

DELEGATED OFFICER REPORT

PROPOSAL	Demolition of existing conservatory to replace with two storey side extension.
LOCATION:	16 Highland Road, Emsworth, PO10 7JN
REFERENCE NO:	APP/24/00931
APPLICANT:	Mr Max Hember
APPLICATION TYPE:	Householder planning permission
CONSULTATION EXPIRY DATE:	15/07/2025
APPLICATION EXPIRY DATE:	18/08/2025
WARD:	Emsworth
SUMMARY RECOMMENDATION:	Refuse

1. Site Description

- 1.1 The subject site is a two storey end of terrace dwelling located to the east of Highland Road, part of three rows of terraces that form a 'U' shape around a central green space. There is no vehicular access to the dwelling, and pedestrian access is via a footpath across the green space. There is a separate single garage with a parking bay in front to the north of the main application site that is also within the ownership of the applicant. The property is a corner site, such that the rear garden extends behind the main dwelling by approximately 4.7m and then forms a triangular shape terminating at Convent Lane approximately 18m to the east. The garden area is bounded by 1.8m high close-boarded fencing except where it abuts the wall of the existing extension at No.18. The property has been previously extended to the side with a single storey conservatory.
- 1.2 The area immediately surrounding the application site is residential and is comprised of both short terraced rows and semi-detached pairs of one and two storey dwellings of a similar age to the host dwelling as well as larger, detached properties to the east accessed from Convent Lane. Convent Lane itself is a Public Right of Way.

2. Planning History

APP/23/00714. Demolition of existing conservatory and new two storey side extension. 16 Highland Road, Emsworth. Not proceeded with.

3. Proposal

Demolition of existing conservatory to replace with two storey side extension.

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 Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Chichester Harbour Management Plan 2024-2025
Havant Borough Council and Chichester District Council Joint SPD - Chichester Harbour Area of Outstanding Natural Beauty

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 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**

Countryside Access Team

Thank you for consulting Hampshire Countryside Service (HCS) as Highways Authority regarding Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

There are specific legislative requirements for the Highways Authority, Planning Authority, Developers and Landowners with respect to the PROW network. Where no changes are proposed to Public Rights of Way, the Planning Authority shall be aware of the following, and we request that the applicant is made aware of the following requirements through informatives where appropriate.

Informatives:

1. Where Public Rights of Way are close to application sites or are used for access to the development site, they must be shown on the submitted plans with details of how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such information has been submitted.

2. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.
3. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the PROW at all times.
4. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process, which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 of the TCPA (1990) will invariably be made or confirmed. Development, in so far as it affects a PROW, must not be started and the PROW should be kept open for public use, unless or until the necessary order has come into effect.
5. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highways Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of public safety.
6. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highways Authority. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).
7. No works to the surface of the Public Right of Way shall be carried out without prior approval of the HCS Area Countryside Access Manager. Any damage caused to the surface of the Public Right of Way by construction traffic will be required to be restored to the satisfaction of the Area Countryside Access Manager on the completion of the build.

Emsworth Residents Forum

No comments received.

Councillor Grainne Rason

No comments received.

Councillor Reuben Mychaleckyj

No comments received.

Councillor Charles Robert

No comments received.

6. **Publicity and 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: 1

Statutory advertisement: Not applicable.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice		13/08/2025	02/09/2025	Affects a Public Right of Way

Number of representations received: 3

Comment	Officer Comment
My wife & I have just seen today the documents connected with this application. There are three drawings with a red boundary (Location plan-2044534, Block plan-2-044525 and Proposed Extension (345)) allegedly showing the boundaries of 16 Highland Road. We totally refute these boundaries (redacted). They are contrary to those shown in Existing Site Plan (345-01). We also object to the use of Convent Lane for deliveries. This cannot be achieved without (redacted) considerable inconvenience to us and other users of Convent Lane. (redacted) We have no objection to the basic plan for the extension. We submit, however, that all access to the building site must be via Highland Road. We request that this should be made a condition of planning approval.	The location and block plans have been amended. It has been confirmed that Convent Lane is a Public Right of Way and as such may not be obstructed. Should vehicular access via Convent Lane be required, a Construction Traffic Management Plan (CTMP) would need to be submitted to, and approved by, Hampshire Countryside Service as Highways Authority before the commencement of any works to ensure the protection of public safety. However, it is also noted that the site boundary stops just short of Convent Lane and that if the intention is to use Convent Lane for deliveries then permission would be required to cross part of a driveway belonging to a neighbouring property, which would require the consent of the property owner.
we would like to express our concern over [Redacted] proposal to use Convent Lane for delivery of any building materials. This unadopted lane is used for access to all the properties in Convent Lane, and also small delivery vehicles, many times during the day and evening. [Redacted] not to mention the many pedestrians who use this short cut to get from Bosmere Gardens to the main road. There is no room for turning, it is illegal to reverse out onto a main	As above.

road, [Redacted] there is insufficient space for a large vehicle to pass. The road has been damaged 3 times by lorries over the past years and each time the occupants of the properties have paid for it to be resurfaced at a substantial cost. We would not be prepared to cover the cost of any damage caused by any building delivery lorries etc using our access to a property in Highland Road! [Redacted] does have access via the front of his house.	
We have no objection to the proposed extension however we do object to the use of Convent Lane for deliveries. Convent Lane is a narrow single track unadopted road where constant access is required at all times. [Redacted] this would cause unacceptable disruption. The law states , in regard to rights of way. " There is no automatic right of way to pass or repass over an unadopted or private road although this can be granted either within legal title or by way of extra agreement between the property owner and the road owner. Similarly, there is no general right to park in a private or unadopted road." This has not been done. Additionally, there is no mention of indemnity insurance should they wish to use Convent Lane. I expect the vehicles to be large and they could damage the road surface and if this happens the users of Convent Lane would have to pay for any such repair which could be substantial.	As above.

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) Parking provision
- (vi) Biodiversity Net Gain (BNG)

(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.

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

- 7.3 The proposal is for a two storey side extension following the removal of an existing conservatory. At ground floor the extension would contain a garden room and utility area and at first floor it would provide an additional bedroom with an en-suite bathroom. A terraced area is shown at ground floor to access the garden room, which appears to be above the 0.3m height allowable under Permitted Development. Further clarification on this was sought, however the agent has declined to comment and has not requested that this be added to the application. First floor windows are proposed to the south and east.
- 7.4 The proposed side extension would be approximately 4.8m in overall and 6.5m in overall length, with a staggered footprint in order to retain a 1.5m separation distance to the north-east boundary. It would have a maximum height of approximately 5.3m, a little over 1m lower than the ridge of the host dwelling, and the main eaves line of the proposed extension has been set approximately 0.5m lower than the host dwelling. As the proposed extension would be to the east of the main dwelling and would be set back from the frontage it would not be visible from Highland Road. It would also be behind the line of the adjacent terrace and as such would not be immediately visible from the central green space between the terraces and its main aspect would therefore be from Convent Lane. Revisions to the first floor window were requested to give the proposed extension a more balanced appearance when viewed from Convent Lane but were not received. Notwithstanding this, the general massing of the proposal would be similar to the addition at No.18 Highland Road and would be well set back from Convent Road at a distance of approximately 15.3m and the proposals are therefore, on balance, considered to be acceptable.
- 7.5 The materials proposed would be to match those of the host dwelling and are therefore deemed to be acceptable.
- 7.6 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.7 Policy CS16 of the Core Strategy requires that, *"The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking,"* and further states that development should *"produce a positive relationship between buildings, street and spaces both existing and proposed,"* such that streets are not dominated by vehicular traffic.
- 7.8 No.14 Highland Road lies immediately to the west of the application site and is the adjoining property within the terrace. As the proposals would be to the east of the host dwelling they would not be visible from No.14 and are therefore deemed to have a minimal impact on this property.

