
Site Address:	17 Hordle Road, Havant, PO9 4AZ		
Proposal:	New 3 bedroom 5 person end of terrace house.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00777	Expiry Date:	06/11/2023
Applicant:	Mr Osgood		
Agent:	Mrs Fox	Case Officer:	Tina Pickup
	Critchley Architecture And		
	Design (CAAD) Ltd		
Ward:	Barncroft		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to an end of terrace two storey post-war dwelling located on the northern side of Hordle Road immediately east of the cul-de-sac of Dibden Close. As such the site is a large corner plot having a triangular shape, sharing its elongated western boundary with 12 Dibden Close. The character of the area has a strong uniformity with properties being post-war and all having a consistent scale and design. All are constructed of red brick beneath a dark tiled concrete roof.
- 1.2 At the rear the garden narrows and a flat roofed shed infills the corner which in turn backs onto a flat roofed garage block to the north, accessed off Grateley Crescent. The site is relatively flat.
- 1.3 The boundaries of number 17 comprise close boarded fencing right up to the edge of the highway, except for a block paved area for the parking of 4 cars to the front of the dwelling. This northern side of Hordle Road has a narrow pavement and delineated parking area running parallel to the pavement clear of the carriageway which is entirely dropped kerb. There are no parking restrictions in the immediate area. There is a telegraph pole immediately to the west of the on site parking spaces.
- 1.4 Planning permission has recently been granted for a new dwelling at 12 Dibden Close, APP/23/00273 refers, which has not yet been implemented. This site had a previous refusal for an end of terrace dwelling based on highways and parking reasons (APP/19/00729) but circumstances are different on these adjacent sites: number 12 Dibden Close is accessed off a cul-de-sac which is laid out for parking and its frontage area is open and grassed providing a verdant setting to the site.

2 Planning History

99/64732/000 - Construction of attached three bedroom house and garage with new access onto Hordle Road, Refused 17/12/1999 for 4 reasons:

- size and shape of plot not compatible & detrimental to amenity of area;
- prominent location & dominant design detrimental to amenity of area;
- encourage parking on highway interrupting free flow of traffic
- over-intensive use of site with insufficient amenity space for future occupiers

07/64732/001 - Retention of fence (height 1.87m) fronting Hordle Road. Permission 10/01/2008

3 Proposal

New 3 bedroom 5 person end of terrace house.

During the course of determining this application amended forms, red/blue line and nitrogen budget was submitted to resolve a site area anomaly.

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

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)

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

No adverse comments

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.
The applicant has made an application for self build relief.

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>

Crime Prevention

None received

Environment Agency

None received

Hampshire Highways

Due to the scale of the proposal, being 5 dwellings or less, and that there is no new or altered vehicular access on the public highway, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application.

HBC Environmental Services

None received

Natural England

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

Your appropriate assessment dated 20 November 2023, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the 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.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution 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.

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. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

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/mitigation-schemes-available-to-developers/>

Portsmouth Water Company

no concerns regarding impacts to groundwater quality. 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: 5

Number of site notices: 2

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
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Compliance with Habitats Regulations
- (vi) 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 at March 2023, indicates the Borough's housing land supply position as 1.81 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 significant adverse impacts that would outweigh the benefits. It is accepted that the proposal for one additional dwelling, within the main urban area of Havant, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

- 7.3 Whilst the planning history and refusal in 1999 for a similar attached dwelling is noted, circumstances are now different with different policies applicable. Back in 1999 the site was relatively open (note the fence was erected in 2007) and the design of the then dwelling included a large front gable and side attached garage and parking space, resulting in a more dominant and prominent development across more of the site. The current application must be considered on its merits having regard to current circumstances on site and policies, which support the proposal in principle.

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

- 7.4 The proposed design would exactly match the roof profile, ridge and eaves line and provide a new dwelling of appropriate scale and proportion to match the host terrace. Brick and tiles would match, and window proportions and layout would mirror the host terrace and be white UPVC to match. The ground floor footprint includes a ginnel access to the rear of both the host dwelling and proposed (enabling bin access) which is a feature of the properties in the area. A small single storey part front and part side addition is also shown, with pitched roof, providing an entrance porch and side opening doors to the side garden area. This would project forward 1.4m and to the side by 2.8m.
- 7.5 Extant planning permission APP/23/00273 for the attached dwelling at 12 Dibden Close must be taken into account and the relationship between that approved dwelling and this must be considered. The side elevation of the proposed dwelling would still be set back slightly from the front facade of the approved dwelling at 12 Dibden and as such respect the rectilinear layout of the area. Obviously some spaciousness would be lost with the infilling of the existing corner gap area with 2 dwellings, but nevertheless due to the steep taper the separation at first floor level, as seen in street scene terms, between the 2 dwellings would be between 4m and 11m. The building line and front set back of each property, with resultant sense of space on the corner, would largely be respected - the single storey element of the proposed dwelling would project forward by 1.4m, but behind the existing fence would not be overly visible or dominant - and porch and front extensions are prevalent in the wider area.
- 7.6 As such it is considered that the proposed dwelling, in addition to that approved at 12 Dibden Close, would sit comfortably in street scene terms and not be overly prominent when viewed from the public highway adjacent. Overall, the design and appearance of the proposed dwelling would match with the strong uniformity of design and character of the area and would be spatially and visually appropriate to the street scene.
- 7.7 In terms of plot size, the retained dwelling would have a maximum garden length of 14m (noting the existing shed at its peak such that open grassed area would be 9m). This is considered adequate amenity space available for the retained dwelling that would meet the minimum standards and be compatible with others in the vicinity.
- 7.8 The proposed dwelling would have a rear garden having a maximum length of 9m, tapering to just 1m. This alone would be considered substandard to serve a 3 bedroom family dwelling, but the site benefits from being a triangular corner plot and there is another large area of private garden space available in the south west corner which is already enclosed by fencing and is itself 10m long. Overall the two sections of garden would provide sufficient usable private amenity space for future occupiers and be compatible with others in the vicinity.

