
Site Address:	10 Portsdown Hill Road, Havant, PO9 3JX		
Proposal:	Proposed 1No. 2 bed dwelling within the boundary of No. 10 Portsdown Hill Road, with shared access.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00639	Expiry Date:	24/03/2025
Applicant:	Mr & Mrs Bramble		
Agent:	Mr Rosenthal	Case Officer:	Tina Pickup
	Signature Design Architecture Ltd		
Ward:	Bedhampton		

Reason for Committee Consideration: At the request of Councillor Gray

Development Manager Recommendation: **GRANT PERMISSION**

Executive Summary

The proposal is for an additional 2 bed bungalow and detached double garage to be constructed in the rear garden of 10 Portsdown Hill Road, served off a private drive in a backland position. The bungalow would have a maximum footprint size of 14m x 10m with height to eaves of 2.45m and to ridge of 6.35m. The garage would measure 6m x 6m with an eave's height of 2.3m with a fully hipped roof having a maximum height of 4.4m.

The site slopes and levels impact this development. The siting of the dwelling within the plot and the separation distances are important to note with this proposal: The proposed dwelling would be sited 15m behind the existing dwelling and would have a rear garden length of over 30m giving a back-to-back separation of over 70m from the Woodville Road properties to the rear. The separation from the rear of the Brooklands Road properties to the north would be about 33 m. However, the proposed garage is to be sited only between 0.7m and 1m from the boundary with the properties in Pennant Hills to the south, which themselves have much shorter gardens. This would result in a separation of about 8m from the rear of number 19 Pennant Hills to the side of the proposed garage, and about 14.5m to the side of the proposed dwelling.

Due to the level changes across the site, the proposed garage and bungalow would be set lower than the garden of the adjacent Pennant Hills properties, which is considered to help mitigate the proximity. The proposed garage and bungalow would undoubtedly be visible from many properties surrounding the site, but it is not considered that it would be harmful enough to neighbouring amenity to justify a reason for refusal. Whilst a balanced decision, due to the level changes it is considered that the outlook from the closest Pennant Hills properties would be largely over the roof of the garage with their wider vista largely unaffected. Due to the orientation, there would be minimal overshadowing or loss of light to the Pennant Hills gardens.

Other considerations include noise and disturbance from cars using the extended driveway, which is recommended to be mitigated by conditioning the use of a bound and porous surface material to reduce noise. The TPO'd tree on the site is sufficiently distanced from the dwelling to be unaffected, and whilst currently a large and spacious garden attracting wildlife, there are no ecological constraints to the development of the site.

Overall, it is considered that the modest benefit of providing one additional dwelling in a sustainable location to meet the Council's housing needs is not outweighed by the limited

harm to neighbouring amenity. Therefore, in accordance with NPPF Paragraph 11 d), it is considered that the tilted balance should prevail, and conditional planning permission is recommended.

1 Site Description

- 1.1 The application site relates to a detached chalet style dwelling located in a backland position, accessed off the private drive known as The Dell, off Portsdown Hill Road. This unmade track serves 6 dwellings, with the application site being the last property using the access which becomes a long private drive with gravel surface after number 8 Portsdown Hill Road. The existing dwelling is constructed of red brick with hipped red tiled roof with roof lights in the front (east) roof slope and two dormers in the rear (west) roof slope. There is a single storey side extension which is understood to be occupied as an annex. The rear garden is very large, with an 'L' shape projection, such that it extends between 54m and 34m long, and is about 29m wide.
- 1.2 As the road name suggests the site is set in a dell, with the land rising fairly steeply around it. The rear garden slopes up to the west and the properties to the south in Pennant Hills, are set at a higher level with their rear boundaries comprising in part a retaining wall with fence panels above. This makes the height of the boundary treatment from the application site about 3m high at the eastern end, tapering to a standard 2m at the western end. Notably number 20 Pennant Hills has a garage /outbuilding constructed at this elevated height, hard up to the shared boundary with the application site that has a window in its northern elevation directly looking into the garden of the application site.
- 1.3 To the front of the property, in the southeast corner is an existing detached, brick built pitched roofed garage that has an attached lean-to style store. It appears that part of this building has been used for dog grooming, although the LPA have no record of any dog grooming business operating from the site.
- 1.4 There are a number of significant trees along the northern boundary of the private drive, as well as a large, TPO'd ash tree in the rear garden and two large mature walnut trees just outside the site boundaries to the north and west. The original TPO Order 2037/2015 covered 4 ash trees in the rear garden of this site and 7 Woodville Road, although one was noted as being removed at the time the Order was made.
- 1.5 The frontage of the site is very spacious with a turning head in front of the dwelling enabling vehicles to turn and leave in a forward gear. There is ample room for the parking of numerous cars along the drive. The trees and hedging provide screening and whilst the rear of the dwellings in Maylands Road and Brooklands Road to the north are visible, the separation distances are such that the site feels quite private from this northerly direction.
- 1.6 Using the Environment Agency's new flood maps, the site lies outside any current or future flood zone, with no known surface water issues affecting it either. From the Council's records there would appear to be no mains foul or surface water drainage serving the site.

