
Site Address:	Land adjacent to 41 Sinah Lane, Hayling Island, PO11 0HJ		
Proposal:	Erection of 1No. detached dwelling.		
Application Type:	Full Planning Permission		
Application No:	APP/22/01134	Expiry Date:	06/02/2023
Applicant:	Mr & Mrs Chandler & Jones		
Agent:	Mr J Porter	Case Officer:	Selina Donophy
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

This application site relates to a two storey , semi-detached dwellinghouse located on the east side of Sinah Lane, Hayling Island . The site is a corner plot which has a garden which runs alongside the property and down towards the rear and fronts both Sinah Lane and Park Road. The property is L shaped and has elevations formed from white render . Part of the site is within a future flood zone however this does not include the section of the site proposed for the new dwelling.

The application site is located to the rear of the site and would front Park Road - it is irregular in shape with dimensions of approximately 14.5 metres depth and between 15 and 20 metres width .

2 Planning History

None relevant

3 Proposal

Erection of 1No. detached dwelling.

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)
CS14 (Efficient Use of Resources)
CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS19 (Effective Provision of Infrastructure)
CS20 (Transport and Access Strategy)
CS21 (Developer Requirements)
CS8 (Community Safety)
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)
DM18 (Protecting New Development from Pollution)
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 comment received

Community Infrastructure, Planning Policy & Urban Design

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>

Councillor Brenda Linger - Hayling West

No comment received

Councillor Clare Satchwell - Hayling West

No comment received

Councillor Julie Richardson

No comment received

Crime Prevention -Minor Apps

No comment received

Hampshire Highways

I refer to the consultation on the above planning application and would make the following comments.

As the application is for a single dwelling, and there is no required change of vehicle access onto the highway, HCC's Highway Standing Advice should be referred to in the first instance. This can be viewed via the following link under the heading Consultation with the Highway Authority -

<https://www.hants.gov.uk/transport/developers/consultation>

However, in regard to the application, the following comment is made: As Local Parking Authority the case officer should ensure that adequate parking is available for both the existing and proposed dwelling to ensure no resultant on-street parking to the detriment of highway safety.

Should further highway support be required please consult further with the Highway

Authority.

Norse South East, Operations Director

No comment received

Nutrient Team

Capacity confirmed

Waste Services Manager

No comment received

Natural England

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. 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 22 December 2022, 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.

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: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
I am not making a complete objection to the build, rather an objection based	Comments noted - the rear window has now been removed from the proposal and

on the current design and its impact on my privacy.

The proposed design is located very close to the southern boundary of the plot which is right on my border. Within the design, as specified within the proposed elevations, the rear elevation will have 2 windows on the ground floor level. The Supporting Statement states that these windows will have a minimum floor to sill height of 1950mm.

The current dividing fence between the 2 properties is 1900mm, this means that these windows, which are right against my boundary, will be above the fence line and will therefore directly overlook my rear garden, almost becoming a part of the boundary. It is noted that the windows will be high to reduce overlooking and will be made of obscured glass. Due to the very close proximity of the proposed build to the boundary this does not mitigate the impact of these windows on my rear garden. It should be noted that this part of the garden captures the most sun and is therefore the main social area with a decked area for sunbathing, cooking, and social enjoyment. The current design significantly impacts the privacy enjoyed and will severely impact our ability to enjoy the rear garden.

As stated above I am not objecting to the build, rather the impact of these rear facing windows. I would not object if any of the following mitigations were implemented:

1. The building be moved forward in the plot to ensure a gap of 3 metres from the boundary.
2. A brick wall be erected as part of the build between the 2 properties, this wall should be built and maintained by the new plot. This wall should be at least 1 brick higher than the maximum height of the window; this will ensure that privacy is maintained.

the roof has been altered . Please see 'Impact on neighbour amenity' section.

3. The proposed building be redesigned to remove the rear facing windows.	
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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) Impact upon future occupiers
- (v) Parking and highways
- (vi) Developer Contributions

(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 November 2021, indicates the Borough's housing land supply position as 3.9 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 proposed dwelling would be sited in the south east corner of the site in what is currently the rear garden of no 41. The main rear garden would be separated to form the application site with access off Park Road to the north. The proposed dwelling would have two bedrooms and would be generally rectangular in shape with the landing area stepped back behind the front elevation by approximately 1.8 metres . The dwelling would have a flat roof with a total height of approximately 5.5 metres , it would be 10 metres in width and 6.6 metres in depth .The rear corner of the roof would be hipped inwards away from the rear boundary. There would be 12 photovoltaic panels located on the roof.

7.4 The internal layout would include the entrance to the western elevation leading into a hallway section which would be a double height space served by light from a rooflight above and from there, stairs to the first floor, the entrance to a bathroom and the entrance to the downstairs open plan living area which would be served by one window to the west elevation adjacent to the kitchen area and glazing to the entire ground floor north elevation. At first floor level there would be two bedrooms located towards the front and these would be served by two windows per bedroom. These would both be served by ensuite bathrooms with rooflights in the roof above. A landing would lead across the rear of the property.

7.5 The proposed garden would be located to the front (north) of the dwellinghouse and would have dimensions of approximately 14.5 metres width (not including the parking spaces) and approximately 7 metres of garden area separating the dwelling from the

front boundary which would extend further in depth down the side of the dwelling where the bin and cycle stores would be located. This would exceed the minimum garden size of 10 metres as specified in the Havant Borough Design Guide. The bin store and cycle store would also be provided for within the site.

- 7.6 The surrounding character of the area is mixed in terms of property heights and styles, comprising both bungalows and two storey dwellings, with a mixed material palette of generally brickwork, render and cladding and are generally traditional in design. The new dwelling as proposed is contemporary in design and does contrast in various aspects to the more traditional styles, with the flat roof and use of materials. Whilst the contrast is noted, the proposed dwelling would offer some level of interest within the streetscene. It would be set back from the road, following the pattern of development of surrounding properties and the height would be set down - both of which would make the dwelling appear more subtle within the streetscene. Proposed materials include slate tile, metal cladding and render to the elevations - specific samples are to be provided via condition. Most of the front elevation facing Park Road would be in render which is widely used in the surrounding area, the metal cladding proposed would feature to the front also, however more so to the side elevation. The mix of materials is considered to add interest to the appearance of the property in this instance. The glazing at ground floor level would mostly be screened from the road.
- 7.7 The design and appearance of the proposal is deemed appropriate in context to the area and would not have an adverse impact on the visual amenity of the locality and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Impact upon residential amenity

- 7.8 To the east of the application site is no 57 Park Road. The side elevation of this property faces back towards the application site and it is separated from the shared boundary by approximately 4.5 metres. At no 57 there is a sitting room window and a porch window at ground floor level on this side elevation. The sitting room towards the front is also served by a front elevation window and there would be a reasonable degree of separation distance between the dwellings and therefore the proposal is not deemed to result in overbearing or overshadowing impact on no 57. A new kitchen window is proposed to the side elevation however this would be sited at ground floor level, would be separated from no 57 and is not deemed to allow for harmful views back towards private amenity spaces at no 57.
- 7.9 To the rear (south) of the site is no 43 Sinah Lane which is the attached property. The rear garden of no 43 runs alongside the rear of the proposal site. The dwelling would be located away from no 43 and is not considered to have any impact upon the internal living spaces at no 43 due to this separation distance. The new dwelling would, however run for approximately 10 metres alongside the side boundary of no 43 with a small separation distance of only approximately 0.8 metres. The rear elevation would have a hipped in roof which would soften the impact on no 57 in terms of mass and bulk of the building line and therefore the rear elevation wall would come to 4.1 metres which would rise above the fence line by approximately 2 metres. Whilst the addition of the new dwelling within such close proximity of the shared boundary is considered to be evidently a very visible feature from no 43, it would also be located to the north, with the garden receiving sunlight from the other side. Considering all aspects of the proposal, on balance the dwelling is considered to have an acceptable impact on the rear garden of no 43. It is of note that the previous high level window has since been removed from the proposal.

