

DELEGATED OFFICER REPORT

PROPOSAL	Variation of Conditions 2 & 3 of Planning application APP/25/00699 to replace approved plans and materials.
LOCATION:	23 Elmwood Avenue, Waterloooville, PO7 7LG
REFERENCE NO:	APP/26/00130
APPLICANT:	Mr Tony Sizer
APPLICATION TYPE:	Removal/variation of conditions
CONSULTATION EXPIRY DATE:	19/03/2026
APPLICATION EXPIRY DATE:	23/04/2026
WARD:	Stakes
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 23 Elmwood Avenue is a semi-detached bungalow to the south-east of Elmwood Avenue. The main dwelling is set back from the road behind a gravel driveway which provides on-site parking, with pedestrian access to the entrance door and rear garden via a path along the north-east boundary. The rear garden is approximately 42m long and 9m wide and has been mostly laid to lawn. It is separated from the entrance path by 1.8m high close-boarded fencing and there is a pass gate within the fence. The site slopes such that the rear of the house is stepped up and there is a terraced area immediately behind the property to the south-west. Within the rear garden there is a storage shed adjacent to the north-east boundary and a summer house adjacent to the south-east boundary. The garden is bounded by 1.8m height close-boarded fencing that follows the slope of the site and the rear boundary is additionally screened by some small trees beyond the fence.
- 1.2 The area immediately surrounding the application site is residential, comprised of one and two storey dwellings in a variety of styles and materials. All of the properties along Elmwood Avenue have long gardens and many contain outbuildings of mixed size and appearance.

2. Planning History

APP/25/00699. Construction of new outbuilding at the end of the rear garden for use as a self-contained "granny annex". Relocation of existing outbuilding to a different location within garden. PERMIT 30/10/2025.

3. Proposal

Variation of Conditions 2 & 3 of Planning application APP/25/00699 to replace approved plans and materials.

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

N/A

Listed Building Grade: N/A

Conservation Area: N/A

5. **Statutory and Non Statutory Consultations**

Development Infrastructure Team (CIL & S106) Thank you for consulting with me on this matter. I am happy on this occasion that this liable party continues to be the recipient of annex relief.
Councillor Simon Hagan No comments received.
Councillor Elizabeth Lloyd No comments received.
Councillor Sarah Milne 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: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
No comments received.	

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
- (v) Use of the annex
- (vi) Developer Contributions
- (vii) 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.

7.3 Section 73 of the Town and Country Planning Act 1990 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 proposal seeks to vary the approved plans and materials of a proposed annexe within the rear garden. The floor plan of the annexe would be reduced by 1m in depth and would increase in length by 0.5m. It would be located in the same area of the rear garden as previously approved, offset from the side boundaries by approximately 0.75m, and would have a maximum height of 3m. Other outbuildings would remain as approved under APP/25/00699.

7.5 The proposed changes would result in the annexe being marginally smaller in overall footprint than previously approved and approximately 0.34m higher. The alterations in scale are minor and would not impact the street scene or setting of the host dwelling. The proposed annexe was originally approved with white painted timber boards and the proposed changes seek to use white render as an alternative, which would match the host dwelling. Fenestration would be in grey uPVC similar in appearance to the grey timber previously approved. The design and appearance is therefore deemed

appropriate in context to the main building and is 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

- 7.6 The proposed changes in floor plan and height are minimal and would result in little change in impact to neighbouring properties. The proposed changes would introduce new side facing fenestration, however given that the proposal is at ground floor only and that its location to the rear of the garden would be well screened by existing 1.8m high close-boarded fencing the changes are not considered to result in any overlooking or loss of privacy to adjacent dwellings or associated amenity areas. Consequently, it can be concluded that the revised proposals would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Parking provision

- 7.7 The proposed changes would have no impact on approved parking arrangements and are therefore considered to be acceptable in meeting the requirements specified in the Havant Borough Council Parking SPD (2016) and in accordance with Policy DM13.

(v) Use of the annex

- 7.8 The proposed revisions would not alter the access arrangements or ancillary relationship between the proposed annexe and host dwelling and are therefore considered to be acceptable.

(vi) Developer Contributions

- 7.14 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 20 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 (plus indexing) on new floorspace (measured as gross internal area) outside of Emsworth and Hayling Island.

- 7.15 The scheme would be Community Infrastructure Levy (CIL) liable due to the proposed use and revised appropriate forms have been submitted to reflect the amended floor area. The gross new internal floor space for the building would be 45sqm which generates a total CIL liability of approximately £3,600 plus indexing. It is noted that a self-build residential annex exemption has been claimed in relation to the development.

(vii) Biodiversity Net Gain (BNG)

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

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.

9. **RECOMMENDATION:**

That the Interim Head of Planning be authorised to **GRANT PERMISSION** for application APP/26/00130 subject to the following conditions:

Conditions:

- 1 The development must be begun not later than 30 October 2028.

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:

Proposed Site Plan received 25 February 2026
Proposed Floor Plan received 25 February 2026
Proposed Front Elevation received 16 April 2026
Proposed Side Elevations received 16 April 2026
Proposed Rear Elevation received 16 April 2026

Reason: To ensure provision of a satisfactory development.
- 3 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.
- 4 The annex accommodation and outbuilding hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation or used in connection with any trade or business.

Reason: The annex accommodation and outbuilding are not a satisfactory position, have insufficient amenity space, and have insufficient on-site parking 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

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:

- Your application was acceptable as submitted and no further assistance was required.

- 2 Notwithstanding this decision, you are advised that Building Regulations would need to be complied with for this development.