

Non-retrospective (i.e. work not yet commenced)

3. Provision of burnt natural timber cladding to external facade of existing and proposed extended dormers and front gable.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))

CS15 (Flood and Coastal Erosion)

CS16 (High Quality Design)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

DM9 (Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non-Statutory Consultations

Chichester Harbour Conservancy

Initial response:

- Roof alterations are harmful to the AONB

- Alterations badly disfigured and unbalanced the appearance and elevational composition of this modest dwelling - detracting from the natural beauty of the area.

- Extension to the roof in no way “harmonises with the existing house”, as stated in the submitted design statement, which in no way references the relevant development plan policies and guidance, which ought to have been used to inform the design solution.

- Proposals are still considered to be contrary to Local Plan policies CS11 (Strands 1 and 2), CS12, CS16 (Strands 1a-1c) and DM9 (strands 2 and 3) of the Development Plan for the Borough and advice given both in the Borough Design Guide (paragraphs 5.47-5.48) and Joint Chichester Harbour AONB SPD (Paragraph 22.1).

- Cumulative total of additions to the roof, using the dormer fascia edge to calculate, come to 54.448 cubic metres.

- If permitted development rights exist – which is hard to fathom, otherwise why was application 96/50638/5 made? – this is greater than the 50 cubic metres usually permitted.

- It is suggested that the council under-enforce in this instance therefore and require that -

- the northern edge of each dormer extension be equally reduced back from

the Harbour, to allow the original gable end to still be 'read' and give a less disagreeable (albeit still visually unbalanced) impact not exceeding 50 cubic metres allowable if permitted development rights do exist for this property; and,

- that the dormer faces and cheeks be clad with slate to match the main roof, to at least offer a more unified appearance to the development.

- The Conservancy is only making its comments based upon impact to the AONB, but is aware of neighbour concerns regarding overlooking, beyond what might otherwise usually be achieved as permitted development (Condition B2. (c), to Class B of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The council is therefore requested to consider this issue when framing the wording of any planning Enforcement Notice.

Further response based on amended plans:

Recommendation 1 – Objection, owing to visual harm to the Chichester Harbour AONB.

Recommendation 2 – That the council as local planning authority issues a Planning Enforcement Notice requiring –

- the northern edge of each dormer extension be equally reduced back from the Harbour, to allow the original gable end to still be 'read' and give a less disagreeable (albeit still visually unbalanced) impact not exceeding 50 cubic metres allowable if permitted development rights do exist for this property; and,
- that the dormer faces and cheeks be clad with slate to match the main roof, to at least offer a more unified appearance to the development.

It is suggested that the time for compliance should be 3 months, being as work is already being undertaken at the site.

Recommendation 3 – That the council gives consideration at the earliest opportunity to the making of a group or several group/individual Tree Preservation Orders along the Harbour shoreline to My Lord's Pond, between 5a Simmons Green to 1 Swans Walk, so as to protect valued natural features within and immediately adjoining the Chichester Harbour AONB .

Officer note:

With regards to Recommendation 3 above, officers consulted with HBC Tree Officer's who provided the response below.

Arboricultural Officer

As far as it is reasonable to see the group of mature oak trees on the northern boundary of Simmons Green and Swans Walk, appear healthy, have significant visual amenity value in the local landscape and contribute to the local distinctiveness of the area.

However, I am not aware of any threat to the viability of these trees, either as a result of inappropriate management or removal.

In my view, therefore, it would be unnecessary and inappropriate to impose the legal

constraint of a Tree Preservation Order on property owners at this point in time.

Environment Agency

No response received.

6 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: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 9no. individual representations were received. A summary of these is provided below.

Comment	Officer Comment
The works have commenced without permission.	An application has been submitted to seek regularisation for the unauthorised works.
The development is of a poor design which has an adverse impact on the character of the AONB and area in general and is contrary to local planning policy and the Chichester Harbour AONB design guidance.	Please see section 7 below - Planning Considerations
The Design and Access Statement is misleading.	This has been amended.
The application description is misleading.	This has been amended to reflect what has been built and what is proposed.
No pre-application advice was sought from the Council.	Noted. This is not a statutory requirement.
A loss of privacy results from the new side facing windows.	Please see section 7 below - Planning Considerations
The amended plan is lacking in detail.	A further amended plans has been submitted which accurately reflects the proposed / retrospective works.
The development sets an undesirable precedent.	Please see section 7 below - Planning Considerations
The enlargement and insertion of clear glazed windows on the eastern elevation in the existing dormer window.	From a site inspection it would appear that the window openings have not been enlarged

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

(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. Part of the site falls with the Chichester Harbour Area of Outstanding Natural Beauty (AONB) but the application property is outside of the AONB boundary. However, Policy CS12 (Chichester Harbour Area of Outstanding Natural Beauty) is applicable, along with Policy CS16 (High Quality Design).

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

7.3 The works to the roof include the extension of the existing, side facing, flat roof dormer windows towards the rear elevation of the property, up to the point of the gable end. They do not extend past the gable end. The gable end elevation has been altered to include windows across the full width of the existing rear elevation and the rear elevation of the extended east facing gable. There are also 2no. new clear glazed windows in the side (east facing) elevation of the extended eastern dormer window. The existing pitch is visible above the extended dormer windows. The roof tiles have been replaced with a new slate style tile and the existing dormers and the extensions are proposed to be clad with burnt larch timber cladding.

