

DELEGATED OFFICER REPORT

PROPOSAL	Conversion of four bedroom house into 2No one bedroom flats with external staircase and associated cycle storage.
LOCATION:	4 Anthony Way, Emsworth, PO10 7RZ
REFERENCE NO:	APP/25/00745
APPLICANT:	Jacqui Justice-Chrisp
APPLICATION TYPE:	Full planning permission
CONSULTATION EXPIRY DATE:	26/03/2026
APPLICATION EXPIRY DATE:	17/02/2026
WARD:	Emsworth
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 The red lined application site relates to a detached four-bedroom two storey dwelling located on the east side of Anthony Way, which is an adopted pedestrian footpath only. There is no vehicular access to the dwelling itself. The amended red line also includes a separate garage that is owned by the applicants, which is underneath the maisonette at 2 Anthony Way, to the north of the dwelling.
- 1.2 The dwelling is constructed of red brick with north and south gable ends, beneath a pitched roof with concrete tiles. It is sited within a narrow but long plot, such that the separation to the side boundaries is minimal, but there is a front (north) garden that measures about 15m long, and a rear (south) garden that is about 8m long.
- 1.3 To the immediate east is a detached chalet style dwelling, number 4a, which is set slightly further south having its rear garden aligned with the side of the application site. This property also has no direct vehicular access. There is a close boarded fence on the shared boundary which measures about 1.6m high. To the north of the site number 3 Anthony Way is a first floor maisonette above garages, which has an external staircase to the first floor southern elevation. To the south are the rear of the properties in Southleigh Road.
- 1.4 Notably the internal layout of the existing dwelling includes a high level first floor window above the stairs – this is currently clear glazed. There is a close boarded fence on the western boundary with the footpath and the site benefits from two pedestrian gates within this.
- 1.5 The site is relatively level and lies outside any current of future flood zone, but within an area identified as at risk from surface water flooding.

2. Planning History

15024/1 – The erection of two houses at Southleigh Road (*now 4 & 5 Anthony Way*) Permitted 10 Dec 1962

3. Proposal

- 3.1 Conversion of four bedroom house into 2No one bedroom flats with external staircase and associated cycle storage.
- 3.2 The proposal would subdivide the property horizontally, resulting in a ground floor one-bed flat utilising the existing entrance at the southern end of the dwelling and having the southern rear garden; and a first floor one-bed flat with new external staircase to a new entrance door in the west elevation. The first floor flat would have the northern garden area.
- 3.3 Other associated works include the insertion of a new ground floor window in the eastern elevation and provision of cycle and refuse stores for both the ground and first floor flats.

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)

CS17 (Concentration and Distribution of Development within the Urban Areas)

CS21 (Developer Requirements)

CS9 (Housing)

DM10 (Pollution)

DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1 (General Design Policy)

ENP_D2 (Height, Mass & Materials)

ENP_D3 (Layout, Form & Density)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5. Statutory and Non Statutory Consultations

Southern Water – on original plans

Proposed development over or close to a public sewer; investigation required; no construction works parallel to the sewer within 500mm; where within 3m foundations depth to be below 150mm on inert level; request condition to protect public sewers;

S106 Connection – any new connection to public sewerage system will require a S106 application

Officer Note – the initial plans showed the external staircase being supported by foundations; the revised plans instead bolt the stairs onto the side of the house with no ground works involved. This design solution is considered to overcome SW concerns.

SW were re-consulted on the amended plans but did not respond.

Emsworth Residents Forum – none received

Building Control – on original plans

Further details of how means of escape from each flat would be achieved to ensure compliance with Requirement B1. This may alter the internal layout or external appearance (windows for example) of the project.

The new ground floor window would exceed permitted limits for unprotected areas under Requirement B4.

A public sewer is located on the site, Southern Water should be consulted as it is likely that the new external staircase may affect the sewer.

Officer comment – This matter brought to the attention of the agent; amended plans received re new gf window – BRegs re-consulted but no further comments received.

Nutrient Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

Natural England

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Chichester and Langstone Harbours SPA. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended).

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.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice	Site notice	07/01/2026	28/01/2026	Is advertised in the public interest

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

Number consulted: 10

Multiple Representations received from **4 individuals**

I wish to object to the above application for the following material planning reasons.

