

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)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1 (General Design Policy)

ENP_D2 (Height, Mass & Materials)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Julie Thain-Smith

No Comments Received

Councillor Lulu Bowerman - Objection

I would like to confirm that I wish this application to come to the planning committee for consideration. I have several reasons for this:

I feel the proposed application will have a detrimental impact on the neighbouring amenity due to the negative effect on the character and appearance and also overshadowing and loss of privacy

Councillor R Kennett

No Comments 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: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 11 Objections in total, from 8 separate properties.

A summary of the points raised are listed below:

- Result in overlooking and loss of privacy.
- Out of keeping with surrounding properties.
- Overdevelopment of the site
- Precedent for similar development
- No similar development within the street scene
- Overbearing
- Encourage on street parking

- Devalue neighbouring properties

Officer comment: *An assessment of the design of the development and its impact on the character of the area is set out below, as is an assessment of car parking requirements associated with the development. The issue of devaluation of properties is not, however, a material planning consideration.*

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

(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 The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended sets out permitted development rights applicable to properties such as 40 Oakmeadow Close, and these rights allow for the enlargement of a dwelling by means of dormer additions without the need for planning permission where the work does not front a highway, and subject to volume limits.

7.4 In this case the property at 40 Oakmeadow Close has been previously extended by a first floor extension to the western side elevation. Notwithstanding this previous extension, the property still has approximately 21 cubic metres available under permitted development rights with which the roof can be further enlarged, and this would enable the construction of a similar sized and designed rear dormer without requiring planning permission from the Local Planning Authority.

7.5 The fact that a rear dormer of similar size and design could be added to the property without the need for planning permission constitutes a 'fallback' position for the applicants, and is a material consideration in the determination of the application. In practice, caselaw on the subject would indicate that the weight to be given to this consideration depends on the real likelihood of any fallback actually being exercised in the event of a refusal. In the current case the remaining permitted development rights would be capable of delivering the staircase, master bedroom and dressing room areas in much the manner shown on the submitted plans. There is therefore considered to be a reasonable prospect of the fallback position being implemented in the event of a refusal, and the implications of the development on other material considerations should therefore be undertaken with this in mind.

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

Front alterations

7.6 The proposal would introduce front dormers and a rooflight into the street scene, within an area where currently there are none. It should be noted that the rooflight does not require planning permission in and of itself.

7.7 The Havant Borough Design Guide SPD sets out the following guidance in respect of

dormer additions:

5.47 Dormers are considered an acceptable way of providing light and ventilation to existing buildings. They should be designed to sit back into the roof, back from the front line of the wall below, in from the verge and below the existing ridge line.

5.48 Dormers should not dominate the roof or the existing building. To help avoid this they should be the same size or preferably smaller than the windows below. Generally the dormers should have pitched roofs, with slopes in keeping with the existing roof.

- 7.8 In this regard it is considered that the proposed front dormers have been discreetly designed, are small in nature with pitched roofs, and would appear subservient to the existing roof. The windows for the dormers would also be smaller in scale and in line with the first floor windows below as required by the Design Guide SPD. Overall, whilst they will constitute a new feature in the street scene, the overall design and scale of the dormers accord with the Design Guide SPD's requirements and are not considered to have a harmful impact upon the character and appearance of the street scene, such as would warrant a refusal of planning permission.

Rear alterations

- 7.9 The rear dormer would be of a different design and scale than those of the front dormers, in that it would not feature a pitched roof, but have a box-like flat roof design. The dormer structure would be set in from the western gable end by approximately 1.7m and approximately 0.3m from the eastern elevation of the property. This dormer would not be readily visible from the street scene in Oakmeadow Close due to its location at the rear, but would be clearly visible to neighbouring properties. In terms of its design and scale, the proposal is not considered to accord with the guidance set out in the Design Guide SPD, and in visual terms it would dominate the rear roof slope.
- 7.10 The materials to be used in the construction of the proposed dormers would be weatherboard cladding in Anthracite grey (RAL 7016) to the elevations of the dormers, with roof materials to match existing. This cladding would be recessive in tone, would match the material used for the outbuilding within the rear garden and is not considered to be out of keeping with the main dwelling.
- 7.11 In weighing the conflict between the design of the rear dormer with the Design Guide SPD, as stated at Paragraph 7.4 above a similar rear flat roofed dormer could be constructed under permitted development rights, without the requirement for planning permission from the Local Planning Authority. There is considered to be a reasonable prospect of this 'fallback' being implemented in the event of a refusal, and the resulting development would have a similar impact on the character of the area. When considered against the 'fallback' position, the development proposed is not considered to give rise to such additional harm as would warrant a refusal of planning permission.
- 7.12 When set against the 'fallback' position, the design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, and would result in no greater conflict with Policy CS16 of the HBLP (Core Strategy), or Policies D1 or D2 of the Emsworth Neighbourhood Plan.

