
Site Address: 10 Portsdown Hill Road, Havant, PO9 3JX
Proposal: 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.
Application Type: Full Planning Permission
Application No: APP/23/00024 Expiry Date: 20/07/2023
Applicant: Mr & Mrs Bramble
Agent: Mr Rosenthal Case Officer: Tina Pickup
Rosenthal Design Services Ltd
Ward: Bedhampton

Recommendation: **REFUSE PERMISSION**

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. The existing dwelling is constructed of red brick with largely 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 already be occupied as an annex, with some subdivision of the rear garden, which is very large - some 34m long.
- 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 are set at a higher level with a densely hedged screen on the southern boundary. To the front of the property, in the south east 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.
- 1.3 There are a number of significant trees along the northern boundary of the private drive, as well as some TPO'd trees within the rear garden of the existing dwelling. 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.
- 1.4 The site is not within any current or future flood zone. 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/21/00914 - T1-Ash-Fell, due to Ash die back-subject to TPO 2037., UNK,
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

3 Proposal

- 3.1 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.
- 3.2 During the course of determining this application the plans have been amended from a 2 bedroom chalet annex having a 'dog room' on the ground floor; to a 2 bedroom single storey annex, omitting the 'dog room' for a utility room. The amended annex would have an approximate 'L' shaped footprint with maximum size of 4m x 10m, with height to eaves of 2.45m and to maximum ridge of 6.352m. It would be sited in the south-east corner in lieu of the existing garage.
- 3.3 It would be built of materials to match the existing dwelling on the site. It is stated that the annex would be fully supported by the main dwelling with all utilities, bills, post etc being supplied via the main dwelling for family use only.

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)
CS21	(Developer Requirements)
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

I can't see anything on file that has accepted the removal of the two ash trees in the rear garden of the property but shown on the submitted photograph? Do you have any information regarding the two trees.

The information submitted to consider the impact of the trees on or surrounding the site is not sufficient to determine the potential impacts, if any to the proposal. Please could a tree survey and dimensioned tree protection plan as part of an arboricultural impact assessment and an updated method statement be provided.

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: 32

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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 and Ancillary Use
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on Trees
- (v) Parking
- (vi) CIL
- (vii) Other matters

(i) Principle of development and Ancillary use

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the planning considerations. In this instance the proposal is for a 2 bedroom annex which has all the attributes of a dwellinghouse, including kitchen, dining and lounge area, utility, 2 bedrooms, one with en-suite and walk-in wardrobe, and another main bathroom, and entrance hallway.

7.3 It is considered that the external design of the building would appear as a separate dwellinghouse, including provision of a covered porch and front door. The scale and height of the building would not be modest, with a height of 6.35m. It is not known what the exact height of the existing dwelling is, but it is estimated that as a chalet bungalow it has a similar 6 to 7m overall height. In relation to the main dwelling the proposed annex would have a similar L shaped footprint and only be marginally smaller - the existing dwelling has a main footprint of 15.5m x 11m and the proposed annex 14m x 10m. Therefore the proposed annex is not considered to be visually subordinate or subservient in scale to the main dwelling and would identify as a new dwelling rather than an ancillary annex.

7.4 In terms of the functional link between the existing dwelling house and proposed annex, it is considered that a family could live in the proposed annex completely independently of the main dwelling adjacent. The lack of any shared or communal facilities, such as kitchen for meals and utility for laundry, makes this proposal particularly capable of independent occupation. Because of the detached frontage siting, there would be no need for either occupiers or visitors to first access the main dwelling. All comings and goings could occur without disturbing the main dwelling, including post and deliveries. It

is not considered that the future occupiers would need to have any reliance or association with the occupiers of the main dwelling and as such there would be minimal or no functional link with the host dwelling. Furthermore, the detached siting at the front would require the annex to be 'locked up' every time the occupier wanted to access the main house, making the connection to the host dwelling more contrived and unlikely.

