DRAFT DELEGATED OFFICER REPORT

PROPOSAL	**Variation of Condition 2 of APP/25/00227 to increase the footprint and amend the roof design and fenestration of the annexe**
LOCATION:	9 Kingsey Avenue, Emsworth, PO10 7HP
REFERENCE NO:	APP/25/00850
APPLICANT:	Mr James Plimmer
APPLICATION TYPE:	Removal/variation of conditions

CONSULTATION EXPIRY DATE: 07/01/2026

APPLICATION EXPIRY DATE:

WARD: Emsworth

SUMMARY RECOMMENDATION: Approve with Conditions

1. Site Description

This application site comprises a detached chalet bungalow located on the north side of Kingsey Avenue, Emsworth, where the road forms a cul-de-sac. The property has a pitched roof with dormers to the side elevations. There is a driveway running down the side of the property leading to a detached garage . The elevations are formed from painted brickwork and cladding .

2. Planning History

APP/25/00227 - Single storey side and rear extensions, roof alterations to form 3no. dormers, attached car port and change to materials with a new detached annex to rear garden- PERM

3. Proposal

Variation of Condition 2 of APP/25/00227 to increase the footprint and amend the roof design and fenestration of the annexe

4. Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

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)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

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: Not applicable.
Conservation Area: Not applicable.

5. Statutory and Non Statutory Consultations

Arboriculturalist/Tree Officer

Following our discussion, previous site visit, and resubmission – I confirm the changes are diminutive and will not affect the trees if the previous TPP is adhered to.

I raise no objection.

Please attach the following condition

The development hereby permitted shall only be carried out in accordance with the Tree Protection Plan submitted.
Reason:
To protect the health of adjacent trees in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework

Emsworth Residents Forum

The ERF would not wish the garden annex to be a source of nuisance to neighbouring properties. Its increased size and proximity to neighbouring properties may be injurious to the amenity of those neighbouring properties. This will be particularly marked, however, if the annex is intended to be let as a vacation rental. The representation of the interior of the annex now suggests that it will be for overnight accommodation with a bedroom (not shown as such on the original application) and ensuite shower-room, whilst it is also proposed to have covered cooking facilities under the verandah overhang. These facilities suggest that the garden extension could be more than simply ancillary to the use of the main dwelling. It will be important that any consent is conditioned by re-emphasising that it should not be let for commercial purposes.

Case Officer comment : Please note that the original application did show overnight accommodation and was therefore subject to a planning condition stipulating ancillary use .

Development Infrastructure Team (CIL & S106)

Consultee Response - Development Infrastructure Team (CIL & S106)

This S73 application is CIL liable in respect of the self contained annex: http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule.

The applicant has made an application for self build annex relief and this will be granted as long as the original permission APP/25/00227 has not commenced.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 12

Comments received : 2 in objection

1. [Redacted] I am very disappointed to see the application to increase the living area of the annexe. This makes it a bed-sit and, as the ERF has already commented, ideal for use as a temporary or holiday let. I could (just) believe the original plan was for the use of weekend guests or members of the family, assuming there to be insufficient accommodation in the main house but I feel this is a step too far.
2. I see the ridge is now 125mm taller [Redacted].
3. Maintenance of the fence and timber cladding and clearing the gutters will be virtually impossible in the narrow space between the fence and north wall.
4. Because of the outdoor cooking arrangements, I feel its purpose may be that of a party house with smoky and noisy barbecues.
5. The increased size will mean that the annexe will extend past [Redacted]

Positive comment

1. Replacing the original white bricks with more cladding and replacing the zinc fascia with grey powder-coated aluminium are improvements.

I append my original comments.