7.9 Notably when determining APP/23/00273 at 12 Dibden Close a side extension enlarging the ground floor footprint was negotiated out and Class A permitted development rights removed. This was because in that case the rear garden alone was of insufficient size and the side garden considered essential to contribute to adequate usable on site amenity space for future occupiers. Additionally at 12 Dibden the frontage area is open behind a low hedge and in part required for on site parking, and would not have provided private usable amenity space. In contrast, due to the fencing at 17 Hordle Road, the entire site provides usable private amenity space and there would be adequate, even with the single storey addition and larger footprint proposed. In this case it is not considered necessary to remove Class A permitted development rights as the site can provide sufficient amenity space for future occupiers.

7.10 Overall the design and appearance of the proposal is deemed appropriate in context to the host terrace and streetscene 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

7.11 The proposed dwelling would inevitably come closer to the side of 12 Dibden Close, either as existing or as approved, but there would still be a minimum separation of 4m between dwellings, rapidly increasing due to the right angled siting. The side of 12 Dibden Close has three small side windows in its gable end, none of which are main habitable windows. The approved plans similarly have 3 small non habitable windows, and the first floor ones are conditioned to be obscure glazed. Therefore overlooking towards the current application site would be minimal.

7.12 In the other direction, any ground floor proximity of habitable windows would be screened by the existing boundary fence, and at first floor level the bathroom window in the rear elevation would be closest to the shared boundary and can be obscure glazed. Any views from the first floor rear bedroom window in such an established residential areas is normal. The side elevation of the proposed dwelling only has a window above the stairs and this would look over the junction of Hordle Road with Dibden Close and not any private amenity area. Overall it is considered that whilst there might be an increased perception of being overlooked by the occupiers of 12 Dibden Close, in reality the actual additional harm to amenity would be minimal.

7.13 Due to the orientation of the new dwelling south of 12 Dibden Close, then there would be some overshadowing towards the approved dwelling at 12 Dibden Close. However the side section of garden would largely still get afternoon and evening sun.

7.14 As discussed at paras 7.8 and 7.9 above it is considered that the site can provide adequate amenity space for future occupiers. Overall, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable 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

- 7.15 The existing block paved hard surface for parking of 4 cars would be subdivided into 2 spaces for the existing dwelling and 2 for the proposed, and would be slightly extended to the new front porch. In addition secure cycle storage is to be provided in the front garden adjacent the porch. The alterations would not affect the telegraph pole sitting outside. As a result the change to the frontage of the site would be minimal and sufficient on site parking for each 3 bedroom dwelling would be provided in accordance with the Parking SPD and policy DM13.

(v) Compliance with Habitats Regulations

- 7.16 The proposal would result in the net gain of one, three 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 3 bedroom dwelling.
- 7.17 Using Natural England's updated Methodology in March 2022, 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.
- 7.18 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £898.70 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 £3,158.00 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.
- 7.19 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.

(vi) CIL

- 7.20 The development is CIL liable for the net additional internal floor space, which amounts to 92.5sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has increased accordingly.
- 7.21 The levy to be charged for this development would be £80 + indexation per square metre on new floor space. The net gain in floor space amounts to 92.5 sqm which results in a Liability of £12,586.61, but a self-build exemption has been claimed. The Draft Liability Notice has been sent to the agent.

8 Conclusion

- 8.1 Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged which gives a presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits. There has been no identified harm arising from this development and therefore the tilted balance benefit of 1 additional residential unit towards the Borough's housing need prevails.
- 8.2 The proposal meets the Habitats Regulations with recreational and water quality impacts adequately mitigated against. Overall the proposal is therefore considered acceptable and recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00777 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:

Design & Access Statement by CAD dated November 2023 V2
Occupancy and Nitrates Budget V2
Location and Block Plan - Drawing Number 101 Rev A
Proposed Site Plan - Drawing Number 103 Rev B
Proposed Elevations - Drawing Number 501 Rev A
Proposed Floor Plans and Section - Drawing Number 401 Rev A

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 2015, prior to first occupation of the dwelling hereby permitted the first floor bathroom window in the north elevation, shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of the adjacent dwelling and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The car parking, cycle storage, 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 occupied and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to the Parking SPD 2016, policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6

1. 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.

- 7 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.