1) Unacceptable loss of privacy / overlooking – new opening on the east elevation facing No.4A

The proposed plans show a new opening on the east elevation labelled “new high level window non opening with obscure glass” (circled on the attached plan). This elevation faces directly towards the private rear garden of No.4A and towards (redacted).

We object to the introduction of any new window/opening on this elevation. Even with obscure, non-opening glazing, the creation of a new opening in this position materially changes the relationship between the properties and creates a persistent sense of overlooking into (redacted).

In addition, the submission does not provide sufficient, enforceable detail to demonstrate that privacy harm would be avoided in practice (for example: the exact finished sill height, the specification/grade of obscured glazing, and long-term retention with no future alteration).

Request: Planning permission should be refused unless the proposal is amended to remove the new east elevation opening entirely. If the Council is minded to approve, it should require amended plans omitting the opening and/or impose a condition preventing any future openings on this elevation without further planning permission.

2) Parking stress / overspill parking and obstruction risk – impact on access to (redacted) two garages

The proposal intensifies the site from a single dwelling to two separate dwellings, which is likely to increase vehicle ownership, visitor parking, deliveries and servicing activity.

The garage court and access arrangements are already very constrained. We own and require access to two garages in the rear garage court at all times. The tight layout means that even short-stay parking can obstruct manoeuvring and access, and vehicles associated with No.4 have previously parked in a way that can impede access to our second garage. The proposed conversion to two flats will increase the likelihood and frequency of obstruction and overspill parking, harming amenity and safe/practical access.

Request: The application should not be approved unless the applicant provides a clear and practical parking/servicing arrangement demonstrating how parking demand for two dwellings will be accommodated without overspill or obstruction, and how deliveries and day-to-day servicing will occur without blocking access to the garage court.

3) Loss of residential amenity from increased noise and activity

Two independent dwellings will materially increase comings and goings, visitor activity, car doors, deliveries and general day-to-day activity compared with a single household. Given the proximity and constrained access arrangements, this intensification risks a noticeable increase in noise and disturbance affecting neighbouring residential amenity, including (redacted) garden area and the rear of (redacted).

4) Refuse and day-to-day servicing arrangements are not clearly demonstrated

Two flats will generate increased refuse and recycling storage requirements and collection movements. The application should clearly show bin storage locations and collection arrangements that do not cause obstruction or amenity harm, particularly given the narrow alley access.

Request: Refuse storage/collection arrangements should be demonstrated clearly and conditioned, to avoid obstruction and nuisance.

5) Narrow alley access – risk of obstruction and need for construction controls

Access is via a narrow alley used by residents and the public. If the Council is minded to approve, a Construction Management Plan condition should be required to prevent obstruction and ensure safety at all times, covering delivery/unloading arrangements, skip/material storage, contractor parking, maintaining pedestrian/emergency access, and restricted working hours.

6) External staircase – wider neighbour impacts

While the external staircase may not directly overlook No.4A, it appears capable of affecting privacy/amenity for other nearby properties. The application should demonstrate how impacts to surrounding neighbours are avoided with enforceable details (screen height, extent, opacity, and permanence).

Conclusion

For the reasons above — in particular the unacceptable privacy impact arising from the proposed new opening on the east elevation facing No.4A, and the parking/access impacts arising from intensification to two dwellings in a constrained location — I request that planning permission is refused.

If permission is granted, it should only be on the basis of amended plans that remove the new east elevation opening entirely, together with robust controls for parking/servicing/refuse arrangements and construction management.

1) The plans show a new opening on the east elevation labelled “new high level window non opening with obscure glass”. (REDACTED). I object to the introduction of any new window/opening on this elevation,(REDACTED).

2) The proposal intensifies the site from one dwelling to two separate dwellings, increasing parking and servicing pressures in an already constrained area (REDACTED) and the tight layout makes obstruction/overspill parking a real and foreseeable risk.

For these reasons, I request that the application is refused, or at minimum amended so that the proposed east elevation opening is removed entirely and parking/servicing arrangements are clearly demonstrated as workable without causing obstruction.

Further to my objection to APP/25/00745, I wanted to provide one additional photo to assist.

The attached image (rear view from (redacted)) shows the buildings to the north/rear of the garage court and neighbouring gardens. Importantly, the side elevations in this immediate area do not have living-level windows facing neighbouring gardens — they are largely blank. This reflects the established layout/design approach here, which helps prevent overlooking and protects neighbour privacy.