1. The height of the roof ridge at 3810mm and the height of the walls at 2605mm mean the proposed annex [Redacted] will have an unreasonably large impact [Redacted]. Why not have a flat roof?
2. [Redacted]. I wonder how the proposers expect to be able to maintain their

boundary fence or their larch cladding in the narrow space available.[Redacted] 3. I question the choice of materials (larch cladding, white brick, zinc, larch cladded roof) which are totally different from the materials used in surrounding buildings and I also question whether larch cladding is long-lasting enough especially as a roofing material or will it become a rotting eyesore before very long. 4. I feel it will be impossible to maintain a roof of this type with such limited access in the narrow space between the adjoining properties. 5. What is the purpose of the proposed annex? Is it for temporary paying guests as in an Air BnB? If so, there is a definite possibility of unreasonable disturbance from said guests.
If we could be assured of the following, we would have no objection: The three trees—a pittosporum (I think) and two eucalypts—to remain. These are currently situated on 9 Kingsey Avenue's land, at the border between 9 Kingsey Avenue's and 40 Havant road. [Redacted] The deck plan appears to require one or more of these trees to be felled. Could the deck be built around the trees, please? We would very much appreciate it if they could stay! as they are key for privacy[Redacted]

Case Officer comment : Comments have been noted and will be addressed under Section 7 of this report. Please note that maintenance of private property and boundary treatments are not a material planning consideration.

Material planning considerations are addressed in Section 7.

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 and impact on the character of the area
(iii) Effect on neighbouring properties
(iv) Trees

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

7.3 Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

(ii) Appropriateness of design and impact on the character of the area

7.4 The proposed variations from APP/25/00227 include the alteration of the proposed annexe building whereby the roof would be altered in the form of a kite

shape , resulting in the in-filling of the gap previously retained between the annexe and the site boundary to the rear which would create a larger wc. It would also result in an increase in the roof height, now forming a pitched roof. The eaves height would not increase .Two rooflight windows would be added to the rear sections of the roof.

7.5 The proposal change is considered to be relatively minor in regards to the increase in footprint and design of the roof from what was previously approved under APP/25/00227 . The annexe would not be highly visible from the public realm and is not considered to result in harm to the host dwelling or to the wider area .

(i) Effect on neighbouring properties

7.6 To the east of the application site is no 10 Kingsey Avenue. Whilst the proposal would result in a slightly larger footprint than previously approved , this is not considered to result in any increased impact than that previously approved.

7.7 To the rear of the application site (north) are nos 38, 40 and 42 Havant Road. The annexe would be sited adjacent to the end of the rear garden of no 38 and away from private amenity spaces. It is noted that the annexe would be visible from these properties however this is to be expected in a built up, residential area and there is considered to be substantial separation distance between the properties to the rear and the annexe. It is understood that the proposed use is ancillary, whereby overnight accommodation could be offered in the annexe however this has been the subject of a planning condition which states that this will not be used as a separate unit of accommodation outside of ancillary use .

(i) Trees

7.8 Havant's Arboricultural Officer has been consulted on this proposal and they have no objection to uphold subject to previous conditions being imposed.

8 Conclusions

8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

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9. RECOMMENDATION:

That the Executive Head of Place be authorised to Approve with Conditions for application APP/25/00850

Conditions:

1 The development must be begun not later than three years from the date of planning approval APP/24/00944 dated 19th June 2025.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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:

09 Jun 2025 25394-C-101-PL AMENDED - PROPOSED FLOOR PLANS

09 Jun 2025 25394-D-201-PL AMENDED - PROPOSED ELEVATIONS

09 Apr 2025 LOCATION PLAN

25394-102-PL site plan

25394-201-BR Annexe proposed elevations 16/09/2025

25394-102-BR Proposed annexe plans 16/09/2025

09 pr 2025 ARBORICULTURAL REPORT

Reason: - To ensure provision of a satisfactory development.

3 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the bedroom windows in the first floor on the side elevation facing east shall be fitted with a height of no less than 1.7m above finished floor level and retained as such 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.

4 The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan TH5113 by Trevor Heaps, dated 25th March 2025.
Reason: To protect the health of adjacent trees in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

5 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation.
Reason:The unit has insufficient amenity space and facilities to be occupied separately from the main dwelling and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the bedroom window in the first floor on the side elevation facing west shall be fitted with a height of no less than 1.7m above finished floor level and retained as such 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.

7 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the bathroom windows in the first floor on the side elevation facing west shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such 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.

8 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.
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.

Informatives: