

'I acknowledge that there would be sustainability benefits associated with the proposal. Specifically, the appeal site is within the built up area of Havant where there is a range of service, facilities and employment opportunities available. One additional dwelling would be provided. However, the proposal would be harmful to the character and appearance of the area and the living conditions of the neighbouring and that harm outweighs the benefits associated with the scheme'.

The appeal decision is discussed in more detail in Section 7.

3 Proposal

3.1 Erection of 1No. 3 bed dwelling and integral single garage. This is a revised scheme to that of the previously refused application APP/15/00510. The following amendments have been made:

- The property is now an end of terrace dwelling and not detached.
- The width of the dwelling has been reduced from 7.6m to 6m (1.6m reduction)
- The size of the garage has been increased to 6m x 3m.
- A 1.8m wide strip has been included around the eastern boundary of the site adjacent to the hammerhead
- The rear conservatory has been removed from the scheme
- Number of bedrooms reduced from 4 to 3

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

- CS16 (High Quality Design)
- CS17 (Concentration and Distribution of Development within the Urban Areas)
- CS21 (Developer Requirements)
- CS9 (Housing)
- DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
- DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Design Guide SPD 2011

Residential Parking and Cycle Provision SPD 2010

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control:

Southern Water should be consulted. No indication is given of solid bin storage. Fire Authority access is acceptable.

Development Engineer:

The application site is adopted highway which would need to have the Highway Rights removed before the development could be implemented if approval is granted.

Officer Note - In order to release this land for development, a Stopping Up Order has been sought by the applicant under Section 253 of the Town and Country Planning Act 1990.

Waste Services Manager:

No objections

Southern Water:

Plan provided of sewer records showing approximate position of public surface water sewer within site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

- No new soakaways should be located within 5 metres of a public sewer.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Officer Note – The plan provided by Southern Water shows an existing surface water sewer line running approximately to the front of the rows of garages in Berrydown Road; a similar relationship would exist with the proposed garage position. The main dwelling proposed lies well away from the sewer.

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: 10

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 66

Summary:

- 6.1 The development would have an adverse impact on the amenities of the neighbouring properties
- 6.2 The development would conflict with local planning policies
- 6.3 The development would result in parking congestion as it would encourage other owners to purchase land adjacent to their dwellings which would incrementally have an adverse impact on the area.
- 6.4 The development will cause a blind spot for vehicles travelling down Berrydown Road, heading to Naish Court as they will not be able to see vehicles coming out from No's 52

and 54 until last minute.

- 6.5 Building a house in this location will cause additional traffic in front of other properties
- 6.6 There will be less opportunities for emergency vehicles to access Hatch Court.

Officer Comments:

Right of access over land, including for emergency vehicles, is not in itself a material planning consideration – as noted above, a separate application has been made to stop up this area of public highway and this might therefore be a consideration under the relevant stopping up legislation. Nevertheless, the application does not impact upon the existing hammerhead access to the open space to the east of the site and moreover retains a 1.8m wide margin to augment this. Other matters raised are discussed below.

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) Consideration of appeal decision APP/X/1735/W/15/3134698
 - (ii) Impact on the character and appearance of the area
 - (iii) Impact on neighbouring amenity
 - (iv) Parking and access
 - (v) Other matters

- (i) Principle of development

- 7.2 The application site is located within an urban area where further development is considered acceptable subject to the usual development control criteria. The provision of a new dwelling would contribute to the target of providing 6300 new homes across the Borough under Policy CS9.

- 7.3 As advised by the Council's Development Engineer, whilst the application site lies within the freehold ownership of the applicant, it is also currently has adopted highway status – meaning that, in terms of common law, there is a right for members of the public to pass and re-pass over it. In order to release this land for development, a Stopping Up Order has been sought under Section 253 of the Town and Country Planning Act 1990. This requires authorisation from the Secretary of State (SoS) and involves a request to stop up or remove public rights of way to allow development to be carried out in accordance with a valid and relevant planning permission. The requirements are that the highway to be stopped up must be developed upon or fall within the planning boundary or be a condition of the planning permission which is the case for this application. The SoS has given notice of the draft Order under Section 253 (1) of the 1990 Act. The determination of the planning application will affect the outcome of the Stopping Up Order so it is necessary to complete the planning application determination as part of this process.
 - (ii) Consideration of appeal decision APP/X/1735/W/15/3134698

- 7.4 A summary of the Inspector's findings is provided in section 2 of this report – the full appeal decision is attached at Appendix E. The main issues that the Inspector considered were; the effect of the character and appearance of the area and the effect on the living conditions of the neighbouring occupiers with particular regard to parking congestion.

- 7.5 The Inspector noted that the appeal site and other nearby grassed open spaces between blocks of dwellings conveyed a sense of space and helped soften the otherwise hard urban feel of the general area. As proposed the dwelling would have lain close to the side boundaries of the site and this would substantially erode the softening effect of the open space.

- 7.6 Whilst the architectural style of the proposed dwelling would have reflected that of the adjacent dwellings, it would have been detached and therefore out of keeping and also wider, emphasising its detached status. As such it would have formed an incongruous and harmful feature in the street scene.
- 7.7 The dimensions of the proposed garage and car parking space on the previous application would not have met the standards set out in the adopted Residential Parking and Cycle Provision SPD. Furthermore, three spaces would have been required as 4no. bedrooms were proposed. This may have led to vehicles parking on the highway which would have exacerbated an existing parking issue, giving rise to resentment and frustration.
- 7.8 The current application has sought to address these concerns by making a number of amendments to the proposed development (those listed in section 3 of the report) – specifically the size and nature of the dwelling proposed; the retention of a belt of open space/verge around the site adjacent to the hammerhead; and the provision of a garage and a parking space that meet the standards in the Residential Parking and Cycle Provision SPD. The consideration of these amendments are discussed in more detail below.
- (ii) Impact on the character and appearance of the area
- 7.9 The amended scheme now proposes an end of terrace dwelling which has been reduced in width from that considered at appeal by 1.6m. The proposal now reads as a continuation of the terrace which is in keeping with the character of the immediate locality. Matching materials are also proposed which will help the dwelling to further integrate with the local vernacular. The dwelling would feature a flat roofed front garage which is in keeping with the remainder of the terraced row. The length of the rear garden serving the dwelling would not meet the criteria of the Design Guide – it would however reflect the garden lengths of the existing adjoining terrace. This amendment is considered to satisfactorily address the previous issue that a detached, wider dwelling would have formed an incongruous feature in the streetscape.
- 7.10 It is also of note that, in response to the application to extinguish the highway use of the land, the Highway Authority has required that a 1.8 metre wide strip be retained around the site. By reducing the width of the dwelling, the revised scheme can now accommodate this strip around the site and this is indicated on the proposed ground floor plan.
- 7.11 As noted above, in conjunction with an adjoining hammerhead, the site provides a significant gap in the street scene, with views through to the expansive open space at the rear (north). Given the extent of nearby open space that is readily accessible, it is considered that a reason for refusal based on a loss of amenity space per se would not be sustainable. In terms of the softening effect of the open space on the character of the locality, the site coverage of the revised scheme has been reduced in width and a strip of open space of 1.8m width has been included around the edge of the site which contributes to the retention of a sense of openness about the hammerhead in comparison to the previous scheme.
- 7.12 Overall it is considered that the revised scheme would now respond to, draw inspiration from and respect its local context and as such accords with Core Strategy Policy CS16 in this respect; and it has addressed the concerns raised by the Inspector in the appeal decision.

(iii) Impact upon residential amenity

7.13 The adjoining dwelling to the north-west (50 Southfield Walk) does not have any existing windows facing the site. As the proposed dwelling would be an end of terrace, with the same building lines as No. 50 and the remainder of the terrace, there would be no significant overbearing effect on number 50. The proposal would be likely to result in additional and oblique overlooking to the rear garden of this property but, given the existing context, it is considered this would not be to an extent that would justify a refusal, as this relationship exists between dwellings in the terraced rows currently. The separation distance from other nearby dwellings – approximately 17m from the two storey dwelling at 52 Southfield Walk to the east and over 20m from the nearest Larkwhistle Walk dwelling to the south - is such that the proposal should not have any significant impact on their amenities in terms of light or outlook. It should also be noted that the previous, larger, proposal was not refused on such grounds.

(iv) Parking and access

7.14 The size of the dwelling the subject of this application is materially different from that previously considered at appeal, with the number of bedrooms dropping down from four to three. The revised scheme proposes two on site parking spaces, one in the garage and the other located on the front hard standing, both accessed from Berrydown Road in much the same way as other properties in the vicinity, and the Development Engineer has raised no objections to the proposed access arrangements. In addition, whilst highlighting the procedural requirements, no objections are raised by the Development Engineer in respect of the loss of the highway rights across the land which would be required to implement any permission.

7.15 Policy DM13 of the Local Plan requires residential proposals to comply with the standards contained in the Residential Parking and Cycle Provision SPD, which for a three bedroom dwelling as now proposed equates to 2no. spaces. The garage would measure 6m x 3m and the external parking exceeds 4.8m x 2.4m. As such, the number and size of parking spaces would accord with the adopted standards. With two vehicles accommodated on the site, this is likely to satisfactorily cater for the needs of the occupiers of the new dwelling without significantly increasing the pressure for on-street parking. In this respect, it is considered that the revised scheme addresses the previous concerns of the Inspector and the previous reason for refusal. The submitted drawing does not indicate any provision for cycle or bin storage, but this could be comfortably accommodated within the site.

(v) Other matters

7.16 The proposal is subject to the Community Infrastructure Levy and is liable for a payment of £7488.

7.17 The application has also been required to be assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to a net increase in population, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA). Furthermore the development is not necessary for the management of the SPA. As a result a mitigation package is required, which can be secured through a financial contribution to the Solent Recreation Mitigation Project at a scale of £176 per dwelling (net) (plus monitoring and administration fees). Subject to this mitigation package being secured, the level of mitigation provided is considered sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. As such, an appropriate assessment under Regulation 61 of the Habitats Regulations is not

necessary.

- 7.18 At the time of writing this report the relevant mitigation package (comprising a financial contribution under S106 of the Town and Country Planning Act) has not yet been received. Any recommendation to approve the application will therefore need to be subject to the mitigation package being secured. Members will be updated prior to the committee meeting on this matter.

8 Conclusion

- 8.1 In reaching decisions on planning applications in pursuit of the sustainable development agenda, the NPPF identifies three dimensions for consideration – economic, social and environmental. The proposed addition of a dwelling within the urban area will make a modest contribution to the housing requirements of the Borough with economic and social benefits arising. The revised size and nature of the proposal compared to that previously refused is considered to respond appropriately to its environment in terms of built form and will retain a sense of space about the site that the Inspector identified as important. In providing car parking to the appropriate standard, the development will cater for the likely needs of its occupants without increasing local social pressures for on-street parking.
- 8.2 Overall it is considered that the revised scheme has satisfactorily addressed the previous concerns of the LPA and the Planning Inspector. As such, the scheme now accords with the relevant policies of the local plan and NPPF. The application is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00449 subject to:

- (A) The completion of binding arrangements under S106 of the Town and Country Planning Act to secure the mitigation package described at paragraphs above; and
- (B) 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 No development shall take place until finished floor levels for the proposed building relative to agreed off-site datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
 - 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been

submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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.

- 7 No above ground development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted

shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

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.

- 8 The car parking provision, servicing and other vehicular access arrangements shown on the Drawing Number WPD 1001 to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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.

- 9 The garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.

Reason: To ensure the retention of adequate on-site car parking in accordance with the standards adopted in the Havant Borough Local Plan (Core Strategy) 2011 and to discourage parking on the adjoining highway in the interests of local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

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.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:

Block plan and proposed floor plans and elevations - DN - WPD 1001

Location plan - DN - PTL 1900 - 01 Location Plan received on 27th June 2016.

Reason: - To ensure provision of a satisfactory development.

Appendices:

Appendix A - Location plan

Appendix B - Proposed site plan

Appendix C - Proposed elevations

Appendix D - Proposed floor plan

Appendix E – Appeal decision re APP/15/00510