

DELEGATED OFFICER REPORT - HOUSEHOLDER

PROPOSAL:	Non material amendment to planning application APP/25/00768 to replace the approved plans to add an additional window.
LOCATION:	12 Luard Court, Havant, PO9 2TN
REFERENCE NO:	APP/26/00546
APPLICANT:	Maria Ainsley
APPLICATION TYPE:	Non-Material Amendment
CASE OFFICER:	Robert Riley
APPLICATION EXPIRY DATE:	25/08/2026
WARD:	St Faiths
RECOMMENDATION:	Refuse

1. Site Description

- 1.1 The application site comprises of a chalet bungalow with a front and rear dormer located in Havant. The application site features parking to the front and side, a side garage and a rear garden. The property's materials feature brickwork, tilework and pebbledash for the external walls and brown concrete tiles for the roof. The property is in an urban and residential area, with the dwellings on the street scene being primarily two storey houses and chalet bungalows.

2. Planning History

APP/25/00768 - Rear first floor extension above existing extension – Approved
17/02/2026

3. Proposal

- 3.1 Non material amendment to planning application APP/25/00768 to replace the approved plans to add an additional window on the south elevation.

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.

National Planning Policy Framework 2026

Policy DCM 3 Determining development proposals

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

Havant Borough Council Borough Design Guide SPD December 2011

Listed Building Grade: Not applicable

Conservation Area: Not applicable

5. Planning Considerations

5.1 As detailed in paragraph 3.1 above, 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. 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.

5.2 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) Human Rights Act
- (v) Equalities and Diversities

(i) Principle of development

- 5.3 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development control criteria.

(ii) Appropriateness of design and impact on the character of the area

- 5.4 The proposal seeks to amend the extant permission (APP/25/00768) to install a side window on the southern elevation of the approved extension. The window would not be readily visible upon the street scene and is considered to have a minor and non-material impact upon visual amenities.

(iii) Effect on neighbouring properties

- 5.5 Whilst the proposal is not considered to increase overshadowing or the sense of enclosure to neighbouring properties, there are concerns regarding overlooking, and adverse impact upon residential amenity. Whilst it is noted that there is one clear side window on 12 Luard Court's southern elevation, the proposed additional side window is considered to increase the sense of overlooking of No.13 and the impact is not considered non-material.

(iv) **Human Rights Act**

- 5.6 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

(v) **Equalities and Diversities**

- 5.7 This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

6 Conclusion

- 6.1 The proposed alterations are considered to result in a material change to the extant planning permission (APP/25/00768) and therefore constitutes development.
- 6.2 The proposed side window on the southern elevation of the first floor constitutes a form of development which would result in overlooking of No.13 Luard Court involving a loss of privacy which would adversely affect local residential amenity. The proposal would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and Policy DM3 of the National Planning Policy Framework (2026).

7. RECOMMENDATION:

That the Interim Head of Planning be authorised to **Refuse** application APP/26/00546

for the following reason: -

1. The proposed non-material amendment for a side window is not acceptable as it would result in undue overlooking of adjoining residential properties to the detriment of their residential amenity, contrary to Policy DM3 of the NPPF 2026 and Policy CS 16 of the Adopted Local Plan. It therefore constitutes a material form of development requiring planning permission.

Informatives

1. 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 is considered unacceptable for the reasons set out in this Decision Notice.

2. This decision has been made having regard to the following plans:

Drawing Number: 25044-STA-ZZ-ZZ-D-A-2300-P02: Proposed Elevations: Uploaded 24/07/2026.

Drawing Number: 25044-STA-ZZ-ZZ-D-A-2200-P02: Proposed Floor and Roof Plans: Uploaded 24/07/2026.