
Site Address:	12 Dibden Close, Havant, PO9 4BB		
Proposal:	Erection of 1No three bedroom dwelling.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00273	Expiry Date:	26/07/2023
Applicant:	Mr Phelps		
Agent:	Mr Potter	Case Officer:	Tina Pickup
	James Potter Associates 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 in a small Close/cul-de-sac with 3 rows of terraced properties arranged in a rectilinear layout. The central area of the Close provides parking bays for the dwellings, and there are 9 un-allocated spaces within this area. The character of the area has a strong uniformity with properties all having a consistent scale and design. All are constructed of red brick beneath a dark tiled concrete roof.
- 1.2 Number 12 is the southern most dwelling located on the east side of the Close and as such is a corner plot with large triangular curtilage. The rear garden therefore narrows and backs onto a flat roofed garage block, with the rear of the garage forming part of the rear boundary. Otherwise the rear is enclosed with close boarding fencing. There is currently an original brick outbuilding aligned with the side of the dwelling and up to the shared boundary with Number 17 Hordle Road. The curtilage enlarges towards the front of the site such that there is currently a large grassed front garden that is enclosed with a hedge. The hedge, together with a tree within the highway verge at the junction with Hordle Road, helps to provide a verdant setting to the site.
- 1.3 Notably, the site has recently enlarged the gap within this frontage hedge and had the kerb dropped to provide a private access and driveway off Dibden Close. These works would have been permitted development but the formation of the dropped kerb effectively negates the use of 2 of the street parking spaces as this area is now needed for access to the drive.
- 1.4 The planning history is relevant in this instance as a similar proposal for an end of terrace dwelling was refused under APP/19/00729 on 21/04/2020 for highways and parking reasons: the then proposed parking arrangements would have resulted in no net gain in number of parking spaces available, increasing competition for limited spaces causing a loss of amenity.

2 Planning History

APP/19/00729 - Erection of 3 bed end of terrace dwelling., REFUSED 21/04/2020

3 Proposal

- 3.1 Erection of 1 No three bedroom dwelling.
- 3.2 The proposal is to add a dwelling to the end of the existing terrace. During the course of determining this application the plans have been amended, omitting the originally proposed single storey side element, adding a ginnel link between the host dwelling and proposed dwelling, adding a gable end, and clarifying boundary treatments, refuse points, use of permeable paving etc.

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

This work will require Building Regulation consent

- 1) Ground floor WC as required by Approved Document M may not comply due to location of door (See AD M for guidance)
- 2) Location of notional boundary to be confirmed if less than 1 m WC window might be too large (AD B Unprotected area issue)
- 3) Ventilation to existing Ground Floor WC (no. 12) will need to be considered due to window being sealed up (See AD F for guidance)
- 4) Height of window on first floor landing could affect stairs regarding protection from falling (see AD K for guidance)

Councillor Pamela Crellin - Barncroft

Concern raised over initial submission; in light of previous refusal proposal discussed with particular reference to parking. Following receipt of amended plans acknowledge that layout meets technical standards.

Councillor Yvonne Weeks - Barncroft

Concern raised over initial submission; in light of previous refusal proposal discussed with particular reference to parking. Following receipt of amended plans acknowledge that layout meets technical standards.

Crime Prevention

None received

Hampshire Highways

No objection to the proposals from a highways perspective, subject to the condition outlined below being applied.

ACCESS:

Access into the properties (existing and proposed) will be via the recently implemented drop kerb / vehicle crossover off of Dibden Close, which resulted in the removal of two on-street parking bays.

PARKING:

Whilst the introduction of the drop kerb / vehicle crossover resulted in the loss of 2 on road parking spaces, bringing the formal on-road shared provision within Dibden Close down to 13 spaces from 15, it is noted that of the existing 12 dwellings within Dibden Close, that would require 24 parking spaces in total (assuming 2 spaces per 3-bed dwelling), at least 6 dwellings have an element of private off-road parking. As such, the reliance upon the on-road parking is reduced.

Additionally, the proposals will essentially replace the two lost parking spaces with 2 on-site parking spaces for the existing dwelling, plus an additional 2 on-site spaces for the proposed dwelling. Given this, it is not foreseen that a highway issue would result from the proposals.

ON-SITE LAYOUT:

The on-site layout is acceptable, with 2 adequately sized parking spaces provided for each dwelling (existing and proposed). Additionally, there is a 6.0m aisle width which will allow for easy on-site turning and a forward gear access and egress.

CONDITIONS:**PARKING PROVISION**

Before occupation of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason - To ensure adequate on-site car parking provision for the approved development

Natural England Government Team**NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

Your appropriate assessment dated 12 July 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

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

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/>

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: 9

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
As with the previous application I feel my garden will be more overlooked and the site will need a shed removed which will cause cost to myself as the fence runs along it.	See section 7 Making good the boundary line after demolishing the shed could 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) 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.

