

DELEGATED OFFICER REPORT

PROPOSAL	Variation of Condition 2 of Planning Consent APP/25/00571 to replace approved plans including the removal of the existing chimney and removal of North facing new window from proposed side extension.
LOCATION:	Jacaranda, Lane End Drive, Emsworth, PO10 7JH
REFERENCE NO:	APP/26/00366
APPLICANT:	Mr Edward FitzGerald
APPLICATION TYPE:	Removal/variation of conditions
CONSULTATION EXPIRY DATE:	20/07/2026
APPLICATION EXPIRY DATE:	27/07/2026
WARD:	Emsworth
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 Jacaranda is a two-storey detached dwelling located to the south-east corner of the junction of Lane End Drive and Havant Road. The property is finished in face brickwork with timber cladding to the entrance porch and white uPVC fenestration under a barn hipped plain tile roof. The site is set back from Havant Road behind a grass verge and pedestrian footpath and is accessed from Lane End Drive, which is a private road. The frontage to the north of the dwelling has been gravelled to form a driveway and parking area. The private garden has been mostly laid to lawn and wraps around the house to the south and west, so that part of the garden is adjacent to Lane End Drive. The rear of the garden is approximately 8m long and 20m wide, projecting some 6m past the side wall of the dwelling. The boundaries adjacent to Havant Road to the north and Lane End Drive to the west have low brick walls with screen planting behind, and the boundaries to the south and east have 1.8m high close-boarded fencing. The property has previously been extended with a single storey garage under APP/20/00663. It is noted that several trees were identified on the proposed plans at the time within the driveway area and that the approval included conditions to protect the trees during construction works and to plant an evergreen hedge to the east boundary.
- 1.2 The area surrounding the subject site is predominantly residential, with two storey dwellings in a variety of styles and materials and no set rhythm of development. There is a driveway immediately to the south of the site leading to the garage at No.12 Havant Road.

2. Planning History

APP/25/00571 – Ground floor rear living room extension, ground floor side bay window replacement, first floor side extension and new rooflight to central hallway. PERMIT 03/10/2025.

APP/20/00663 - Single storey side extension to form garage. PERMIT 28/09/2020.

APP/20/00434 - Application for Lawful Development Certificate relating to proposed single storey side extension to form a garage. WD

3. **Proposal**

Variation of Condition 2 of Planning Consent APP/25/00571 to replace approved plans including the removal of the existing chimney and removal of North facing new window from proposed 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

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

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)

Listed Building Grade: N/A

Conservation Area: N/A

5. **Statutory and Non Statutory Consultations**

Emsworth Residents Forum No comments received.
Councillor Charles Robert No comments received.
Councillor Grainne Rason No comments received.
Councillor Reuben Mychalecky 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: N/A

Statutory advertisement: N/A

Number of representations received: 1

Comment	Officer Comment
We support the application	

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) Impact on trees and ecology
- (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.

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 introducing changes to the fenestration and removing the existing chimney. It is noted that the dwelling is a detached property of modern construction and that the chimney consists of a small stack to the rear roof slope. The chimney is not a particularly prominent feature and, since it would not materially affect the appearance of the dwelling, its removal is therefore considered to constitute Class A Permitted Development and is not further considered here.

- 7.5 The changes to the fenestration include the removal of a window to the north side of the replacement bay, the reduction in size of two north facing windows to the first floor of the proposed side extension, and amendments to the bifold door and window in the rear extension to a sliding door and picture window.
- 7.6 The material originally approved for the replacement bay window was vertical timber cladding to match the rear extension, whilst the revised drawings show it in brick to match the host dwelling. This would accord with the wording of condition 3 which allows for materials to be either as submitted or to match those of the existing building. Other than the loss of the side bay window, the changes to the ground floor fenestration are minor, in that they do not alter the size of the approved openings and would be largely obscured by existing boundary treatments. The bay is set back from the front elevation, with the affected side also largely hidden behind hedging separating the garden and driveway.
- 7.7 The first floor windows to be reduced would serve a proposed first floor bathroom. There are similar smaller windows within the existing west elevation which are mirrored over the bay window and, following discussions with the agent, the positioning of the proposed windows was amended to better preserve the overall symmetry of the front elevation.
- 7.8 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

- 7.9 The proposed changes would not alter the impact of the development on neighbouring properties.
- 7.10 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

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

(v) Impact on trees and ecology

- 7.12 The proposed amendments would not result in any additional impact to trees or ecology within the site. A Bat Scoping Report was approved as part of APP/25/00571 and a related condition to ensure that work is carried out in line with the report continues to apply.

(vi) Biodiversity Net Gain (BNG)

- 7.13 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.
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9. **RECOMMENDATION:**

That the Interim Head of Planning be authorised to **GRANT PERMISSION** for application APP/26/00366 subject to the following conditions.

Conditions:

- 1 The development must be begun not later than 03 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:

Site Location Plan 033 (SI) 01 P-01
Proposed Block Plan 033 (SI) 02 P-02
Proposed Ground Floor Plan 033 (GA) 00 P-04
Proposed First Floor Plan 033 (GA) 01 P-05
Proposed Roof Plan 033 (GA) 02 P-04
Proposed North Elevation 033 (GE) 01 P-05
Proposed South Elevation 033 (GE) 02 P-04
Proposed West Elevation 033 (GE) 03 P-04
Proposed East Elevation 033 (GE) 04 P-04
North Elevation – Street 033 (GE) 05 P-05
Bat Scoping Assessment
Tree Statement
Neighbouring Daylight and Sunlight Assessment
Email dated 06 August 2026 confirming no change to materials

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms, email dated 06 August 2026, 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 Development shall proceed in accordance with the ecological enhancement measures within the Bat Scoping Report (The Ecology Co-op, April 2025) unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide ecological enhancement in accordance with the Environment Act 2021, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Core Strategy March 2011.

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.