

DELEGATED OFFICER REPORT

PROPOSAL	Variation of Condition 2 of Planning permission APP/25/00846, to replace the approved plans, increasing the ridge height of the approved car port.
LOCATION:	5A Fifth Avenue, Havant, PO9 2PL
REFERENCE NO:	APP/26/00452
APPLICANT:	Mr Mark Harvey
APPLICATION TYPE:	Removal/variation of conditions
CONSULTATION EXPIRY DATE:	21/07/2026
APPLICATION EXPIRY DATE:	20/07/2026
WARD:	St Faiths
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 5A Fifth Avenue is detached chalet bungalow to the south side of Fifth Avenue. The property is well set back from the street behind an approximately 19.4m long driveway that includes an area of hardstanding within the site frontage and continues along the west boundary to a patio behind the main dwelling. There are approximately 1.5m high double gates securing the rear half of the driveway and the private garden. To the west boundary there is approximately 1.8m high mature hedging and there is some further screen planting to the front boundary behind an approximately 1m high brick wall. To the east boundary there is 1.5m high close-boarded fencing, rising in height to 1.8m beyond the front of the house. The main dwelling is finished in red brick and cream render with black uPVC fenestration under a plain tile roof.
- 1.2 The area immediately surrounding the application site is residential and is characterised by one and two storey dwellings within generous plots and set back behind relatively open frontages with a distinctive building line.

2. Planning History

APP/25/00846. Proposed car port to side elevation. PERMIT 29/01/2026.

APP/12/01285. Single storey extension following demolition of existing conservatory. PERMIT 01 February 2013.

01/65012/001. Alterations and extensions to roof including raising of ridge height and incorporating single storey extension to front and rear (providing barn hipped gables). Provision of 2 dormers to East elevation, 2 Velux windows to West elevation and new triple casement flush fitting windows to new gables to front (North) elevation and rear (South) elevation. PERMIT 09 September 2001.

3. **Proposal**

Variation of Condition 2 of Planning permission APP/25/00846, to replace the approved plans, increasing the ridge height of the approved car port.

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

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)

Listed Building Grade: N/A

Conservation Area: N/A

5. **Statutory and Non Statutory Consultations**

Arboriculturalist/Tree Officer <i>No comment received. Noted that the response to the original householder permission was that trees adjacent to the front boundary would not be considered a constraint to development.</i>
Councillor Phil Munday <i>No comment received</i>
Councillor Gillian Harris <i>No comment received</i>
Councillor Daniel Berwick <i>No comment received</i>

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: 10

Number of site notices: N/A

Statutory advertisement: N/A

Number of representations received:

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) 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 drawings by amending the pitch of the carport roof to match that of the host dwelling. This would result in a higher overall ridge height. Changing the proposal to more closely match the host dwelling is considered to be acceptable and, following discussions with the applicant, the eaves were lowered slightly so that the overall height of the proposal would be no greater than 4m.

7.5 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

- 7.6 The proposed changes would not alter the impact of the development on neighbouring properties to the south and east of the application site. A site visit was made to No.5 Fifth Avenue to the west when it became apparent that the proposed height increase would fail the 25 degree overshadowing test. No.5 has a side facing kitchen door and two side facing windows currently serving a dining room, which is partially open to the kitchen, and a study which could also be used as a bedroom. The outlook from these is largely obscured by the existing hedge and it was also noted in the original report that the carport would be in the same approximate position as a previously demolished garage. Following discussions with the applicant, the overall height of the proposal was reduced to no more than 4m by dropping the eaves height so that its size would be comparable to a side extension allowable under permitted development rights. As such the impact to No.5 is considered to be limited and acceptable.
- 7.7 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and 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

- 7.8 The proposed amendments would have no impact on the approved parking arrangements.

(v) Biodiversity Net Gain (BNG)

- 7.9 It is noted that the original householder application was 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/26/00452 subject to the following conditions:

Conditions:

- 1 The development must be begun not later than 29 January 2029.

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:

Location Plan P12345-RFT-ZZ-XX-DR-A-0100 Rev. 01

Proposed Block Plan P12345-RFT-ZZ-ZZ-DR-A-0103 Rev. P01

Proposed Plans P12345-RFT-ZZ-ZZ-DR-A-0201 Rev. P03

Proposed Elevations P12345-RFT-ZZ-ZZ-DR-A-0301 Rev. P05

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.

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.