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

- 7.3 The amended design would 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 would be the same scale, but aluminium framed. Being sited within a spacious rectilinear close, the proposed dwelling would be set back behind the rear facade of number 17 Hordle Road, and retain a sense of spaciousness about it. It would not be overly prominent when viewed from either Dibden Close or the main Hordle Road. 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.
- 7.4 In terms of plot size, the retained dwelling would have a maximum garden length of almost 11m, with slight taper. Overall it is considered that the amenity space available for the retained dwelling would meet the minimum standards and be compatible with others in the vicinity.
- 7.5 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 area of garden space available to the south. This would be enclosed by 1.8m high fencing making it private and usable, and it would be connected to the rear garden. Overall it is considered that the two sections of garden would provide sufficient usable private amenity space for future occupiers. It is noted that as originally submitted a single storey side extension was proposed for this side area which would have negated the availability of this additional garden space. Amended plans were submitted removing this side extension, making the proposal acceptable, but it is considered necessary to remove permitted development rights to ensure the future retention of adequate amenity space.
- 7.6 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

- 7.7 The proposed dwelling would inevitably come closer to the side of 17 Hordle Road, but there would still be a minimum separation of 7m from corner of dwelling to corner of dwelling, rapidly increasing due to the right angled siting. This separation and fact that the orientation of the new dwelling would be north-west of number 17 Hordle Road, is such that there would be limited overshadowing or overbearing effect on 17 Hordle Road.
- 7.8 The proposed side elevation would include 2 small first floor windows, one serving a bathroom and one the landing. Whilst these may create a perception of being overlooked, if conditioned to be obscure glazed and non-opening where below 1.7m finished floor level, then any actual overlooking would be minimised. The additional first floor windows in the rear elevation include one obscure glazed bathroom and one bedroom window. The siting of these windows would have a more direct effect on both 17 Hordle Road, as well as the host dwelling, 12 Dibden, but the one closest to 17 Hordle Road would be the bathroom obscure glazed window and the cross views from first floor bedroom windows in such established residential areas is normal. Overall it is considered that there would be an increased perception of being overlooked by the neighbours at 17 Hordle Road and 12 Dibden, but in reality the actual additional harm to amenity would be minimal.
- 7.9 Third party comment has alerted to the issue of the boundary treatment - once the existing original brick outbuilding/shed is demolished which sits on the boundary line, this would potentially expose a short section of the boundary. Since this would be as a direct result of the development, then it is reasonable to expect this to be replaced with fencing to match, by the applicant/developer, regardless of who is responsible for this boundary - and this can be conditioned.
- 7.10 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

- 7.11 The previous application on the site, APP/19/00729, was refused for highways reasons: the then proposed layout only provided 2 on site parking spaces, yet resulted in the loss of 2 unallocated on-street parking spaces in the Close, through the provision of the dropped kerb. In effect a new dwelling was proposed with no net gain in parking spaces, which was considered to result in increased competition for the limited parking available in the area, to the detriment of highway amenity.

- 7.12 Since that decision in April 2020 a dropped kerb has been provided to number 12 Dibden Close i.e. the site, with hard core laid on part of the frontage, under permitted development rights. This has already resulted in the loss of 2 of the unallocated on-street parking spaces, as they can no longer be used as they are needed to provide access to the dropped kerb and number 12. However, the current layout provides for 4 on site parking spaces via the same dropped kerb: 2 for the proposed dwelling and 2 for the retained dwelling. Therefore, taking into account the loss of the 2 unallocated on-street spaces, there is realistically a net gain in 2 spaces provided, which would serve the new development. Since this meets the adopted Parking SPD as adequate parking to serve a 3 bedroom dwelling, then technically the proposed layout complies with both the Parking SPD and policy DM13.
- 7.13 It is however noted that the marginal difference in highway amenity terms is the fact that the previously available un-allocated on-street spaces would have been available to anyone locally, whereas 2 of those spaces have been lost and the 4 provided are on private land, for occupiers only. However it is also noted that the occupiers of 12 Dibden Close would no longer be competing for those un-allocated spaces, in theory maintaining the status quo of number of spaces available relative to number of houses, for other residents. It is further noted that when APP/19/00729 was considered, there were several objections received to the parking issue, whereas no comments have been received about parking for this proposal.
- 7.14 Overall it is considered that this revised scheme providing 4 on-site parking spaces sharing a single dropped kerb is an acceptable solution to overcome the previous reason for refusal. The 4 spaces are of adequate size with 6m aisle width for maneuvering; and they would be laid out with permeable block paving. There is an existing frontage hedge that would visually screen the spaces and due to the triangular shape of plot it would not be necessary to lose the entire grassed frontage - the south-western corner could remain grass. Overall the provision of these 4 spaces would not be visually harmful in street scene terms and they would function appropriately. As such there is no highway objection to the proposed layout which is considered to comply with the adopted SPD and policies CS16 and DM13.

(v) Compliance with Habitats Regulations

- 7.15 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.
- 7.16 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.

- 7.17 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £898.70 to address the potential recreational harm from the new development. Therefore it is considered that this 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.
- 7.18 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

- 7.19 The development is CIL liable for the net additional internal floor space, which amounts to 64.4sqm. 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.
- 7.20 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 64 sqm which results in a Liability of £7,705.00. 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.
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9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00273 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:

Location and Block Plan - Drawing Number 22091-PL-101 Rev A
Proposed Elevations - Drawing Number 22091-PL-105 Rev A
Existing and Proposed Ground Floor Plans - Drawing Number 22091-PL-102 - on Council's website dated 5 July 2023
Existing and Proposed First Floor Plans - Drawing Number 22091-PL-103 - on Council's website dated 5 July 2023
Habitats Regulations Assessment; Screening and Appropriate Assessment Nitrogen Budget On Council's website dated 23 June 2023

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

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

- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Schedule 2, Part 1, Class A of the 2015 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To ensure availability of sufficient amenity space for future occupiers, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 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 windows in the south elevation, and the first floor bathroom window in the east 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.

- 6 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 occupied and shall be retained thereafter for their intended purpose.

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

- 7 Within 5 working days of the demolition of the outbuilding/shed on site, the resultant gap in the south-eastern boundary shall be made good with fencing to match the existing boundary line. Other boundaries shall be provided as shown on the hereby approved block plan, Drawing Number 22091-PL-101 Rev A, prior to first occupation of the hereby approved dwelling. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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.