

17 MILITARY ROAD PORTSMOUTH PO3 5LS**MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION 21/01182/HOU, WITH REGARD TO POSITION AND SIZE OF FIRST FLOOR REAR WINDOW.****WEBSITE LINK:**

[23/01136/MMA | Minor material amendment to planning permission 21/01182/HOU, with regard to position and size of first floor rear window. | 17 Military Road Portsmouth PO3 5LS](#)

Application Submitted By:

Mr & Mrs Karl & Andrea Semmens

On behalf of:

Mr & Mrs Karl & Andrea Semmens

RDD: 8th September 2023

LDD: 30th November 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to the Planning Committee for determination as the applicant is an employee of Portsmouth City Council.
- 1.2 The main issues for consideration relate to:
 - Design
 - Impact upon the amenity of neighbouring residents
- 1.3 Site, Proposal and Relevant Planning History
- 1.4 This application relates to the easternmost of a pair of two-storey semi-detached dwellings located to the northern side of Military Road. The property benefits from a detached double garage to the rear, accessed from Firgrove Crescent.
- 1.5 The adjoining property to the west (no.15) has a conservatory to the rear which incorporates glazing within its east facing elevation facing into the application site. The neighbouring property to the east (no.19) has an attached former garage along its western boundary that has been subsequently converted to ancillary living space.



Figure 1 - Location Plan

1.6 The Proposal

- 1.7 The application seeks the approval of a minor material amendment to planning permission 21/01182/HOU, with regard to the position and width of a first floor rear window:



Figure 2 - rear elevation as permitted under 21/01182/HOU



Figure 3 - rear elevation as proposed

1.8 Relevant Planning History

- 1.9 21/01182/HOU - Construction of part two/part single storey side/rear extension; hip to gable roof extension and dormer to rear roofslope; alterations to first floor rear windows; extension to existing detached garage to rear of garden - conditional permission dated 2/2/22.
- 1.10 23/00920/NMA - Non-Material Amendment to planning permission 21/01182/HOU, to seek approval of amendments to position of side door and rooflights to rear extension - approved dated 23/8/23.

2.0 **POLICY CONTEXT**

- 2.1 Portsmouth Plan (2012):
- PCS23 (Design and Conservation)
- 2.2 In accordance with the National Planning Policy Framework (2023) due weight has been given to the relevant policies in the above plan.

3.0 **CONSULTATIONS**

- 3.1 None

4.0 **REPRESENTATIONS**

- 4.1 None

5.0 **COMMENT**

- 5.1 The main issues for consideration relate to design and impact upon the amenity of neighbouring residents.

5.2 Design

- 5.3 The increased width (from a 3 pane to 4 pane window) and revised position of the easternmost first floor window is considered an improvement in the appearance, balance and proportions of fenestration within the rear elevation.

5.4 Residential Amenity

5.5 Whilst the increased width and revised position of the first-floor window places it 1.42m further east than that approved, it is not considered that its proposed position would result in any significant increase in overlooking or loss of privacy towards the rear garden area of no.19 Military Road than would have been afforded by the approved position.

5.6 Human Rights and the Public Sector Equality Duty ("PSED")

5.7 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

5.8 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

6.0 **Conclusion**

6.1 The proposed minor material amendment is considered acceptable in both design and residential amenity terms and is capable of support subject to conditions.

RECOMMENDATION Conditional Permission

Conditions:

Approved Plans

1. Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan no.100019980, Proposed Site Plan no. 5663/500 Revision A, Proposed Elevations 5663/7 Revision H, Proposed Ground Floor Plan 5663/3 Revision A, Proposed First Floor Plan 5663/4 Revision G, Proposed Second Floor Plan 5663/5 Revision B, Proposed Roof Plan 5663/200 Revision A, Proposed Garage Elevations 5663/1 Revision A and Proposed Garage Floor Plan 5663/9.
Reason: To ensure the development is implemented in accordance with the permission granted.

Matching Materials

2. The bricks and tiles to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.
Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth.