
Site Address:	23 Padnell Road, Waterloo, PO8 8DZ		
Proposal:	Following demolition of the existing garage and summer house construction of 1No. detached 3 bedroom bungalow with associated soft and hard landscaping and parking.		
Application No:	APP/20/01026	Expiry Date:	06/01/2021
Applicant:	Mr Link		
Agent:	Mr C Flint	Case Officer:	Jane Burton
	Chris Flint Associates Ltd		
Ward:	Cowplain		

Recommendation: **REFUSE PERMISSION**

1 Site Description

No.23 Padnell Road consists of a detached, brick and tile chalet style bungalow which has been subject of previous extensions, and is located on the north side of Padnell Road. The dwelling has a long rear garden (approximately 40m in depth) which rises in level to the rear. There is an area of hardstanding to the front to provide onsite parking and a driveway/set back garage to the side. A 'summerhouse' structure has been attached to the garage building. Photographs submitted by the applicant and the site section plan show that the garden has been terraced into several levels to provide flatter areas, and there is a 1.8m fence to the garden boundaries.

The surrounding area is residential with nearby properties on Padnell Road consisting of a mix of chalet style, two-storey and single storey dwellings most of which are set in good sized plots with quite large rear gardens.

The adjoining sites to the east (no.25 Padnell Road) and to the west (no.21 Padnell Road) are two storey properties, and the site shares a rear boundary with bungalows no 21 Crestland Close (which is extended by a rear roof dormer) and no.19 Crestland Close to the north.

The site has been subject of two previous planning refusals for a new dwelling to the rear of the existing house under planning refs. APP/10/00293 and APP/11/00309. Application APP/11/00309 was taken to appeal and dismissed.

2 Planning History

APP/12/00482 - Single detached garage to rear (PERMITTED)

APP/11/00309 – Construction of 1.no 3 bed bungalow (revised application) (REFUSED 23.05.2011) (DISMISSED AT APPEAL) Refused for 2 reasons; noise and disturbance impact of parking/turning areas, harm to character of the area and street scene

Inspectors comments in appeal decision report:

In respect of the impact on character of the area:

'There is a range of residential types and styles in Padnell Road but I saw no backland development with the same characteristics as the proposal before me. Most nearby

dwellings sit within relatively large plots with quite large back gardens. The proposed dwelling would sit to the back of no.23, with the access being immediately adjacent to the side elevation of the host property. Views of the access, turning area and parts of the dwelling itself would be seen from the road and the dwelling would be seen from neighbouring properties and gardens. The proposal would constitute an intensification of development which would appear incongruous and out of character with the overall appearance of the street. PPG3: Housing advises that design which is inappropriate in its context should not be accepted and that development should be well integrated with and complement the local area. The proposal would not achieve these objectives'

In respect of the impact on neighbour amenity:

'The proposed access would run between the boundary with no.21 [Padnell Road] and the side elevation of the host dwelling and very close to the boundary with the back garden of no.25 [Padnell Road] The turning area would be adjacent to the back garden of no.21 [Padnell Road] . The access, turning and parking areas would introduce a new level of activity into what is currently a relatively quiet back garden area and the introduction of noise from these activities, albeit only from a single dwelling, would be to the detriment of the living conditions of neighbours. The appellant refers to other garages in Padnell Road that are set back but they are not, in general, set as far back into the plot as would be the case here and they do not incorporate turning areas. The circumstances are not therefore identical... HBCS policy CS16 requires the protection of the amenity of neighbours and this proposal would not meet that requirement, in terms of noise generation. I conclude that the proposal would cause significant harm to the living conditions of neighbours'

APP/10/00293 - Construction of 1No. 3 bed bungalow with new access onto Padnell Road (REFUSED 06.09.2010) Refused for 4 reasons; noise and disturbance impact of parking/turning areas, visual amenity impact on no.25 Padnell Road, harm to character of the area and street scene, lack of information/demonstration that the development would not cause risk to highway safety, no appropriate contribution to HCC transport policy.

04/60118/000 - Raising the roof, build up gable end to provide living accommodation in roof space, dormer windows to front and rear elevations (PERMITTED).

3 Proposal

The proposal consists of the demolition of the existing garage and summerhouse and erection of a 3-bedroomed dwelling in the rear garden, accessed via the existing driveway at the site. The building would be hipped roofed and single storey in height (to a max height of approximately 4.7m), to a width of approximately 13.3m, and would have a front and a rear projecting element lower in height (to a max height of approximately 3.8m and 4.2m respectively). The building would have its main front elevation facing south and a parking/turning area to the front.