- 7.5 It is however acknowledged that the application is submitted as an 'annex' with some supporting information indicating it would be occupied by 'family members' and bills and post would be via the main house. Case law on whether annexes are ancillary or create separate planning units is quite extensive, with *Uttlesford DC v SSE & White 1992* noting that even if the accommodation provided facilities for independent day to day living, it would be a matter of fact and degree whether a separate planning unit had been formed. If a planning unit remains in single family occupation and continues to function as a single household, then no material change of use occurs.
- 7.6 In this instance very limited information has been provided about how the proposed building would function in association with the host dwelling to ensure the site would remain a single family dwelling, occupied by a single household. No specific information has been provided setting out who would occupy the annex or their role in providing care and support to the occupiers of the main dwelling. There is no apparent sharing of communal facilities and the size and scale of the building is almost equal to the host dwelling. The lack of any clear functional link, connection or reliance on the main dwelling, with the annex having its own front door making occupation, visitors and deliveries independent, is such that the proposed building could be both physically and functionally separate, potentially forming a new planning unit on the site. It is considered that insufficient information has been submitted to adequately demonstrate that the accommodation proposed would be occupied on an ancillary basis.
- 7.7 Any annex accommodation needs to be used on an ancillary basis in perpetuity. An ancillary condition could control such uses but to comply with the Planning Practice Guidance on tests for conditions, any such condition would have to be enforceable. Given the proposed accommodation would have no shared facilities with the main house, visually lack the legibility of appearing as a subordinate annex, and could be accessed independently, then its severance from the main planning unit would be possible and difficult to monitor. To the general public and nearby residents, the building would appear as a new/separate dwelling. Furthermore, it would not be clear from any future inspection whether the occupiers of the annex had any functional link with the main house, making monitoring of any future breaches of an ancillary condition unenforceable.
- 7.8 Overall it is considered that the siting, design, height, scale and layout of the proposed annex would provide more than subservient ancillary annex accommodation and could be readily occupied independently as a new planning unit. It has not been adequately demonstrated that there would be a functional link between the proposed annexe and main dwelling on the site. This would be tantamount to the creation of a new dwelling, which is not in accordance with the terms of the application. The visual relationship of the proposed building relative to the host dwelling would not be subservient or ancillary.

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

- 7.9 The site is located in a residential area, largely characterised by traditional semi-detached and detached linear frontage dwellings. The application site is unusually spacious, being a backland site on a large plot. The unique setting in the dell creates an isolated property that has no direct neighbours. Therefore to introduce a building which would be comparable to a new dwelling in design, height and scale, with minimal separation, would result in a very cramped development.
- 7.10 The proposed building would be separated from the existing by only between 3.4m and

5.5m, measured on the ground floor plan. With eaves overhang of both properties the actual visual separation would be further reduced and would give a very tight relationship between the 2 buildings. The proposed building would not be noticeably subservient to the existing - with a height of 6.35m it would equal the height and dominance of the existing dwelling.

- 7.11 Policy CS16 requires a high standard of development that responds to and respects local context, as well as producing a positive relationship between buildings. It is considered that the resultant poor relationship between building bulks with minimal separation would result in a cramped and contrived layout and appearance, that would fail to produce a positive relationship between buildings and does not respect the spacious context of the site. As such the scale and siting of the proposed building relative to the host dwelling would result in an incongruous development, out of character with the spacious setting of the application site, and contrary to policy CS16, particularly clauses 1 and 2.

(iii) Impact upon residential amenity

- 7.12 It is acknowledged that due to the isolated backland siting, the proposed development would have little impact on neighbours that abut the site. The levels are such that the proposed building would sit lower than those to the south and be adequately screened by existing vegetation. As a result no overshadowing, loss of privacy or impact on outlook would result to neighbours. The additional comings and goings to serve the proposed ancillary annex would also be unlikely to have any adverse noise and disturbance impacts as the site is sufficiently spacious and screened.
- 7.13 In terms of amenity for future occupiers, it is noted that as an ancillary annex the existing large garden would be shared, but accessing the rear garden is via a side drive area, up the slope and not particularly convenient. It is also noted that windows in the east and south elevations would have a poor outlook, being very close to boundaries.
- 7.14 Whilst these compromised amenity levels for future occupiers are noted, on the basis that this is an application for ancillary annex accommodation only, then future residents would benefit from the amenity offered from the main dwelling and garden. As such it is considered that the proposed annex would provide sufficient levels of amenity for future occupiers.