2 Planning History

APP/20/00640 - Crown reduce 1No. Ash (T1 on plan) by up to 4m all round, to leave a crown height of 26m and crown spread of 10m, remove dead branches where necessary. Subject to TPO 2037., REF,11/11/2020

APP/21/00948 - Remove 1No. Ash (T1 on plan submitted with the application and is nearest the house) to ground level. Subject to TPO 2037., PERM,03/11/2021

APP/23/00024 - To build a single storey two bedroom annex in the grounds of the property on the site of the existing garage, for family use only., REF,09/10/2023

- 2.1 It should be noted that APP/23/00024 was for a detached building having all the attributes of a self-contained annex, located at the front of the site, but was submitted as an annex to be occupied by family members only. That application was refused as the size and scale of the building was not considered subordinate or subservient to the host dwelling, with poor spatial relationship resulting in a cramped appearance. It was also not considered to have a functional link with the host dwelling and could be occupied independently.

3 Proposal

- 3.1 Proposed 1No. 2 bed dwelling within the boundary of No. 10 Portsdown Hill Road, with shared access.
- 3.2 Unlike APP/23/00024 this application is for an independent dwelling that could be occupied completely separately to the existing dwelling on the site; and is proposed in the rear garden, not the front of the site. During the course of determining this application amended plans have been received, correcting the red lined boundary which initially failed to take account of the 'L' shaped projection of the rear garden. Additional information provided also included visibility splay information and Arboricultural information.
- 3.3 The proposed dwelling would be a single storey bungalow having an eaves height of 2.45m with ridge of 6.35m. It would have a maximum footprint size of 14m x 10m and have 2 bedrooms. It would be sited 15m east, i.e. behind, the host dwelling, with a separation to the northern boundary of between 5m and 5.6m; a separation of about 7.5m to the southern boundary and would have a rear garden length of over 30m.
- 3.4 Access would be taken by extending the private drive past the southern side of the existing dwelling, leading to a detached double garage with parking and turning in front of the proposed dwelling. The detached double garage would measure 6m x 6m and be sited between 0.7m and 1m from the southern boundary. This would have an eaves of 2.3m with a fully hipped roof having a maximum height of 4.4m. It is proposed to construct the bungalow and garage from brick and tile with UPVC windows.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

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

Arboriculturalist

Initial response

I would like to request that a new and up to date AIA is submitted in relation to this development – the previous one has had some degree of input, however this is not to the standard we would require to assess.

Following our site visit I offer the following comments:

The development poses no threat to the onsite TPO Ash, however a TPP must be submitted to ensure that there is no adverse action within the RPA of the tree.

Should permission be granted then I would suggest that the following condition is applied:

No development hereby permitted, nor any related site clearance shall commence until a Tree Protection Plan to prevent damage to the existing TPO Ash on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

Building Control

None received

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Biodiversity Net Gain

In England, biodiversity net gain (BNG) is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Developers must deliver a biodiversity net gain of 10%. This means a development will result in more, or better quality, natural habitat than there was before development.