- 7.9 To the south is No.3 Convent Lane, which is an end of terrace bungalow set at a right angle to the application site. The proposed two storey addition would be set approximately 5.6m from the shared boundary and 5.85m from the dwelling at No.3. and would include a south facing first floor window. Whilst the existing host dwelling also has south facing first floor windows, one of these is an obscure glazed bathroom window and the other is set to the western end of the site to reduce overlooking towards the main amenity space and dwelling at No.3. The proposed first floor window would have an immediate view to the patio area behind the dwelling at No.3 and, given the proximity, is therefore considered to result in unacceptable overlooking and loss of privacy, resulting in harm to the amenities of this property.
- 7.10 To the north-east is No.18 Highland Road, which is a similar end of terrace property to the host dwelling and has been previously extended at ground and first floor to the south under approved application 92/57858. The originally submitted location plan included sections of land belonging to this property and has since been amended. No.18 has an existing west facing window to a bedroom at first floor and an entrance door at ground floor, however it is noted that the light and outlook of these is limited due to the existing relationship of the extension to the host dwelling. The proposed extension would be set back behind the building line of the extension to No.18 and would maintain a 1.5m separation distance to the shared boundary, with no north facing windows. The boundary between the sites runs at an angle such that a proposed east facing first floor window would face directly towards the garage, driveway, and private patio and garden area belonging to No.18. However, views towards the private amenity space would be somewhat mitigated by the garage and other outbuildings along the shared boundary, and whilst the proposed window would have some oblique views of the garden and patio these would be similar to the overlooking experienced in most urban and suburban housing layouts. The impact to No.18 is therefore considered to be limited and acceptable.
- 7.11 Consequently, it is considered that the proposal would lead to overshadowing and loss of privacy and would have an unacceptable impact on the amenities of a property immediately adjacent to the application site and therefore would not meet the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Parking Provision

- 7.12 Policy DM13 of Havant Borough Core Strategy 2011 states:

"Residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document."

The proposals would increase the number of bedrooms from three to four and therefore sufficient parking for three vehicles is required. The agent has confirmed that the property owns a garage within the parking area to the north of the site, providing one dedicated space, but has not provided further information regarding additional parking provision. Therefore, the development would result in an under provision of two car parking spaces. Parking in the area is constrained, with a limited number of on street spaces available in the no-through roads of Highland Road and Highland Close since any parking in Convent Lane would obstruct the Public Right of Way. The proposal would be likely to exacerbate this situation and, whilst current parking arrangements situation may be acceptable to local residents, the lack of car parking provided by the proposal, would increase competition for the limited spaces available, giving rise to an unacceptable inconvenience to the living conditions of neighbouring occupiers with regard to parking congestion and the potential of leading to frustration and resentment

within the community.

- 7.13 Due to the lack of on-site parking, the proposal would lead to an unacceptable worsening of the existing parking situation resulting in material harm to the amenities of future occupiers and neighbouring residents. Therefore, the proposal would be contrary to Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Parking SPD (2016) and the National Planning Policy Framework, all of which seek a high standard of amenity for existing and future occupiers.

(v) Biodiversity Net Gain (BNG)

- 7.12 It is noted that this householder application is exempt from the requirements relating to Biodiversity Net Gain.

8 Conclusions

- 8.1 The proposed development would by reason of its design and siting result in a significant harmful impact on the amenity of the adjacent property at 3 Convent Lane, due to direct overlooking of its private amenity areas. The development of the site in the manner proposed would not provide adequate provision of onsite car parking in accordance with the Local Planning Authority's adopted standards set out in the Havant Borough Council Parking SPD and therefore the proposal would have a detrimental impact on the amenities of occupiers of the building and the locality. As such the development would be contrary to the National Planning Policy Framework, the Havant Borough Design Guide SPD 2011, and Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011.

9. RECOMMENDATION:

That the Development Manager be authorised to REFUSE PERMISSION for application APP/24/00931 for the following reasons:

Refusal:

- 1 The proposed development would by reason of its design and siting result in a harmful impact on the amenity of an adjacent property by creating unacceptable overlooking and loss of privacy to No.3 Convent Lane. As such the development would be contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Design Guide SPD 2011 and the National Planning Policy framework.
- 2 Development of the site in the manner proposed would not provide adequate provision of car parking in accordance with the Local Planning Authority's adopted standards set out in the Havant Borough Council Parking Supplementary Planning Document and would therefore have a detrimental impact on the amenities of occupiers of the building, nearby residents, and the locality. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Informatives:

- 1 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 were updated about issues after the initial site visit,

Your application is considered unacceptable for the reasons set out in this Decision Notice.