The submitted site sections show that due to the gradient of the site the building would sit approximately 0.6m higher than the ground level at the rear of the existing house, and approximately 1m higher than the ground level at the front of the existing house. The proposed building would be set down from the ground level at the rear of the site by approximately 0.8m and the layout plan shows a pathway around the house and patio area to the rear, and a lawned area to the rear of this (approximately 4m in depth).

The amenity space of the existing 'host' dwelling would be divided off by a boundary fence and the two existing parking spaces to the front would continue to serve this dwelling.

The proposal differs from the layout of previously refused schemes APP/11/00309 and APP/10/00293 in that under APP/11/00309 the proposed dwelling had its main axis running north-south, extending further forward, but not beyond the west facing (side) elevation of the existing house. The proposed building was set further from the side boundaries compared to the current scheme. The parking area was approximately 3m further forward and closer to the side boundary with no.25 Padnell road than the current scheme. Under APP/11/00309 the dwelling was of lesser footprint and had a larger garden area than under the current scheme. The proposal differs from APP/10/00293 in that under APP/10/00293 the proposed building was L-shaped and part of the building was further forward and closer to the boundaries than the current scheme.

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)
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)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
E20	(Drainage infrastructure in new development)
IN1	(Effective provision of infrastructure)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
E14	(The Local Ecological Network)
IN3	(Transport and parking in new development)
EX1	(EX1 Water Quality impact on the Solent European Sites)

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No adverse comments

Community Infrastructure, Planning Policy & Urban Design

The proposals is CIL Liable:

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

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 net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

(b) Issue the Nutrient Neutrality Unilateral Undertaking. See

<https://www.havant.gov.uk/nitrogen-developers>

Councillor A Briggs - Cowplain

No comments were received.

Councillor D Keast - Cowplain

Requested that the application be referred to committee if the officer recommendation is approve.

Objection:

This application is not dissimilar from that submitted and refused in 2011. At that time the application went to appeal which was dismissed.

This new application is similar in size to the previous one, if not a little bigger. In addition to the two previous reasons for refusal, I find that the lack of amenity space about the house is unacceptable and I believe that the application is an over development of the site.

Councillor Narinder Bains - Cowplain

No comments were received.

Crime Prevention -Minor Apps

No comments were received.

Environment Agency

No comments were received.

Hampshire Highways

No objection

The existing access onto Padnell Road will not be amended as part of the proposals. The access is considered suitable for catering for the additional traffic movements associated with the bungalow.

Having reviewed the documentation submitted in support of the above planning application Highways Development Planning is satisfied that the proposal would have no detrimental impact on highway safety or operation.

Natural England Government Team

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats

Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment 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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Nutrient Neutrality – no objection subject to mitigation

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget. Please note the calculation is based on all wastewater from the development being treated at Budds Farm. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the

mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Portsmouth Water Company

No adverse comments, and it is deemed there is a low risk to groundwater quality. The site although located in Source Protection Zone 1c for an essential public water supply source, the underlying impermeable geology (London Clay) offers a depth of protection of the chalk aquifer. The depth to the water table in this area is estimated to be around 40-50mbgl (metres below ground level).

The small nature of this development means that there will be no depth excavation works and therefore minimal risk to groundwater quality from the construction of the development. In addition, foul water drainage for surface water will be directed to main sewers.

Requested further information in respect of whether an existing or new soakaway would be used for surface water drainage, and whether this would be shallow or deep in nature.

Officer note: Further to the above the applicant confirmed that the proposal was a new shallow soakaway.

Portsmouth Water further requested that they would like to be informed of the maximum depth of the soakaway (once known) but that the risk to water quality is very minimal. Commented that it is likely the soakaway will terminate in the soil/ clay so there will be no soakaway drainage into the chalk. Therefore require no planning condition on this application.

HBC Planning Policy (Nutrient Team)

Confirmed that there is sufficient capacity within the Council's mitigation scheme for this application.

Waste Services Manager

No comments were 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: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

Summary of objections	Officer Comment
• Adverse impact on daylight, privacy, noise and outlook due to proximity the rear boundary.	See section 7.4 below
• Access, visibility and parking issues associated with an increase in vehicles and on road parking, exacerbating existing issues on Padnell Road.	See section 7.5 below
• Exacerbation of existing flooding problems into neighbouring properties due additional surface water run-off and local geology (London Clay)	See section 7.6 below
• Development out of character with the area.	See section 7.3 below
• Overlooking into adjacent properties	See section 7.4 below
• Noise and light disturbance to neighbours arising from vehicles using parking and turning area.	See section 7.4 below
• Precedent for similar back land development leading to widespread intensive development that is out of character.	Each case must be assessed on its own merits.
• Inadequate access for emergency vehicles	See section 7.10 below
• Considerable development is occurring in Waterloooville and there is no need to develop backland areas.	There is a presumption in favour of sustainable development and each case must be assessed on its own merits.