More information is available: <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers>

There are some exemptions and if an exemption is claimed this must form part of the planning application submission.

Councillor Liz Fairhurst - Bedhampton

None received

Councillor Michael Lind

None received

Councillor Phillipa Gray

Concerned about impact on neighbouring amenity from:

- the proximity to houses in Pennant Hills as highlighted by the landscape architect
- the noise of cars driving to and from the house
- the impact of another house in a small, quiet area that acts as a refuge for wildlife as evidenced by the residents comments.

Also concerned about the height of the buildings being above the tree line and so having a negative visual impact.

Crime Prevention

None received

Southern Water

None received

Ecologist

The application is not accompanied by any ecological information and therefore I have carried out my own, non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The application site comprises an expanse of managed grassland with a small number of trees, several of which have previously been removed. I am content that the site is unlikely to be of particular ecological interest and there is no indication that the site supports any priority habitats or legally protected/notable species. On that basis, there is no justification or further information.

The application is claiming the self-build exemption from mandatory Biodiversity Net Gain. The Council may wish to request evidence that this is the case.

Hampshire Highways - initial response

Access

The applicant proposes a new dwelling within the boundary of No 10 Portsdown Hill Road. The site is accessed directly from Dell Road, which is a private road which meets the public highway at Portsdown Hill Road (B2177) which is a B-classified road. The development proposal would result in the intensification of the existing access with Portsdown Hill Road (B2177) and the applicant should provide visibility splays of 2.4m x 43m in both directions.

The applicant is also required to provide vehicle tracking to demonstrate the ability for vehicles to turn within the site and leave in a forward gear.

Parking

The applicant has indicated three off-street car parking spaces, which is in accordance with Havant Borough Council's Parking SPD. The applicant is required to provide a

minimum of two secure cycle parking spaces to accord with Havant Borough Council's Parking SPD. It is considered that the proposed double garage can sufficiently accommodate two bicycles and is acceptable.

Recommendation

Having regard to the above, there is insufficient information for the Highway Authority to provide comments on this planning application. Further comments will be provided upon receipt of the above requested information.

Hampshire Highways - on additional information

The proposal here relates to the introduction of a further dwelling served off of an existing private driveway, The Dell, with access by an existing dropped kerb to/from Portsdown Hill Road. No changes are proposed to the access. The intensification in use from a single 2 bedroom property is considered not to be significant.

A review of the latest available 5 years of Personal Injury Collision data shows no recorded incidents on the immediate approaches to or at the existing access.

Having regards to the above comments the Highway Authority are satisfied that the proposed development would not result in a detrimental impact on the operation or safety of the local highway network and would therefore recommend -.

No objection (no conditions)

Landscape Team

From a landscape perspective we have the following comments in relation to this application:

- The proposed site sits within the existing garden of no. 10 Portsdown Road, which by its nature of being back yard development is not visible from public highway of viewpoints so as such this development would not have a detrimental impact.
- My concerns are the close proximity the dwelling will have from units 17, 18 and 19 Pennant Hills. The site's topography has units 17 -19 elevated which exacerbates this close proximity.

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution(s) which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development. Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s).

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 1st November 2024, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely

implementation for the full duration of the development.

Norse South East

None received

Nutrient Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigationschemes-available-to-developers/>.

Portsmouth Water Company

Portsmouth Water have reviewed the application and associated documents for APP/24/00639. Given that the development is small in nature, risks to groundwater quality are relatively low, therefore, we do not recommend any planning conditions to be included on the planning permission.

Waste Services Manager

None 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: 33

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: **7 on original plans - 6 objections and 1 support:** and further **5 objections on amended plans** - all from **8 addresses**