Against that context, the proposed new opening on No.4’s east elevation (labelled “new high level window non opening with obscure glass” on the submitted plans) would introduce a new overlooking relationship toward (Redacted), which we consider unacceptable. Our position remains that there should be no new window/opening on this elevation.

[Redacted] In the past we have had unauthorised parking [Redacted] I can see construction vehicles taking unauthorised advantage of this parking [Redacted]. Thereafter the new flat owners will also (no doubt) seek to park here. I cannot see that parking is included anywhere on the plans. This needs to be addressed.

Key objection – unacceptable loss of privacy/overlooking:

The plans show a new opening on the east elevation labelled “new high level window non opening with obscure glass”. (REDACTED) I object to the introduction of any new window/opening on this elevation (REDACTED).

Parking/access impact:

The proposal intensifies the site from one dwelling to two separate dwellings, increasing parking and servicing pressures in an already constrained area. (REDACTED) the tight layout makes obstruction/overspill parking a real and foreseeable risk.

Please ensure the case officer visits and assesses the relationship from No.4A’s garden before determining the application.

For these reasons, I request that the application is refused, or at minimum amended (REDACTED) and parking/servicing arrangements are clearly demonstrated as workable without causing obstruction.

I am writing to object to the proposed conversion of the dwelling at 4 Anthony Way, into two separate flats, specifically in relation to the external access staircase on the West elevation.

1. Loss of Privacy

The proposed staircase will significantly increase overlooking (redacted). Unlike occasional or incidental views from existing windows, an external staircase allows individuals to stand, pause, or remain on the staircase for extended periods (e.g., smoking or waiting).

(REDACTED)

2. Potential for Prolonged Overlooking

As the staircase forms part of the regular access route into a residence, there will inevitably be repeated daily use. Each use creates the opportunity for prolonged overlooking as people ascend, descend, or pause on the landing area. This materially worsens the impact on neighbouring amenity compared with the current situation.

3. Visual Impact and Unsuitability of Design

The staircase will be an unsightly and incongruous addition to the West elevation. The surrounding properties follow a consistent residential design, and the installation of an external staircase of this scale and visibility is not in keeping with the local character.

It would negatively impact the visual amenity of nearby properties and the overall appearance of the area.

4. Detrimental Effect on Neighbouring Amenity

For the reasons above, the proposal would lead to a material loss of residential amenity, contrary to typical planning principles which seek to protect neighbours from:

- Loss of privacy
- Increased overlooking
- Loss of visual amenity
- Harmful or inappropriate external alterations

The proposed staircase meets several of these harms.

While I acknowledge the applicant may wish to create additional living space, the design and placement of the external staircase is unacceptable due to its impact on privacy, amenity and the character of the area.

I therefore request that the planning authority refuse planning permission unless the external staircase is removed from the proposal or relocated in a way that avoids overlooking neighbouring properties.

OBJECTION – Amended plans for 4 Anthony Way (conversion to 2 flats)

I am writing to maintain my objection to the amended proposals. My key concerns remain loss of privacy/amenity, parking/access, and the external staircase.

1) East elevation window [Redacted] – still unacceptable

The amended side elevation notes state: “obscured window and fixed above 1500mm from finished floor level, clear and opening below 1500mm from finished floor level.”

This means the lower part would be clear glazed and openable, which would still enable overlooking into [Redacted] resulting in an unacceptable loss of privacy and residential amenity.

Given the extremely close relationship to [Redacted], our position remains that there should be no new window/opening at all on the east elevation.

If the LPA is minded to approve despite this, then at the absolute minimum any east elevation opening must be high-level only, fully obscure glazed, and fixed shut (non-opening), secured by condition. A “clear/openable below 1500mm” arrangement is not acceptable.

2) Parking and access – worsens an already tight situation

The garage court access is already very constrained and requires unobstructed manoeuvring. The proposed conversion introduces additional demand for parking, deliveries, visitors and servicing, without a clear or enforceable parking solution. [Redacted] require unobstructed access at all times, and existing parking behaviour already causes occasional obstruction. Increasing occupancy risks regular blocking of access and neighbour conflict.

I ask the Council to require a clear, enforceable arrangement for resident/visitor parking and management during construction (including contractor parking/loading), or refuse the scheme if this cannot be properly addressed.

3) External staircase – neighbour amenity + noise/disturbance

The proposed external staircase on the west elevation will create additional overlooking impacts for surrounding neighbours, and it also introduces noise and disturbance from frequent use (doors, footsteps, conversations, people pausing on the stairs/landing). This is particularly concerning in a quiet residential setting and with adjacent homes in close proximity.

If the Council considers approval, the staircase and its impacts should be reassessed, and any permission should only be granted with appropriate mitigation/conditions (privacy protection for affected neighbours, lighting details, and management of noise/disturbance). Ideally, the external staircase should be removed or redesigned to avoid these impacts.

Conclusion

For the reasons above, the amended proposals still cause harm to residential amenity and create unresolved parking/access issues. I request that planning permission is refused, or that the Council requires removal of the east elevation window, a properly controlled parking solution, and a redesign of the external access arrangement.

East elevation window (Redacted)

The amended side elevation note states: “obscured window and fixed above 1500mm from finished floor level, clear and opening below 1500mm from finished floor level.”

That means the lower section would be clear glazed and openable, which still enables overlooking (redacted). This remains an unacceptable loss of privacy and residential amenity.

Our position is no new window/opening at all on the east elevation.

If the LPA is minded to approve, then the minimum acceptable fallback would be high-level only, fully obscure glazed, and fixed shut (non-opening), secured by condition. A “clear/openable below 1500mm” arrangement isn’t acceptable.

Parking / access

The garage court access is very tight and requires unobstructed manoeuvring. Converting to two flats increases pressure from residents/visitors/deliveries and construction activity, without a clear enforceable parking solution. We have two garages that require unobstructed access at all times, and there is already occasional obstruction. Increasing occupancy is likely to worsen this.

External staircase

The external staircase on the west elevation is still a concern for neighbouring amenity and disturbance: frequent use, noise, and potential for people pausing on the stairs/landing. In this setting and proximity, it risks material impact on neighbours. Ideally it should be removed/redesigned to avoid these impacts, or mitigated via conditions.

I object to the amended proposals at 4 Anthony Way. The east elevation window is still unacceptable (REDACTED). Additionally, if it opens at all, there will be increased noise and disturbance (REDACTED). I’m also concerned the conversion to two flats will worsen parking and access in the garage court, where access is already tight (REDACTED). The external staircase will also increase disturbance and impacts on neighbours. Please refuse the application unless these issues are fully resolved.

I object to the amended proposals at 4 Anthony Way. The east elevation window is still unacceptable given the very close boundary. (REDACTED) I’m also concerned the conversion to two flats will worsen parking and access in the garage court, where access is already tight (REDACTED) The external staircase will also increase disturbance and impacts on neighbours. Please refuse the application unless these issues are fully resolved.”

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) Impact upon the character and appearance of the area
- (iii) Impact upon neighbouring residential amenity and future occupants
- (iv) Parking, access and sewer
- (v) CIL
- (vi) BNG
- (vi) Compliance with the Habitats Regulations

(i) Principle of development

7.2 The application site is located within the defined urban area where further development is considered acceptable in principle, subject to consideration of detailed development management criteria.

- 7.3 The Council's Five-Year Housing Land Supply, updated 1st April 2025, indicates the Borough's housing land supply position as 1.3 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc.
- 7.4 The proposal would result in the net gain of 1 small dwelling unit, within the main urban area of Emsworth, in a relatively accessible and sustainable location, making more effective use of the land. The proposal would therefore make a modest contribution to housing supply, and these benefits of the proposal must be afforded weight in the overall planning balance.
- 7.5 Current policies AL2 and CS17 direct development towards the built up urban areas, and encourage making the most effective use of land; and policy CS9 supports housing that achieves a suitable density that respects the surrounding landscape, character and built form. Policy CS16 seeks High Quality Design that respects its local context, and policy CS11 protects the Borough's landscapes. These policies align with the NPPF, December 2024, and should therefore be afforded weight in the determination of the application, as detailed below.

(ii) Impact upon the character and appearance of the area

- 7.6 The fundamental size and scale of the existing dwelling would be unaltered. The only external changes relate to the addition of the external staircase and new ground floor window. The latter would not be visible from the public domain. The external staircase would be adjacent the footpath and therefore visible, but number 3 to the immediate north already has a similar external staircase so this would not be a new feature in the area.
- 7.7 The subdivision of an existing family home into two smaller flats would lead to an intensification of use of the site, which could itself impact the character of the area. But it is noted that surrounding development varies, and is not solely large family houses, but includes maisonettes above garages. It is therefore considered that two smaller flats would not be inappropriate to the character of the wider area.
- 7.8 Overall, the design and appearance of the proposal would be in keeping with the host dwelling and character of the area, 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) Impact upon neighbouring residential amenity and future occupants

Existing neighbours

- 7.9 Due to the siting of the dwelling close to the eastern shared boundary with number 4A and the relationship with number 4A's private rear garden, one of the key issues relates to overlooking and privacy. The existing first floor eastern side window has a direct line of sight into the garden of 4A, and oblique view into 4A's rear dormers, but is currently high level over the stairs, limiting any real overlooking. However, the proposal would remove the internal stairs, and this window would serve a dining room ie a habitable room. As part of the negotiations with this application, the amended plans indicate that the glazing in this window would be changed to obscure glass and be fixed shut. This is considered sufficient to overcome the potential for direct overlooking and loss of privacy to the occupiers of number 4A from this existing window.
- 7.10 A new ground floor side window is also proposed for the east elevation and during the course of determining this application has been amended from a long high-level window (which would have sat above the fence line and given the perception of a large window with added overlooking), to a tall and narrow window. This would be clear glazed and openable where below 1.5m finished floor level, and fixed shut and obscure glass where above 1.5m finished floor level.
- 7.11 Third parties still object to the insertion of a new window directly adjacent a private garden area with its associated potential for overlooking and loss of privacy. However, the insertion of any sized ground floor side window into a dwellinghouse is permitted development with no restriction on whether it is openable or obscure glazed. The GPDO only restricts upper-floor windows in side walls, or roof slopes, and these must be obscure glazed and non-opening where above 1.7m high. Therefore, the fall-back position is that the proposed window could be added now, whilst the property is a single a single family dwelling, with no need for planning permission.
- 7.12 In this instance, because the existing fence is only about 1.6m high, then the offer of obscuring and fixing shut the element above 1.5m that would sit above the fence line is welcomed. The fence itself would adequately mitigate both the use of clear glass and openable, where below 1.5m. It is considered that the small section of window peeping above the fence line would not result in any real overlooking. Whilst it is accepted that there would be some perception of overlooking from the presence of the new window, the actual overlooking would be mitigated, and it is not possible to substantiate a reason for refusal based on perception of overlooking alone.
- 7.13 Other third party comments also object to the proposed external staircase raising concerns about overlooking and noise and disturbance from use. The plans do however provide a 1.7m high obscure screen on 2 sides at the top of the stairs, such that once up and entering the door, there would be no direct line of sight to the west or south. It is accepted that whilst going up or down the stairs then there would be some elevated views, but these would generally be fleeting whilst going up or down and not protracted from sitting out. It should also be noted that there is currently a large clear glazed first floor side window in the west elevation allowing similar views.
- 7.14 Since the stairs would only serve a small one bed flat, then their use would not be expected to be intense or lead to significant noise and disturbance from groups of people. Overall, on balance, it is considered that the adverse impact on neighbouring amenity from the proposed external stairs would be minimal.

Future Occupants

- 7.15 The ground floor flat would have a floorspace of 52sqm meeting the nationally described space standards of 50sqm for a 1 bed 2 person flat. The first floor would measure 47 sqm which meets the 1 bed 1 person standard of 39 sqm but falls slightly short of the 2 person standard. Considering each flat would also have access to a large garden with outbuildings, then overall it is considered that the conversion would provide an adequate standard and quality of living for future occupiers.
- 7.16 Overall it is considered that the proposed new dwelling would not result in any material harm to neighbouring amenity and would provide a satisfactory standard of accommodation and garden space for future occupiers, in accordance with policy CS16.

(iv) Parking, access and sewer

- 7.17 The existing dwelling does not have any direct vehicular access and this would not change as a result of the proposal. As an existing four bed dwelling then the property should have 3 onsite car parking spaces. It has just one, within the garage under 2 Anthony Way, which is difficult to access due to its right-angled siting with other garages and spaces. Therefore, the existing property has a shortfall of at least 2 spaces.
- 7.18 As two one bed flats, then the proposal should have 2 onsite spaces to meet the Parking SPD, which is notably less than the existing requirement for 3 spaces. It can therefore be deduced that the parking demand associated with the proposal would be reduced and the shortfall therefore have less impact on the highway network from overflow parking demand.
- 7.19 The proposal does however provide the full cycle parking and storage in accordance with the adopted parking SPD for both flats.
- 7.20 Third party comments note increased likelihood of obstruction of the parking spaces at the garages at 1-3 Anthony Way, but these are on private land and would be a private matter. As noted above, it is not anticipated that parking demand would increase from the proposal. There are no parking restrictions in Birch Tree Drive which would continue to provide adequate parking for deliveries, visitors etc as it does at the moment.
- 7.21 Overall the parking and access arrangements of the proposal are not considered to result in any harm to highway safety or amenity sufficient to refuse the application.
- 7.22 There are both foul and surface water sewers running under the existing house and along Anthony Way. However, the revised design for the external staircase to be bolted onto the side of the house rather than have any foundations, is considered a suitable design solution to avoid any impacts on the existing sewer. Whilst Southern Water have not commented further on the revised plans, it is considered that the revised design is acceptable in principle, and any detailed matters would be subject to the separate Building Regulations process at construction stage.

(v) CIL

- 7.23 The sub-division of a dwelling is not CIL liable unless extensions over 100sqm are proposed. In this case there are no extensions, so the proposal is not CIL liable.

(vi) BNG

- 7.24 In terms of BNG, the proposal is for largely internal conversion works with little operational development and is considered subject to the De-Minimis exemption of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. To qualify 'the development must not impact an onsite priority habitat (defined as a habitat specified in a published list); secondly, the development must impact no more than 25 square metres of onsite habitat with a biodiversity value greater than zero, and no more than five metres in length of onsite linear habitat.' The proposed external staircase would meet these criteria.

(vi) Compliance with the Habitats Regulations

- 7.25 The proposal would result in the net gain of one, one bedroom dwelling which needs to comply with the Habitats Regulations. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to the increase in recreation from the creation of a new household, but that there would be no impact on water as the occupancy of 2 x 1 bed flats is less than 1 x 4 bed house. As such mitigation for recreational pressures only is necessary in this case.
- 7.26 Using Natural England's updated Methodology in January 2024, the planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of avoidance and mitigation measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy.
- 7.27 The applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £531.60 to address the potential recreational harm from the new development. Therefore, it is considered that the recreational element of the impacts of development have been adequately mitigated against.
- 7.28 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment and raise no further objection. The Council's assessment as competent Authority under those regulations is included in the case file.

8 Conclusions

- 8.1 Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc. The proposal would make better use of this site in this urban and sustainable location, and the provision of 1 additional dwelling would contribute to the Borough's housing need and represents a modest benefit.

- 8.2 The identified adverse impacts relate to neighbouring amenity, but the amended plans and fall-back position are such that the minor impacts would not outweigh the benefits of the proposal. Therefore, the tilted balance benefit of this development prevails.
- 8.3 The proposal meets the Habitats Regulations with recreational impacts adequately mitigated. Overall, the proposal is therefore considered acceptable and recommended for conditional permission.
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9. RECOMMENDATION:

That the Interim Head of Planning be authorised to Approve with Conditions for application APP/25/00745

Conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

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:
1:1250 Location Plan & 1:500 Block Plan - Drawing number P0 on website dated 19/2/26
Existing and Proposed Ground Floor Plan – Drawing number P1 on website dated 19/2/26
Existing and Proposed First Floor Plan – Drawing number P2 on website dated 19/2/26
Existing and Proposed Front and Rear Elevations – Drawing number P3 on website dated 19/2/26
Existing and Proposed Side Elevations – Drawing number P4 on website dated 19/2/26

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 the first occupation of either of the hereby approved flats:
 - a) The existing first floor window in the east elevation shall be fixed shut and fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter; and
 - b) The proposed ground floor window in the east elevation shall be fitted with, to a height of no less than 1.5m 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; and
 - c) The 1.7m high screen to the proposed new entrance door at first floor on the west elevation shall be installed and be either solid or opaque 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.

4. The cycle and refuse stores shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the first occupation of either flat hereby approved, and thereafter retained for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy 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 sought and were provided with pre-application advice,
You were updated about issues after the initial site visit, amended plans and additional information requested and forthcoming, making your proposal acceptable.