

DELEGATED OFFICER REPORT

PROPOSAL	Non-material amendment to Planning Permission APP/24/00648 relating to the removal of window to rear elevation.
LOCATION:	54 Hart Plain Avenue, Waterloooville, PO8 8RX
REFERENCE NO:	APP/26/00319
APPLICANT:	Mrs Louise Duff
APPLICATION TYPE:	Non-Material Amendment
CONSULTATION EXPIRY DATE:	11/05/2026
APPLICATION EXPIRY DATE:	08/06/2026
WARD:	Hart Plain
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 54 Hart Plain Avenue is a detached two storey dwelling on the north side of the Avenue. Vehicular access is from Hart Plain Avenue. The general pattern of development in the immediate vicinity is that of deep plots, but this has been altered over time with the creation of cul-de-sacs, redevelopment of a site at a higher density and back-land development at intervals along Hart Plain Avenue.
- 1.2 The site is subject to Tree Preservation Order 1357, with protected trees located along the eastern boundary and to the rear of the site.
- 1.3 The long back garden has been subject to many applications over the years, these were regarding TPO applications and also 4 to 5 individual dwelling units, some of which were given permission or refused (see relevant planning history below). This present application relates to a recent permission APP/24/00648, which was for one 3 x bed chalet bungalow, Approved 13/06/25.

2. Relevant Planning History

APP/26/00295 - Discharge of Condition 5 & 6 of APP/24/00648, Yet to be discharged.

APP/26/00245 - Discharge of Condition 4 of planning application APP/24/00648, Yet to be discharged.

APP/24/00648 - 1 No 3 bed chalet bungalow, Approved 13/06/2025.

06/63569/008 - Retrospective application with regard to the siting of a 4 bed detached dwelling, Approved 13/04/2006.

01/63569/005 - Demolition of existing dwelling and construction of replacement 4 bedroom detached dwelling with detached single garage to rear (adjacent eastern boundary) utilising existing access to Hart Plain Avenue (revised details), Approved 06/12/2001

99/63569/001 - Demolition of existing dwelling house and construction of detached 5 bedroom dwelling house with 1 bedroom annex and double garage utilising existing access to Hart Plain Avenue, Refused 18/11/1999.

3. Proposal

3.1 This application proposes a Non-Material Amendment of Planning Permission APP/24/00648 in respect of the following matters:

(i) removal of a single window to rear elevation of the approved single 3 bedroom chalet bungalow.

3.2 The effect of the change from the removal of the fenestration, which serves the kitchen/dining room, in the approved chalet bungalow.

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
Chichester Harbour Management Plan 2024-2025
Harbour Area of Outstanding Natural Beauty

Havant Borough Local Plan (Core Strategy) March 2011

CS11 - Protecting and Enhancing the Special Environment and Heritage of Havant

CS16 - High Quality Design

DM8 - Conservation, Protection and Enhancement of Existing Natural Features

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. Planning Considerations

- 5.1 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.
- 5.2 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) Principle of development
 - (ii) Appropriateness of design and impact on the character of the area
 - (iii) Effect on neighbouring properties
 - (iv) Protected Tree Impact
- (i) Principle of development
- 5.3 The application site is located within the defined urban area. The proposal is a non-material amendment application to the approved chalet bungalow, under APP/24/00648, with only modest change by means of a removal of a proposed fenestration on the rear elevation. The principle of development is therefore well established on this site, and the proposed changes do not materially affect the nature of the development previously approved.
- (i) Appropriateness of design and impact on the character of the area
- 5.4 The effect of the change proposed in this case is to remove a fenestration serving the kitchen/dining room in the approved dwelling with only a blank wall in matching materials to replace it. No other changes are proposed to the footprint or elevations of the approved bungalow.
- 5.5 The design and appearance of the proposal is deemed appropriate in context to the approved dwelling and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the present scheme would not result in an adverse impact on the visual amenity of the host site and locality.
- (iii) Effect on neighbouring properties
- 5.6 As discussed above, the effect of the change proposed in this case is to remove one window serving the kitchen/dining room in the approved chalet bungalow. The alterations are at ground floor level, would reduce the possibly of views with the adjoining properties at 56 and 56A Hart Plain Avenue. This alteration is not considered to lead to any adverse impact to neighbouring properties and can therefore be considered as non-material.

(v) Protected Tree Impact

- 5.7 The site is subject to Tree Preservation Order (TPO) 1357, with protected trees located along the eastern boundary and to the rear of the site. The removal of a rear window from the approved chalet bungalow is considered not to have any effect on the protection of these protected trees. This proposal is considered to be acceptable, meeting the requirements of Policy DM8 of the HBLP (Core strategy), and can therefore be considered as non-material.

6 Conclusions

- 6.1 The proposed removal of the window on the rear elevation of the approved chalet bungalow is not considered to result in a material change to the extant planning permission and would not adversely affect neighbouring amenity or protected trees. The proposal is therefore recommended for approval.
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9. RECOMMENDATION:

That the **INTERIM DEVELOPMENT MANAGER** be authorised to **GRANT PERMISSION** for application APP/26/00319 subject to the following conditions:

Conditions:

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

Proposed Elevation and Floor Plans L-DUFF-03A3- Rev E

Reason: To ensure provision of a satisfactory development.

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.