Comment	Officer Comment
<u>Support:</u> Good neighbours that contribute to The Dell private road maintenance; within their right to make their property more useful; would be no overlooking or disruptions	Noted
<u>Original Objections:</u>	
<u>Character of Area</u> Not a development area but established urban estate that is peaceful, quiet and relaxing; verdant with mature gardens; wildlife including hedgehogs, foxes, birds; building in this environment would be detrimental to	Site within the defined built-up area where there is a presumption in favour of development subject to detailed considerations;

the ambiance introducing additional people with additional noise, disturbance, disruption etc;	See section 7 below
<u>Plot boundaries</u> inconsistencies with garden length and shape of plot and siting within plot;	Amended plans correct this
<u>Separation distances</u> Bungalow would be about 11m from end of Woodville Rd gardens	No - would be some 32m away
<u>Garage</u> close to homes in Pennant Hills - about 44cm at narrowest point; proximity to boundaries will cause access difficulties for maintenance; impractical to park car so close to boundary - would car door open?; should be re-sited further away from boundary; could it be a single garage? Height and proximity of garage block will impact outlook & light from Pennant Hills	Closest point to boundary 0.7m which would be sufficient for maintenance Yes - car parking spaces allow for opening of car doors See section 7 below
<u>Parking</u> does 2 bed bungalow require 4 spaces, seems excessive; could result in a business in the future which would be difficult to police;	No - 2 bed dwelling only requires 2 spaces - see section 7 below No business use proposed & can condition
<u>Party Wall</u> Believe construction so close requires Party Wall Act Notice	Separate to Planning
<u>Trees</u> tree report 2019 and out of date; discrepancy between info & actual site; Close to Root Protection Area; loss of trees and wildlife over the years; fear for loss of more trees;	Noted & agreed - up to date info requested & provided See section 7 below
<u>Design & Outlook</u> Why roof pitch so high? will be clearly visible and impact outlook; if lower roof would be less overbearing when seen from surrounding houses	Not unusually high for a bungalow - see section 7 below
<u>Light & Outlook</u> Height and proximity of garage block will impact outlook & light from Pennant Hills	see section 7 below
<u>Future roof alterations</u> If rooms in roof added in future then would impact privacy; want reassurances that rooms in roof can't be added	Separation distances considerable - see section 7 below
<u>Privacy</u> Layouts not to scale & difficult to assess proximity to Woodville gardens;	Plans are to scale & distance to western boundary 32m.

due to levels would be higher than existing dwelling and therefore have more impact; in winter with no foliage there would be no cover;	Noted - see section 7 below
<u>Lighting</u> lighting will shine through trees; glare from security lighting will impact all year;	see section 7 below
<u>Construction time / Self-Build</u> if self-build times of construction should be neighbourly in terms of duration, noise, dust considerations etc	Planning can only control commencement within 3 years of permission; cannot control duration of a build; any disturbance issues dealt with by Environmental Health under their separate legislation
<u>Ecology</u> consultees desk-based assessment concerning - says no indication that site supports any priority habitats or legally protected species but gardens do support hedgehogs, squirrels and foxes;	Noted - see section 7 below
<u>Biodiversity Net gain</u> How will BNG deliver improvements for nature for this development?	This development exempt BNG - see section 7 below
<u>Dogs</u> concerned dogs will be introduced on the grounds;	private pets not a planning matter; any dog business would need investigating
<u>Levels</u> proposed dwelling would be higher than existing dwelling due to slope of land; Proposed Section Plan shows a slope up from garage block to Pennant Hills - but no slope exists	Noted - see section 7 below
<u>would set a precedent</u>	Each application must be considered on its merits
<u>Future occupiers</u> D&A says for family members only and would support that; should be conditioned not to sell for 5 to 10 years; unless restricted would be market house; not guaranteed only family in perpetuity - could be sold on market; nearly 2 years since annex refusal APP/23/00024 so need for accommodation can't be critical	Application not an annex but an independent dwelling that could be available on the open market - occupation would not therefore be restricted by condition
<u>Misleading address</u> Property known as The Dell not Portsdown Hill Road so affected neighbours might assume doesn't apply to them	Correct postal address has been used
<u>Additional comments on Amended Plans:</u>	
<u>Levels</u>	

