

site to create a two bedroom bungalow, formed from the alteration and extension of the existing ground floor addition. Vehicular access would be provided via the rear garage court with on site parking for 2 vehicles.

- 3.2 The proposal would involve the partial demolition of the existing workshop - the northern most 3.5m adjacent the garages to the rear of the site would be opened up to create 2 tandem car parking spaces accessed from the rear garage court. These would serve the proposed bungalow. The existing hard surfaced area to the rear of No 31 would remain unaltered to continue to provide parking for the residents of the existing dwelling.
- 3.3 The footprint of the existing single storey office would be extended and enlarged in an easterly direction by 3.7m with a new pitched roof going on this enlarged span, having an eaves height of 2.5m and ridge of 4.2m. The footprint would be tapered with a maximum length of 10.1m along the western elevation, reducing to 7.25m on the eastern elevation. The proposed internal layout utilises part of the existing ground floor of No 31 - two thirds of the existing lean-to rear extension would become part of the master bedroom, whilst the remaining third would provide the rear entrance into the existing dwelling. The development would be constructed of materials to match the existing dwelling.
- 3.4 The fence line that has already been erected on site would provide the subdivision between the two plots with the existing dwelling, No 31, having use of the frontage side garden (accessed via the front door only); and the proposed new bungalow having the rear half. The amenity area for the new dwelling would have a depth of between 5.5m and 8.5m with a maximum width of 11.5m tapering to a point. The side garden remaining for No 31 would be between 10m and 6m in length.

4 Policy Considerations

National Planning Policy Framework, 2018 particularly paragraph 11 that gives a presumption on favour of sustainable development; para 177 that notes that the presumption in favour of sustainable development does not apply where an appropriate assessment is required due to potential impacts on a habitats site; and chapter 12 that seeks well designed places.

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

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)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Location of solid waste bins should comply with Approved Document H6 regarding collection point from front unless arrangement has been made with collection agency to collect bins from rear

No other comments at this time

Officer Note - Document H6 states that householders should not normally carry refuse more than 30m and collection points should be within 25m of, in this instance, the highway. Waste containers should also be sited to avoid being taken through a building other than a porch, garage or car port.

Community Infrastructure

Solent Disturbance Mitigation Contribution due for additional 2 bedroom dwelling i.e. £487 plus admin and monitoring fee. Unilateral Undertaking sent to agent.

Proposed new dwelling CIL liable, based on net additional floor space of 14.07sqm. Draft Liability Notice sent

Crime Prevention

None received

Highways Engineer

On original submission:

The car park is not public Highway and the red line should run to Soberton Road. The car park has an existing access onto Soberton road.

There is no new access to the highway and therefore the application should be determined by the Planning Authority using Standard Highway Guidance.

Officer Note - Red line was amended to include access to adopted highway.

Natural England

NO OBJECTION

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

Officer note - See paragraphs 7.12-7.14 below.

Public Spaces

None received

Waste Services Manager

No concerns

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: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2 - 1 on the original two storey scheme; and 1 on the revised current bungalow scheme (both from the same neighbour)

Comment	Officer Comment
<p><u>On Original Two Storey Scheme</u></p> <p>Oppose two storey dwelling as would be overwhelming, overbearing and claustrophobic; It would effect daylight and outlook; Garden would be in the shade in the morning more; More cars in rear access will cause problems for garage users</p>	<p>Agreed that two storey development would have unacceptable impact on residential amenity</p>
<p><u>On Revised Bungalow Scheme:</u></p> <p>Oppose bungalow as garden will be in complete shade and room at the back of house will have no light; Too close to my property</p>	<p>See consideration below at Section 7</p>

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways, Parking and Refuse
- (v) Habitats Regulations Assessment and Appropriate Assessment
- (vi) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further sustainable development is normally considered acceptable in principle subject to accordance with the NPPF, development plan and other development management criteria. The relevant criteria in this case are considered as follows:

(ii) Impact upon the character and appearance of the area

7.3 This is a relatively unique site with large corner garden and existing significant rear extension. The surrounding development is characterised by predominantly two storey

traditional terraced dwellings in regular, rectilinear formations, but the original submission for a further two storey development was considered to be unacceptable for other detailed considerations, largely impact on neighbouring amenity. A bungalow, whilst at variance with the identified character of the area, would provide a smaller unit of residential accommodation in a residential area. The existing building on the site has a significant footprint coverage and the proposal would largely re-use this existing site coverage.

- 7.4 The proposal would result in an additional 2 bed bungalow in a subdivided plot. The site benefits from being a large corner plot which is considered to be of sufficient size to accommodate an additional modest dwelling unit. Each dwelling would have a private amenity area that would be of useable size for future occupiers. Whilst the private garden area for the proposed bungalow would not strictly have the 10m rear garden length as required by the Borough Design Guide SPD, it would however have a commensurate area due to the fact that the maximum width of the plot is some 11.5m. The existing dwelling would have a garden that meets the 10m minimum garden size.
- 7.5 Whilst a new bungalow linked to the rear of an existing two storey dwelling is not characteristic of the locality, and therefore not a pattern of development that would be normally be supported, the site circumstances of this case are sufficiently unique to justify consideration of the layout. There is sufficient available land for the proposed layout to not result in an overdevelopment of the site and further residential development is a compatible use in this high density residential area. The existing long extension provides the basis of the proposal and current pattern of development on this site. Overall the proposed reconfiguration of this rear extension is considered to successfully provide a new dwelling without causing harm to the character of the site or wider area.

(iii) Impact upon residential amenity

- 7.6 As a single storey development the impact on neighbouring residents has been significantly reduced compared to the original two storey proposal. The neighbour at No 29 has a small single storey rear extension with a kitchen and living/dining room. The rear garden of No 29 is already small with a detached garage leading to a sense of enclosure. The outlook from the main habitable room to the rear is limited and tunnelled by the boundary fencing. The existing office and workshop rear projection on the application site is visible from No 29, but due to the parking spaces serving No 31 is not immediately adjacent the boundary with No 29 but some 3.5m away. The proposal would marginally increase the height of the eaves of the west elevation and increase the height of the ridge by 0.8m. The pitched roof element would also be lengthened to 10.1m. This enlarged roof profile would be visible from No 29, reducing the skyline and potentially increasing the sense of enclosure. The length of the extension would also fail the 45 degree code as recommended by the adopted Borough Design Guide as a means of assessing the impact of loss of light.
- 7.7 However, due to the presence of the existing building and the separation distance of 3.5m, the actual harm caused is considered to be minimal. The increase in eaves and ridge is relatively marginal (eaves increase of 0.2m and ridge increase of 0.8m). Being east of No 29 any loss of sunlight would be limited to the morning and any additional overshadowing would mainly fall on the intervening car parking space. It must also be noted that the existing rear extension already fails the 45 degree code and the boundary wall would be reduced in length by 3.5m (where partially demolished to create the parking spaces). It is considered that the reconfigured height and bulk of the west elevation when viewed from No 29 would not be so significant as to materially harm the existing amenity level enjoyed by the occupiers of No 29 to justify a reason for refusal.
- 7.8 It must also be considered that if this scheme were implemented then the existing No 31 would become the immediate neighbour to the development. As such the impact of the

proposed extension on the curtilage and occupiers of the reduced No 31 must be considered. The siting of the extension would be such that the western elevation would form the boundary with No 31 and be adjacent the parking area. The length of the extension would also fail the 45 degree code. However the ground floor of the rear elevation of No 31 would only contain the entrance door to the property and no ground floor windows serving any habitable rooms of No 31. The ground floor window in this rear elevation would serve the bedroom window of the proposed dwelling itself. Light to this bedroom would be restricted due to the extension but a second window and light source is proposed in the east elevation. It must also be noted that the existing outbuilding has a similar impact on this rear elevation, and the difference in increased eaves and roof would be marginal.