7.10 On the opposite side of the road is no 18A Park Road. There would be over 20 metres separation distance between these properties which would both have windows at two storey height - this meets the minimum separation distance as specified in the Havant Borough Design Guide and therefore this would mitigate against any overlooking impact.

7.11 Consequently, it is considered that the proposal will not appear overbearing or lead to unacceptable overlooking 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) Impact upon future occupiers .

7.12 The dwelling is located within a constrained site with residential dwellings surrounding it on all sides and the road to the north. The property has therefore been designed with most of the windows facing north and therefore the rooms would not be particularly well lit . It is , however noted that the ground floor has been designed to have full glazing to make the most of the light, with the living space open plan as there would only be the kitchen window set back towards the rear of the room which would be sited close to the side boundary treatment. At first floor level the bedrooms would have two windows each and the ensuite bathrooms would have roof lights and therefore there is considered to be adequate light to the rooms.

7.13 The front boundary treatment would consist of a wall and therefore the garden is considered to be a private area to be enjoyed by future occupiers, meeting the minimum garden size as specified in the Havant Borough Design Guide. It is noted that the site is surrounded by residential dwellings however no 57 Park Road to the east does not have any size elevation windows facing directly towards the site at first floor level. No 41 Sinah Lane has a first floor bedroom window located on the rear elevation closest to the proposal site . Whilst this is located within close proximity , the view is considered not to be direct enough to result in harmful overlooking down towards the garden area - the majority of the windows are also on the north elevation which would also be located away from this window.

Parking and Highways .

7.14 The proposal comprises two on site parking spaces which would be accessed via the existing entrance and dropped kerb located along Park Road. This would meet the Parking requirements as stipulated in the Havant Borough Design Guide.

Developer Contributions .

7.15 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.

- 7.16 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 £591.15 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, May 2022, 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 £2760 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.
- 7.19 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This 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 levy is charged at £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Hayling Island .
- 7.20 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable, and the appropriate forms have been submitted. The proposed total gross floor area would be 99 sqm. which would generate a total CIL liability of £14738.84 . The applicant has not claimed relief, assuming liability.

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 Planning be authorised to **GRANT PERMISSION** for application APP/22/01134 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:

1026-PRA-NB-00-DR-A-1111-B	AMENDED - PROPOSED SITE PLAN
1026-PRA-NB-00-DR-A-1130-B	AMENDED - PROPOSED GROUND FLOOR PLAN
1026-PRA-NB-01-DR-A-1131-B	AMENDED - PROPOSED FIRST FLOOR PLAN
1026-PRA-NB-RF-DR-A-1132-B	AMENDED - PROPOSED ROOF PLAN
1026-PRA-NB-XX-DR-A-1210-B	AMENDED - PROPOSED ELEVATIONS

Reason: - To ensure provision of a satisfactory development.
- 3 The car and cycle parking spaces for the dwelling hereby permitted, shown on the approved plans, shall be kept clear and available for the parking of vehicles and bicycles prior to the development being first brought into use and shall be retained thereafter for their intended purpose.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, roof addition, additional windows, outbuildings or building alteration permitted by Schedule 2, Part 1 Classes A, B, C, D or E of the 2015 Order, as amended, shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
Reason: To retain adequate outdoor amenity space for future occupiers, prevent over-development and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 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.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 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.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations.

- 7 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the extension 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 No above ground construction work shall take place until details of levels and datum points have been submitted to and approved in writing by the Local Planning Authority

Reason: To safeguard the amenities of the locality, and against risk of flooding and having due regard to policies CS11, CS15 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Prior to occupation details of boundary treatments for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority.

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