garage shown elevated above dwelling - not sure topography is accurate, think the elevation change is at point of fencing;	Noted - see section 7 below
<u>Garage</u> edge of garage close to Pennant Hills boundaries - still prefer a single garage with flat roof; footings for garage may cause damage to foundations, neighbours patios etc	closest point 0.7m sufficient separation to avoid impacts
<u>Height/roof design</u> elevation 2.45m but roof 6.352m so roof double living space - seems significant; exacerbated by 2 different roof profiles, would prefer just 1 to keep as low as possible and less visually intrusive;	Standard bungalow height & roof design - see section 7 below
Landscape Officer raised concern about proximity, topography & elevations - we agree	Noted
<u>Self Build timeline</u> prolonged build a nuisance, can timeline be requested	No - planning can only control commencement within 3 years of permission; cannot control duration of a build;
<u>Contrary to policy</u> would ruin current attractive ambience; not an appropriate location for a building of this size; no provision for the well-being of the community; impact on a cramped site; no social benefit; would become part of a private estate to be sold;	See section 7 below
Close to main building which is one reason previous application denied;	Over 15m away
No Materials details - concerned for potential noise from new driveway/parking area & ask that suitable surface to limit noise is controlled;	Noted - can be conditioned

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 and Parking
- (v) Impact on Trees
- (vi) Ecology and Biodiversity Net Gain (BNG)
- (vii) Compliance with Habitat Regs
- (viii) CIL

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The Council's Five-Year Housing Land Supply, updated December 2024, indicates the Borough's housing land supply position as 1.8 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc. It is accepted that the proposal would result in a net gain of 1 residential unit within the main urban area of Havant, which is a sustainable location, and would make more effective use of the land, and the proposal would make a modest contribution to housing supply. These benefits of the proposal must be afforded weight in the overall planning balance.
- 7.3 Current policies AL2 and CS17 direct development towards the built up urban areas and encourage making the most effective use of land; and policy CS9 supports housing that achieves a suitable density that respects the surrounding landscape, character and built form. Policy CS16 seeks High Quality Design that respects its local context. These policies align with National Planning Policy Framework (NPPF) and should therefore be afforded weight in the determination of the application, as detailed below.

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

- 7.4 The site is set back behind number 10 which in itself is set in a backland position. Therefore, it cannot be seen from any public viewpoint, although the site does back onto numerous surrounding gardens so is visible from private viewpoints. The character of the area is residential, comprising a mix of dwelling types set in a variety of plot sizes - Pennant Hills being two storey properties with relatively small rear gardens of only about 9m, to Woodville Road and Brooklands Road which are a mix of bungalows and two storey dwellings generally having garden sizes of 30m or more. Most properties in the area front the adopted highway in a traditional linear pattern, but numbers 4, 6, 8 and 10 Portsdown Hill Road, are served off the private drive, The Dell, and number 10 is in a backland position.
- 7.5 The proposed additional dwelling set behind number 10, would maintain the residential character of the area and at an appropriate density - the resultant plot size and garden lengths for both number 10 and the proposed dwelling would be compatible with the wider area and not be out of keeping. It is acknowledged that the proposed dwelling would be set off an unusually long private drive in a double backland position, but this arrangement would make better use of the otherwise landlocked site. The spacious proportions of the site mean that the additional dwelling can readily be achieved on the site without causing harm to the character of the area, or neighbouring amenity - see below.
- 7.6 The proposed dwelling has been traditionally designed, with brick and tiled roof, suggested to match the existing dwelling at number 10. Despite third party comments, as a bungalow its eaves and ridge height are considered relatively standard and appropriate. The roof would vary between 5.47m high and 6.35m high and this variety is due to the 35-degree pitch spanning different footprint sizes. The resultant mixed ridge line is encouraged to add visual interest, articulation and a degree of

subserviency, and is considered a good design solution that is in keeping with the context of the site.