- 7.9 Policy CS16 requires developments to not cause unacceptable harm to the amenity of neighbours from, amongst other things, loss of privacy and outlook. No windows are proposed in the west elevation or roof slope and this can be conditioned to ensure no future overlooking. The outlook from No 29 will be altered slightly, but given the low heights and separation, it is considered the actual harm caused would be marginal and not unacceptable, and the proposal therefore complies with policy CS16.

(iv) Highways, Parking and Refuse

- 7.10 Vehicular access would be taken across the rear parking court which is owned by Portsmouth City Council. Notice has been served on them and no correspondence received in relation to this application. The correct parking provision is proposed to serve the development: the existing No 31 would retain the hard surfaced area to the rear which can provide parking for 2 vehicles; and the proposed 2 bed dwelling would have 2 spaces at the northern end of the site, adjacent the garages. Cycle provision is also shown for the new dwelling. Parking provision therefore complies with the adopted Parking SPD, 2016.
- 7.11 Waste Services have confirmed that the refuse collection vehicle does not enter the rear garage court and bins need to be presented to the Blendworth Road frontage for collection. Therefore a pedestrian gate would be inserted into the current dividing fence to enable future residents the ability to take bins across the frontage property and down to the road frontage. This would have an impact on the amenity of the future occupiers of No 31, but the agent contends that as the site is under one ownership then this is a matter for landlord control.

(v) Habitats Regulations Assessment and Appropriate Assessment

- 7.12 The site lies within 5.6km of Chichester and Langstone Harbour, which is designated a Special Protection Area for over-wintering birds, and hence an Appropriate Assessment is required to consider the potential impacts on a Habitats Site.
- 7.13 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that

they agree with the findings of the assessment.

- 7.14 The appropriate Unilateral Undertaking has been sent to the applicant seeking the appropriate mitigation package in the form of a financial contribution for the proposed 2 bed bungalow of £487 plus monitoring and admin fees totalling £531.35. Provided this is returned and secured, then the proposal will have satisfactorily mitigated against the potential recreational impacts of the development on the SPA. This is expected to be returned before Committee and Members will be updated on this issue.

(vi) CIL

- 7.15 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20th February 2013. This development is CIL liable for the net increase in residential floor space. The submitted information has been agreed with a net gain in internal floor space of 14.07 sqm. This triggers a CIL liability of £1,517.55 and the Draft Liability Notice has been issued.

8 Conclusion

- 8.1 The unique circumstances of this site are such that it is considered, on balance, that the proposed 2 bed bungalow can be successfully accommodated on site without causing significant harm to the character of the area or neighbouring amenity. Whilst not a pattern of development that is characteristic of the locality, the impacts of the proposed development compared to the existing rear extensions is considered to be marginal and not harmful; whilst the addition of a new dwelling within the urban area will make a modest contribution to the Council's housing requirements. Therefore, provided the Solent Recreation Mitigation Strategy package is secured, then this application is considered compliant with the NPPF, and relevant development plan policies and is recommended for conditional permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00443 subject to:

- (A) Securing of the Solent Recreation Mitigation Strategy package as set out in paragraph 7.14 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Drawing No: C3298-1 rev A
Proposed Plan Drawing No: C3298-9
Proposed Elevations Drawing No: C3298-10 rev A
Proposed Block Plan Drawing No: C3298-12 rev B
Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used 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 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows / doors or other openings shall be constructed within the west elevation of the hereby approved bungalow without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of adjacent properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions, alteration to the roof, including the addition of roof lights or dormers, or outbuildings permitted by Schedule 2, Part 1, Classes A, B, C and E of the 2015 Order, or as amended, shall be constructed within the curtilage of both No 31 and the hereby approved bungalow, without the prior approval of the Local Planning Authority. .
Reason: To protect neighbouring residential amenity and adequacy of amenity space for future occupiers, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve both No 31 and the hereby approved bungalow 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.

Appendices:

- A – Site Location Plan
- B – Existing Ground and First Floor Plans
- C – Existing Elevations
- D – Proposed Block Plan
- E – Proposed Floor Plan
- F – Proposed Elevations