(iv) Impact on Trees

- 7.15 The submitted documents include photos of the trees at both the rear and front of the site, together with a Tree Protection Method Statement which does not appear to be prepared by a qualified arborist. The trees at the rear of the site are TPO'd and the Council has correspondence on file from 2021 that two of the ash trees were removed as Dangerous, Diseased or Dead (DDD). The line of mature trees on the north side of the access to the front of the property are not TPO'd but nevertheless are significant trees that provide valuable amenity and screening. As such these need to be adequately protected.
- 7.16 The siting of these trees at the front is such that, should permission be granted for the building proposed, then they would be at risk of damage from builders equipment and materials and would need adequately protecting during construction from inappropriate storage beneath their canopies. It is considered that the submitted documents do not adequately professionally assess the impact of the development on the trees on site and provide appropriate mitigation and protection solutions.
- 7.17 Policy CS11 seeks to protect landscapes and policy DM8 protects natural features. Together these policies would protect the trees on the site and it is considered that it has not been adequately demonstrated by an appropriately qualified arborist, that the trees

on the site could be safeguarded and protected from the proposed development. It is noted that the Council's Arboricultural officer requested additional information (tree survey plan and dimensioned tree protection plan as part of an AIA and AMS), but given the recommendation for refusal on other grounds, this was not pursued.

(v) Access and Parking

- 7.18 The submitted plans show that the site can accommodate 8 parking spaces and on site turning. The proposed siting of the building would not compromise these which would remain available on site. As such adequate parking can be provided on site for both the existing dwelling and proposed annex and there is no highway objection to the proposal.

(vi) CIL

- 7.19 As a detached annexe the floor space created is CIL liable. The appropriate forms have been submitted, including annexe relief claim. However, given the recommendation for refusal, the Draft Liability Notice has not been prepared, and could be done so at appeal stage if necessary.

(vii) Other matters

- 7.20 The submitted documents include a European Site avoidance and mitigation checklist, an occupancy calculator and a nitrogen budget. There are errors within these forms, but as an ancillary annex, where the site remains a single family dwelling, then there would be no net gain in overnight accommodation/new households to have any likely significant effect on the Solent European sites. As such it is not necessary to go through the Habitats Regulations Appropriate Assessment to provide mitigation. This would however be necessary if the building were to be occupied independently as a self-contained dwelling.
- 7.21 Whilst the Council's records indicate that there is no mains drainage at the site, this maybe inaccurate or out-of-date information. And provision of adequate drainage would be a Building Regulations matter.

8 Conclusion

- 8.1 In the absence of adequate evidence to demonstrate that the proposed annex would have a functional link with the host dwelling and be occupied on an ancillary basis in perpetuity, the proposed 2 bed annex comprising of living room, kitchen and dining area would be tantamount to a new dwelling which, due to its frontage siting, could readily be occupied independently creating a new planning unit on the site. The proposed annex is not considered to be subservient or subordinate in footprint or scale to the host dwelling and in design terms would have a poor relationship with the host dwelling resulting in a cramped and contrived appearance, contrary to policy CS16. In addition it has not been adequately demonstrated that the proposed development would not harm the trees on the site, contrary to policies CS11 and DM8.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/23/00024

(A) for the following reasons

- 1 The height, scale, layout and siting of the proposed annex is not considered to be appropriately subordinate or subservient to the host dwelling. The poor spatial relationship with the host dwelling would result in a cramped and contrived appearance, which fails to respect local context or provide a positive relationship between buildings, resulting in a visual harm to the setting of the site and the character of the area, contrary to policy CS16. Furthermore it has not been adequately demonstrated that the proposed annex would have a functional link with the host dwelling and be occupied on an ancillary basis in perpetuity. The proposal does not therefore meet the terms of the application and would be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011; and the National Planning Policy Framework.
- 2 Insufficient information has been submitted to adequately demonstrate that the proposed development would not have an adverse impact on the mature trees on the site, which contribute positively to the character and appearance of the area, and would be contrary to the provisions of policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, which collectively require development to be appropriate and sympathetic to its setting in terms of landscape features.