- 7.7 Overall the layout, design and appearance of the proposal is deemed in keeping with the surrounding area and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.8 The adopted Borough Design Guide SPD recommends back-to-back separation distances of 20m and rear garden lengths of 10m. In this case the existing dwelling would retain a rear garden length of 15m, the proposed dwelling would have a 32m rear garden, and the back-to-back separation distance with the properties in Woodville Road would be over 70m, so well in excess of the guidance. Due to the generous separation distances then any overlooking or loss of outlook would be minimal to Woodville Road or Brooklands Road, especially as it is only single storey accommodation proposed. Third party comments request permitted development rights are removed for future roof alterations i.e. dormer windows and roof lights - but given the separation distances and Class B permitted development restrictions which do not allow side windows that aren't obscure glazed and non-opening where below 1.7m above floor level, then this is not considered necessary. The combination of permitted development restrictions and the separation distances would adequately protect neighbouring amenity from any future use of roof level accommodation.
- 7.9 However the properties in Pennant Hills have much shorter rear gardens, only about 9m, so the proposed dwelling would be set closer to these. Notably the Pennant Hills properties are set at a higher level, evidenced by the submitted topographical survey showing detailed levels across the site. The proposed section plans do indicate the level to which the new dwelling would be constructed relative to both number 19 Pennant Hills and the existing dwelling number 10, although third party comment notes that the slope depicted in the garden of 19 Pennant Hills is actually level, with the difference in levels being retained at the boundary wall, not as a slope. Nevertheless, it is considered that this plan is accurate enough to assess the finished floor levels of the proposed development relative to surrounding development.
- 7.10 This shows that the proposed garage would be set about 1m higher than the bungalow, and about 2.5m lower than 19 Pennant Hills, such that it would mainly be the roof of the garage that would be visible above the fence line of the adjacent properties in Pennant Hills. The garage roof would be set off the shared boundary by between 0.7m and 1m and be hipped away from the boundary. It would rise by 2.1m from eaves to its ridge. Therefore, there is no doubt that from the adjacent Pennant Hills properties the roof of the garage would be visible above the fence line, but whether this would actually be harmful to the amenity of the occupiers of these dwellings is debatable. A 4m high permitted development outbuilding could be erected, if sited 2m from the shared boundary, on a flat site. This 4.45m high building, within 0.7m from the boundary where the level is lower by 2.5m, is considered less harmful.
- 7.11 It is accepted that the Pennant Hills properties have short gardens, but the level change helps to mitigate the impact of the proposed development. Furthermore, it is noted that the development would be sited due north of the gardens of Pennant Hills so any direct overshadowing or loss of light would be minimal. The main outlook for the occupiers of these properties would be above the roof of the proposed garage and bungalow which would be set against the backdrop of the longer distance views of the higher properties in Brooklands Road and beyond. The skyline and upward outlook

from the adjacent Pennant Hills properties is not considered to be significantly affected. Conversely the outlook from the adjacent Pennant Hills properties does enable clear views down into the garden of the application site and what will be the garden of the proposed dwelling, potentially leading to overlooking and a loss of privacy for the future occupiers of the proposed development. But in such built up areas it is relatively normal to have such cross overlooking of rear gardens, and this would not be a new situation.

- 7.12 On balance it is considered that the height and proximity of the proposed garage and bungalow would not lead to significant overbearing effects, or lead to a loss of light, outlook or privacy to the occupiers of the adjacent Pennant Hills properties, sufficient to justify a reason for refusal.
- 7.13 Other potential amenity considerations relate to noise and disturbance from the use of the long drive and turning area, as well as light pollution. The extended drive would pass the side of number 10, but there is already a boundary fence with some buffering planting on this boundary line so it is not expected that the use of the drive would have any undue impact on the living conditions of the occupiers of the frontage property. It is also considered that any adverse impacts from lighting of the dwelling, whether light spillage from internal windows or external security lighting, would be minimal - the separation distances are significant and the site lies within the defined urban area surrounded by other dwellings with similar light pollution.
- 7.14 The turning area serving the new dwelling would be sited at the end of the gardens of the adjacent Pennant Hills properties but as noted above, at a lower level. The difference in levels is such that any car headlights would be screened by the existing boundary retaining wall and fence line, and unlikely to have any adverse impact. Car doors slamming and the noise from vehicles turning could all have some limited impact, but the property is only a modest 2 bed dwelling and with more electric cars in the future then such disturbances will further reduce. A third-party comment notes the choice of driveway surface material can impact noise and this is agreed - the majority of the existing drive in front of number 10 is gravel and although porous, can be noisy. It is considered appropriate to condition the drive surface material to be something bound and porous, to minimise noise disturbance.
- 7.15 Overall it is considered that the proposed dwelling and garage would not result in any material harm to neighbouring amenity sufficient to justify a reason for refusal. Any overbearing effect, loss of light, outlook or privacy and would be limited and acceptable, having minimal impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Highways and Parking