7.4 From the view of the streetscene, the most prominent alterations to the dwelling are the cladding to the front elevation at first floor level and the replacement roof tiles. Whilst there is a degree of uniformity in the immediate locality with regards to materials, it is not uncommon for dwellings to be updated using more modern materials since their time of construction (in this case 1988). Modern remodelling of nearby dwellings has recently been approved at No. 2 Simmons Green (APP/16/00618) and 3 Swans Walk (APP/16/00878). These are yet to be constructed however, have permission to use more modern roof materials such as zinc for example. Overall therefore it is considered that the replacement roof tiles and cladding do not result in adverse harm to the character and visual amenity of the streetscene in Simmons Green.

7.5 The works to the rear of the building are not considered to be highly visible from the context of the streetscene. They are however visible to the neighbouring properties and the wider AONB to the north. The works to the rear of the building have created a box like effect on the existing roof structure, resulting in a contrived design which appears to have been designed from the inside out. Chichester Harbour Conservancy (CHC) have responded that these roof alterations badly disfigure and unbalance the appearance and elevational composition of the dwelling and overall have an adverse impact on the adjacent AONB and therefore do not accord with Policy CS12 of the Local Plan. The window formation creates an unbalanced elevation at the rear, with windows being gathered on the north east of the dormer extension. Overall, the design is considered to be poor and would not accord with Policy CS16 (High Quality Design) of the Local Plan.

7.6 However, the dormer extensions (the mainly structural alterations) can be carried under permitted development as set out in the General Permitted Development Order 2015 (as amended), Schedule 2, Part 1, Class B. This is because the cubic capacity of both the existing and new dormer windows fall within the tolerances set out in Class B by not exceeding 50m³ or being higher than the highest part of the roof. However, as the eastern dormer includes two, clearly glazed side facing windows and the proposal for the dormers to be clad with timber, these elements do require planning permission. This is why the roof extension works have been included within the retrospective application.

7.7 It is therefore difficult for the Local Planning Authority (LPA) to justify a refusal of the

application as most of the works could be carried out without the need for planning permission. The cladding of the dormer windows alone would not be so harmful that they would constitute a refusal and the impact of the side facing windows could be mitigated (see section below relating to impact on neighbours) against and also, would not warrant a refusal.

- 7.8 Therefore, the recommendation of the LPA that whilst the design is not in accordance with Policy CS16 or Policy CS12, given that the most harmful elements of the works can be carried out under permitted development, the application is recommended for approval.

(iii) Effect on neighbouring properties

- 7.9 The application site has similar building lines to No. 5 Simmons Green and therefore the extended west facing dormer is not overly visible or considered to have a significant impact on the amenity of this property.
- 7.10 The neighbour to the east of the site, No. 11c Salterns Lane is positioned further forward than the application property and therefore the rear elevation of No. 11c is almost in line with the front elevation of No. 5a. As such, any works to the east elevation of No. 5a would be highly visible to No. 11c from the rear of this property and from within the rear garden and the property beyond to the east at No. 11d. The existing east facing dormer window already faces onto the central part of the rear garden of No. 11c however, this was built as part of the original dwelling and before No. 11c Salterns Lane was constructed.
- 7.11 Two new east facing windows have been inserted into the extended section of the east dormer window. These are clearly glazed and openable and as such, provide a direct view into the rear part of the garden 11c Salterns Lane and also 11d Salterns Lane beyond this. The rear parts of the garden in this particular location are well utilised given the proximity of the coastline and the desire to enjoy the view. The side windows, therefore, are considered to result in a direct loss of privacy to the neighbouring properties, contrary to Policy CS16 of the Local Plan.
- 7.12 The windows within the roof extension and rear elevation serve one bedroom as shown on the proposed floor plans. The bedroom would be well served by the 6no. windows along the rear elevation in terms of providing a panoramic outlook of the adjacent AONB and also for light allowance. It would, therefore, be reasonable for the 2no. side facing windows to be conditioned to be obscurely glazed and fixed shut so as to prevent the loss of privacy to the occupants of the neighbouring properties, in particular the loss of privacy in the rear section of the garden. As the windows are already in situ, a condition would be attached to require these windows to be obscurely glazed and fixed shut within 1 month of the date of the planning permission if granted.

8 Conclusion

- 8.1 The roof extension is considered to be of a poor design, contrary to the advice set out in Policy CS16 of the Local Plan. However, as the majority of the works fall within permitted development tolerances, the LPA cannot justify a reason of refusal for the application. Furthermore, the requirement to obscurely glaze and fix shut the side facing windows will limit the loss of privacy to the neighbouring property. As such, the application is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION** for application APP/18/00158 subject to the following conditions

- 1 The development (for those parts not retrospective) 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:

Location plan
Block plan
Existing floor and elevations plan
Proposed floor and elevations plan revised 23/05/2018
Design and access statement

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.
- 4 The 2no. windows on the east elevation set within the extended dormer window hereby approved shall be permanently fixed shut and fitted with textured glass which obscuration level no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter. Such alterations shall be completed within one month of the date of this planning permission unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of No's 11c and 11d Salterns Lane and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

- A – Location Plan
- B – Block Plan
- C – Existing Elevations
- D – Existing Floor Plans
- E – Proposed Elevations - (received on 29th May 2018)
- F – Proposed Floor Plans - (received on 29th May 2018)