

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 25 June 2015

Present

Councillor Buckley (Chairman)

Councillors Keast, Mrs Shimbart (Vice-Chairman), Satchwell, Tarrant, Hart (Standing Deputy) and Patrick (Standing Deputy)

### **13 Apologies for Absence**

Apologies for absence were received from Councillors Brown and Heard.

### **14 Minutes**

RESOLVED that:

- (1) the Minutes of the meeting of the Development Management Committee held on 28 May 2015 were agreed as a correct record and signed by the Chairman; and
- (2) the minutes of the Site Viewing Working Party held on 18 June 2015 were approved as a correct record and signed by the Chairman.

### **15 Matters Arising**

There were no matters arising.

### **16 Declarations of Interest**

There were no declarations of interests.

### **17 Chairman's Report**

The Chairman reported that:

- (a) further to Minute 12/5/2015 the Minister of State for Housing and Planning had, in response to the Council's concerns over the financial and legal implications of applications to fell trees protected by Tree Preservation Orders, advised that the guidance had changed to reflect these concerns. The Chairman advised that it appeared that these changes did apply to appeals to the Land Tribunal and that he would raise this matter with the Minister via George Hollingbery MP;
- (b) the draft parking supplementary planning document would be issued for public consultation from 10 July to 14 August 2015; and

- (c) Heather Lealan, Development Management Officer, was after 11 years service leaving the Council. On behalf of the Council he thanked Heather for her work and support and wished her every success in the future; and
- (d) Shirley Shaw, Team Leader Shared Legal Service, was after 10 years leaving the Council to work for East Devon District Council. On behalf of the Council, he thanked Shirley for her advice and support and wished her every success in the future.

## **18 Matters to be Considered for Site Viewing and Deferment**

There were no matters to be considered for site viewing and deferment.

## **19 Deputations**

The Committee received the following deputations/representations:

- (1) Mr Palmer (objector) – APP/15/00325 – 40 Beach Road, Emsworth (Minute 20)
- (2) Mr Ashe (objector on behalf of Emsworth Residents' Association) – APP/15/00325 – 40 Beach Road, Emsworth (Minute 20)
- (3) Mr Adams (applicant) – APP/15/00325 – 40 Beach Road, Emsworth (Minute 20 )
- (4) Councillor Gibb-Gray (ward councillor) – APP/15/00325 – 40 Beach Road, Emsworth (Minute 20)

## **20 APP/15/00325 - 40 Beach Road, Emsworth**

(The site was viewed by the Site Viewing Working Party)

Proposal: Alternations to the roof including increasing the size of the front and rear dormers and construction of two storey rear extension.

The Committee considered the written report and recommendation of the Executive Head of Planning and Economy to grant permission.

The Committee was addressed by the following deputees:

- (1) Mr Palmer, who advised that he was not against development of 40 Beach Road but objected to this proposal for the following reasons:
  - (i) the siting and height of the flank wall of the proposal would reduce the daylight and sunlight to the primary rooms of 38 Beach Road;

- (ii) the computer generated shadow diagrams submitted by the applicant were inaccurate: the applicant had not responded to a request for more modelling;
- (iii) during discussions with the applicant, it was understood by the objectors to the scheme that the applicant had agreed to remove all three dormers: only two dormers had been removed;

Mr Palmer requested the Committee to consider amending the scheme as follows:

- (A) the removal of the central dormer and the installation of openings in the rear of the roof line, such as velux style openings to retain the view of the back garden and at the same time not spoil the enjoyment of a garden view for any owner; and
  - (B) the imposition of a condition requiring the north flank wall to be in a white finish to reflect extra light into 38 Beach Road
- (2) Mr Ashe, on behalf of the Mr and Mrs Palmer, advised that Mr and Mrs Palmer had no objections to increasing the size of 40 Beach Road and were grateful that the applicant had removed two dormers to overcome their concerns. However, Mr and Mrs Palmer were still concerned that the proposed central dormer would significantly reduce light available to them. To overcome this concern, Mr Ashe requested the Committee to require the installation of velux windows instead of the central dormer windows:
- (3) Mr Adams, the applicant supported the application for the following reasons:
- (a) the neighbours had been fully consulted and amendments made to overcome some of these concerns;
  - (b) the concern over the rear central dormer had been referred to a consultant, who found that this dormer would not have a significant impact on light available to 38 Beach Road;
  - (c) Beach Road had an eclectic mix of properties, including houses with dormer windows. Therefore the proposal would not be out of keeping with the street scene or the area;
  - (d) the proposal would not have a detrimental impact on the amenities of neighbouring properties.
- (3) Councillor Gibb-Gray, with reference to the previous deputations, advised that although he initially had concerns over this proposal, he wished to support the revised proposal for the following reasons:

- (e) the removal of two dormer windows had overcome the main concerns about potential overbearing impact;
- (f) the proposal was well designed and would enhance the street scene and character of the area;
- (j) the proposal would make good use of underused land;
- (k) the changes were needed to accommodate the applicant's family;
- (l) the proposal would not lead to a significant loss of light to or privacy of the neighbouring properties; and

Councillor Gibb-Gray also queried the need to require the staircase/landing window to be obscured glazed and fixed shut at all times.

In response to questions raised by members of the Committee, the officers advised that:

- (1) it was recommended that the staircase/landing window be obscure glazed to avoid direct overlooking into 42 Beach Road;
- (2) it was intended that the rendering would be in white: this would be controlled by condition 5;
- (3) the forecourt was sufficient to accommodate 3 parking spaces; and
- (4) the Council would not normally use a condition to control noise arising from construction of the development as this was controlled by Environmental Health: an information would be issued advising the applicant of the practices that the Council would expect the applicant to follow to minimise disturbance to neighbours

The Committee discussed this application in detail together with the views raised by the deputees. Although one member of the Committee expressed concern that the bulk of the proposal would have a detrimental impact on the adjoining property, the majority of the Committee considered that the proposal was acceptable and would have a detrimental impact upon the character of the area or neighbouring properties

With regard to Condition 6, the majority of the Committee considered that although obscured glazing was appropriate to avoid direct overlooking, the occupiers should be able to open the window to a limited extent. It was therefore

RESOLVED that Application APP/15/00325 be granted permission subject to the following conditions together with such amendments as considered appropriate by the Executive Head of Planning and Economy to ensure that:

- (a) Condition 2 reflected the approved plans and documents received and
- (b) Condition 6 was amended to prohibit the construction of the building until details of the method of opening the staircase/landing window is submitted to and approved in writing by the Local Planning Authority

#### Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.

Reason: To comply with 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 and documents:

Design and Access Statement  
Flood Risk assessment 8th October 2012  
Site and Location Plan 1308/LP  
Car parking Plan 1308/PP  
Elevations as Existing & Proposed 1308 01A  
Floor Plans as Existing & Proposed 1308 02A  
Elevations as Existing & Proposed, sheet 2, 1308 03C  
Email from G Curtis 8th August 2013.

Reason: - To ensure provision of a satisfactory development.

- 3 Construction of the replacement dwelling shall not commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 Construction of the replacement dwelling shall not commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been

submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 Construction of the building hereby permitted shall not commence until a specification of the types and colours of all external roofing and external facing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The staircase/landing window in the southern elevation of the building hereby approved shall be constructed:-
- (i) to be and remain fixed shut at all times; and
  - (ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 The development shall not be brought into use until a minimum of 3 parking spaces and 2 cycle storage spaces have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order 2015, no extension, building or structure permitted by Part 1, Class A of the Order shall be erected

within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties and having due regard to policy CS16 Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no alteration to the roof of the dwelling hereby approved permitted by Part 1, Class B of the 2015 Order shall be carried out without the prior written approval of the local planning authority.

Reason: To protect the amenities of nearby residential properties and having due regard to policy CS16 Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

**The meeting commenced at 5.00 pm and concluded at 5.55 pm**

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**Chairman**