- 7.16 In response to Hampshire Highways request for visibility splays of 2.4m x 43m in both directions at the junction of the private drive with Portsdown Hill Road, the agent stated that no improvements could be made to the existing scenario due to brick walls at the junction which are beyond the applicant's control. Following a re-consultation with Hampshire Highways based on no improvements to the visibility splay, they note that there have been no recorded incidents in the immediate area and the intensification of use for just a single 2 bedroom dwelling is not significant. They therefore raise no objection on highway grounds.
- 7.17 In terms of parking the proposal is for a 2 bed dwelling which requires a minimum of 2 on-site parking spaces to meet the adopted Parking SPD. It is noted that there is an

over provision - 3 spaces are to be provided, together with a double garage. However, it would not be necessary to condition the garage to be used for the parking of cars, enabling future occupiers to use it for storage etc. and therefore realistically 3 spaces are proposed. Since the Parking Standards are a minimum, not maximum, then there is no objection to this over provision.

- 7.18 Third party comments note the possibility of a business use, but the application is submitted as a private dwellinghouse and any future business would need to be investigated whether its scale required permission or not. It is however possible to condition the garage and parking area to ensure it is used for private and domestic purposes only.
- 7.19 Overall there is no objection on highways grounds to the proposed dwelling utilising the existing private drive, or the parking arrangements proposed. The proposal is therefore considered to meet policy DM13 of the HBLP (Core Strategy) and the Parking SPD.

(v) Impact on Trees

- 7.20 TPO number 2037/2015 covered 4 ash trees on the site, one of which was noted as being removed at the time the Order was made, and one within the application site was approved to be felled under APP/21/000948. However, that decision notice conditioned the planting of a replacement tree of a minimum height of 1.5m and planted within 3m of the felled tree and be either an oak or beech. This does not appear to have occurred. To remedy this breach, it is possible to now require the replanting of a tree as part of a landscaping scheme for the new dwelling.
- 7.21 Another of the TPO'd ash trees was sited within the rear garden of 7 Woodville Road and APP/21/01230 permitted it to be felled due to Ash die back. The only remaining TPO'd tree is sited within the middle of the application site and an updated Arboricultural survey has been provided as part of this application. This notes the ash tree, which has historically been topped, is only a category C tree.
- 7.22 A site visit has been made with the Council's Arboricultural officer and it was confirmed that the siting of the proposed dwelling and garage, at a minimum separation distance of 14m would not have any adverse impact on this tree. Adequate tree protection should however be installed during construction, and this can be conditioned.
- 7.23 Therefore, with adequate tree protection measures and a landscaping condition securing overdue replacement tree planting, it is considered that the proposal would comply with policies CS11 and DM8 of the HBLP (Core Strategy).

(vi) Ecology and Biodiversity Net Gain (BNG)

- 7.24 Biodiversity net gain (BNG) is a legal requirement for planning permission introduced for small sites such as this on 2nd April 2024. In this case the applicants have claimed an exemption from the BNG requirements as a self-build development.
- 7.25 It is considered that the development meets the Governments tests to be exempt on self-build grounds i.e. less than 9 dwellings; site no larger than 0/5ha and a self-build project, with the appropriate self-build CIL forms having been submitted. On this basis it is agreed that the development is exempt from BNG requirements.
- 7.26 With respect to wider ecological issues, as a large garden site within the urban area, the standard hedgehogs, squirrels, garden birds, foxes and overhead foraging bats etc

are all likely to be present in the area, but the site itself does not present any particular ecological constraints to development. A large garden would remain serving the proposed dwelling and there is no reason to believe that birds, squirrels, hedgehogs etc would not continue to use the site. The Council's ecologist has raised no objections to the proposals.