(iii) Effect on neighbouring properties

Front alterations

- 7.13 The proposed front dormers are considered to be modest in scale, and would serve a

bedroom and an en-suite bathroom. The dormers would overlook the street towards the properties opposite on the north side of Oakmeadow Close; such overlooking would be principally of areas already visible from the public domain. With first floor bedroom windows already overlooking these areas, it is considered that any impact from the front dormers on the amenity of adjacent properties would be limited and acceptable.

Rear alterations

7.14 The rear first floor windows of No. 40 currently overlook the rear gardens of Nos 92 – 98 Westbourne Avenue (evens), with oblique overlooking to Nos 38 and 42 Oakmeadow Close to either side. The rear dormer would introduce additional overlooking windows from a second floor level, serving a bedroom and a dressing room.

7.15 The Havant Borough Design Guide SPD states:

"In order to maintain a reasonable relationship between new dwellings and neighbouring properties, the following minimum distances should apply:

- *Where windows of the new development and an existing dwelling occur back-to-back there should be a minimum of 20 metres separation*
- *Where a new dwelling or the development is more than two storeys in height an additional four metres per storey should be added to the separation distance e.g. a separation distance of 24 metres is required between the new three storey building and existing two storey dwelling"*

7.16 Listed below are the separation distances from the proposed rear dormer to the facing elevation of these neighbouring properties:

The proposed rear dormer would have a distance of 22.5m from the dormer to the nearest facing rear elevation of No.92

The proposed rear dormer would have a distance of 24.5m from the dormer to the facing rear elevation of No.94.

The proposed rear dormer would have a distance of 23m from the dormer to the nearest facing rear elevation of No.96

The proposed rear dormer would have a distance of 23.5m from the dormer to the nearest facing rear elevation of No.98.

7.17 The separation distance from the proposed rear dormer to the neighbouring property at No.94 would therefore comply with the guidance set out within the Design Guide, but in the case of Nos 92, 96 and 98 would marginally fall below the separation distance recommended where a three-storey to two-storey relationship is to arise. This is considered relevant to the current case as whilst the development will not add an entire additional storey to the dwelling, the extent of the roof alterations as viewed from the rear would introduce windows at second storey level. The dormer would also add considerably to the bulk of the existing dwelling at second floor level as viewed from those adjacent properties.

7.18 In weighing these impacts, again it must be taken into account that a similar sized rear flat roofed dormer could be constructed under permitted development rights, without the requirement for planning permission from the Local Planning Authority. Furthermore, in such a scenario the dormer could contain a large element of glazing over which the Local Planning Authority would have no control. When considered

against this 'fallback' position, the development proposed is not considered to give rise to such additional harm to the privacy and outlook of adjoining properties as would warrant a refusal of planning permission and would result in no greater conflict with Policy CS16 of the HBLP (Core Strategy).

(iv) Parking

- 7.19 The proposal will increase the number of bedrooms at the property from 4 to 5. The property is already existing as a 4 bedroom property, and the Council's adopted Parking SPD does not require a different standard of parking provision for a 5 bedroomed house as opposed to a 4 bedroomed house. On this basis, the increase in bedrooms to 5 would not require any additional parking arrangements.

8 Conclusion

- 8.1 When set against the 'fallback' position, the design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, and would result in no greater conflict with Policy CS16 of the HBLP (Core Strategy), or Policies D1 or D2 of the Emsworth Neighbourhood Plan. It is also considered that the development would not give rise to such additional harm to the privacy and outlook of adjoining properties as would warrant a refusal of planning permission.
- 8.2 On this basis, whilst the level of representation opposing the proposals is acknowledged, the proposal is recommended for conditional planning permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01176 subject to the following conditions

- 1 The development 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:

Application Form - Received 06 December 2022
Location and Block Plan - Drawing No. PL.633.22.01A - Received 30 January 2023
Existing Floor Plans and Elevations - Drawing No. PL.633.22.02. - Received 06 December 2022
Proposed Floor Plans and Elevations - Drawing No. PL.633.22.03B - Received 30 January 2023
Confirmation of Materials - Email Received 06 February 2023

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.

Appendices:

- (A) Location Plan
- (B) Proposed Block Plan
- (C) Existing Floor Plan
- (D) Proposed Floor Plan
- (E) Existing Elevations
- (F) Proposed Elevations