing and bulky: While flat roofs can be seen as less visually impactful in some modern contexts, in a street dominated by pitched roofs, a flat roof can often appear heavier and more imposing, especially when viewed from neighbouring properties or the public realm.

- * Detrimental to the character and appearance of the area: The cumulative effect of this design has eroded the distinctive character of Beach Road.

- * This construction has led to an extremely imposing wall height at the entrance of the neighbouring property. This has significantly impacted the relationship with the neighbouring property and the street scene.

Potential for Future Development (Roof Terrace/Undisclosed Uses) While not explicitly stated in the application, flat roofs carry the inherent potential for future use as roof terraces or balconies. This raises serious concerns about potential loss of privacy and increased overlooking to the neighbouring property, should such a use be introduced in the future without proper planning scrutiny. The planning team need to consider this potential and the significant adverse impact it could have on the residential amenity and proximity to upper floor rooms. Any such future use would undoubtedly require further planning permission, but the design lends itself to this.

Material planning considerations are addressed in Section 7.

7 Planning Considerations

- 7.1 This application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application.
- 7.2 The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment. Therefore, 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 proposed changes

- 7.3 Despite neighbour notification letters being unnecessary for this type of application, nevertheless one neighbour letter has been received, see above. It is noted that this application seeks to regularise many amendments, but despite their number, each are considered to be minor relative to the scale of the original works approved under APP/22/01170.
- 7.4 As originally submitted the as built balcony on the first floor was included in the plans submitted, but the enlarged alignment of the balcony projecting beyond the first-floor extension resulted in direct overlooking to the adjacent property and private garden to the north. This was considered unacceptable and could not form part of this non-material amendment application. Following discussions with the applicant, over the summer works have taken place on site to re-align the balcony back to the approved position i.e. a solid balustrade in weatherboarding to match the main house has been installed flush with the first-floor projection. This overcomes the overlooking concerns. Amended plans have therefore been submitted reflecting the balcony in its now final position.
- 7.5 The most significant alteration seeking regularisation is the slight enlargement of the garage footprint, combined with the change to parapet instead of cornice detail. The neighbour letter alleges below ground drainage directly on the shared boundary line with guttering overhanging. This matter has been investigated as the original application provided only a Certificate A ownership notice and any overhang would require a Certificate B. However, the applicant has provided sufficient evidence of the construction phase to demonstrate that all the works, including downpipes, are contained wholly within land owned by the applicant, meaning the original Certificate A remains correct. As such, procedurally this Section 96A application remains valid.

- 7.6 The approved height of the south, side elevation, of the garage was 3.45m to the top of all the proposed cornice detailing. These amended plans also show the height to the top of the parapet to be 3.45m. So whilst the siting and appearance of this side wall has altered, effectively elongating this side elevation due to the omission of the mid-way approved recess/step, its overall height is as approved. The change in overall scale is minimal and not considered to be so harmful to have sufficiently harmful adverse impacts to warrant a reason for refusal. It is considered that if this alignment and design had been submitted originally it would still have been approved. Therefore, the change is considered non-material and acceptable as part of this non-material amendment application.
- 7.7 With respect to the other significant alteration, the pizza oven structure and chimney: following Enforcement Team's intervention this has been lowered to 2m high to represent a permitted development boundary enclosure. The chimney/flue is higher, but under Schedule 2, Part 1, Class G, this chimney/flue in this location would be permitted development as it is not more than 1m above the ridge of the main house. Therefore, the structure itself is considered to be permitted development and the inclusion of it on these amended plans is therefore also acceptable as a non-material change. It is however noted that any nuisance from smoke and pollution from its use would be a matter for Environmental Health to investigate under their separate Environmental Protection legislation.
- 7.8 The other alterations are also considered minor – the revised window positioning does not result in any overlooking or loss of privacy, and all originally proposed obscure glazed windows have been installed with obscure glass. Whilst the omission of the cornice detailing at ground floor level does alter the overall design, arguably, combined with the weatherboarding it would have been overly fussy, and the simpler parapet design considered equally visually appropriate.

8 Conclusions

- 8.1 Although numerous, the changes on the ground and first floor of the approved plans from APP/22/01170 are each considered minor or permitted development, with limited additional harm to neighbouring amenity or the visual appearance of the street scene, and can therefore be considered as non-material.
- 8.2 Overall, the retrospective changes as now shown on the amended plans are not considered to result in a material change to the extant planning permission and the changes are recommended for approval.

9. RECOMMENDATION:

That the Executive Head of Place be authorised to Approve with Conditions for application APP/25/00345

Conditions:

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

Location Plan and Block Plan - 22032-PL-701 Rev P02

Proposed Ground Floor Plan - 22032-PL-703 REV P02

Proposed First Floor Plan - 22032-PL-705 REV P02

Proposed Elevations 1 (East and North)- 22032-PL-709 REV P02
Proposed Elevations 2 (West and South) - 22032-PL-711 REV P02

Reason: - To ensure provision of a satisfactory development.

Informatives:

In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

Offering a pre-application advice service, and

Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

You sought and were provided with pre-application advice,

You were updated about issues after the initial site visit, works on site completed, and plans submitted, making your proposal acceptable.