(vii) Compliance with Habitat Regs

- 7.27 The proposal would result in the net gain of one, two bedroom dwelling which needs to comply with the Habitats Regulations. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of 1 additional 2 bedroom dwelling.
- 7.28 Using Natural England's updated Methodology in January 2024, the planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.29 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £727.55 to address the potential recreational harm from the new development. Therefore, it is considered that the recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, April 2023, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £2,544.42 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.
- 7.30 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 and raise no further objection. The Council's assessment as competent Authority under those regulations is included in the case file.

(vii) CIL

- 7.31 The development is CIL liable for the net additional internal floor space, which amounts to about 139 sqm, although it is noted that a self-build exemption has been claimed and acknowledged by the CIL team. The Draft Liability Notice will be sent to the agent post decision.

8 Conclusion

- 8.1 Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc. The proposal would make better use of this large site in this urban and sustainable location, and the provision of 1 additional dwelling would contribute to the Borough's housing need and represents a modest benefit. There would also be economic benefits arising from the construction and future spend of occupants; and a social benefit from the provision of a new household in an established residential area in a sustainable location.
- 8.2 It is considered that the only potential adverse impacts arising from this development would be to the outlook from the adjacent Pennant Hills properties and this harm would be marginal and insufficient to outweigh the benefits. Therefore, the tilted balance benefit of this development prevails.
- 8.3 The proposal meets the Habitats Regulations with recreational and water quality impacts adequately mitigated against and is exempt from BNG. Overall, the proposal is therefore considered acceptable and recommended for conditional permission.
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9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00639

(A) 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:

Arboricultural Survey by Arbtech dated 28 November 2024
Nutrient Assessment & Budget Ref 24135 Issue 1
Splay Diagram
The Dell Entrance Pictures
Existing Topographical Survey - Drawing Number DESIGN 8A PG NO. 02
Proposed Location and Block Plan - Drawing Number DESIGN 8A PG NO. 10
Proposed Layout - Drawing Number DESIGN 8A PG NO. 03
Proposed Ground Floor Plan - Drawing Number DESIGN 8A PG NO. 04
Proposed Roof Plan - Drawing Number DESIGN 8A PG NO. 05
Proposed Elevations - Drawing Number DESIGN 8A PG NO. 06
Proposed Garage Elevations - Drawing Number DESIGN 8A PG NO. 07
Proposed Section Plan - Drawing Number DESIGN 8A PG NO. 08

Reason: - To ensure provision of a satisfactory development.
- 3 The hereby approved dwelling and garage shall be constructed at the site levels

and finished floor levels indicated on Drawing Number 8A - 23.01.25 Page No. 08 Proposed Section Plan, unless otherwise first agreed with the Local Planning Authority.

Reason: To ensure a satisfactory relationship with adjoining properties, in the interest of the amenities of neighbouring residents, having regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 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 hereby approved dwelling and garage; and the surface of the driveway and turning area (which should be a porous and bound material to minimise noise) 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, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The car parking, servicing and other vehicular access arrangements shown on the approved plans 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. The parking areas shall thereafter be retained and used solely for private and domestic purposes only.

Reason: In the interests of highway safety and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No development hereby permitted, nor any related site clearance, shall commence until a Tree Protection Plan to prevent damage during construction to the existing TPO Ash on the site has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved tree protection measures shall be erected on site prior to commencement of works and retained at all times during construction to the satisfaction of the Local Planning Authority.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No development hereby permitted, nor any related site clearance, shall commence until details of any new boundary treatments and a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the replacement tree required by condition 3 of APP/21/00948 which required either a *Quercus robur* (Oak) tree or *Fagus sylvatica* (Beech) tree of minimum height of 1.5m tall to be planted.

Thereafter the approved landscaping works shall be carried out in accordance with the approved details within the first planting season following first occupation of the hereby permitted dwelling, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally

required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

8

The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

9

At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

APPENDICES

- (A) Location Plan
- (B) Site Layout Plan
- (C) Proposed Bungalow Elevations
- (D) Proposed Garage Elevations
- (E) Proposed Bungalow and Garage Plans
- (F) Proposed Section Plans showing Levels