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
- (v) Highways and parking
- (vi) Drainage
- (vii) Compliance with Habitats Regulations
- (viii) CIL

(i) Principle of development

- 7.2 The site is situated within an urban area where further development is acceptable in principle subject to the usual development management criteria. The updated National Planning Policy Framework (NPPF) 2019 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. It is noted that the Council's Five Year Housing Land Supply update as of December 2020 indicates that the Council cannot currently demonstrate a five year housing land supply and the proposal would provide one additional residential unit, to which some weight must be given. However, the scheme must also be assessed against all the policies of the development plan. Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is a fundamental aim and paragraph 127 sets out that planning decisions should, amongst other requirements, ensure that developments function well and add to the overall quality of an area including in the long term, are visually attractive, are sympathetic to local character, and ensure a high standard of amenity for existing and future users.

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

- 7.3 The proposed building would be lower in height than the existing house on the site, although similar in footprint and three bedroomed - thus not particularly subordinate in these respects. There is a mix of styles of residential properties on this part of Padnell road, and the height of the development is single storey, and has a hipped roof, and due to its set back position it would not dominate the street frontage. However, most nearby properties sit within relatively large plots with quite large back gardens. This was noted in the previous Inspectors report, as well as there being no backland development of the type proposed under this application. This has not changed since the dismissed appeal, and the proposed dwelling would have a garden far shorter than is common in the area.

In their Design and Access Statement the applicant refers to a change to (or 'evolved') character since the dismissed appeal caused by large side extensions and garages changing the way that the area is viewed from Padnell Road, and it is noted that the application property itself has constructed a hipped roof garage to the side of the property since the appeal decision which extends back further into the site. However, it is not considered that the appearance of garages - usual in residential areas, has the same impact on character as sub-division of the plot, and views of a dwelling-house to the rear of the property; and the area is still considered to have a prevailing spacious character resulting from the relative large plots and long gardens. The nearby Church and retirement apartment building (Nightingale Lodge) also referred to in the submitted D&A Statement, were already constructed at the time of the 2011 decision and appeal, and are considered to have a differing context (i.e. adjacent to an existing church of larger scale and mass), and are not comparable to the proposed scheme.

The proposed building would be set on slightly higher ground compared to street level which would increase its visibility to an extent, and the proposed building would extend beyond the side elevation of the existing dwelling across much of the width of the site. Thus views of the access, fencing to the host dwelling amenity space, hardstanding and parts of the dwelling would be visible from Padnell Road between the buildings, as well as being seen from neighbouring properties and gardens. The proposal would

increase the hard landscaped and built-up appearance of the site, with limited areas of soft landscaping or opportunities for biodiversity enhancement identified.

Policy CS16 of the HBLP (CS) requires that new development draws inspiration from and respects local context, responds positively to local character, and uses the characteristics of the locality to inform the design, (including plot widths and depths) as well as promoting biodiversity wherever possible. The proposal would constitute an intensification of development that would appear incongruous and out of character with the street, resulting in harm to the character and appearance of the area and street scene. Thus, the proposal is contrary to the requirements of policy CS16 and it is recommended that planning permission is refused for this reason.

(iii) Impact upon residential amenity

- 7.4 Policy CS16 states that development should not cause unacceptable harm to the amenity of neighbours and the Council's SPD (para 5.27) highlights that 'tandem' backland developments will only be permitted provided that the amenities of the surrounding dwellings, together with the 'host' dwelling can be safeguarded.

The site access would run between the boundary with no.21 Padnell Road and the existing (host) property, the turning area would be adjacent to no.21 Padnell Road, and the parking area would be approximately 2.5m from the boundary with no.25 Padnell Road to the east. The proposed dwelling itself would be positioned between approximately 9m and 5.4m from the rear boundary of the site adjacent to no.21 Crestland Close and no.19 Crestland Close, and would be approximately 1.9m from each side boundary.

Given the set down into the site at the rear (shown on the site section drawing), the single storey height of the proposal, and gap to the boundary it is not considered that the proposal would result in unacceptable overshadowing, loss of privacy or overbearing into no.21 Crestland Close or no.19 Crestland Close to the rear, although there would be an impact on outlook. In addition, it is considered that the layout would be likely to intensify use near to the rear boundary compared to the existing situation. The front of the proposed dwelling would be approximately 14m from the rear of no.25 (given that no.25 is set back further in the plot than no.23) and approximately 1.9m from the side boundary. The proposed building would be on an higher ground level, and hence would have some increased impact/presence. However, whilst there would be an impact, - given the relationship between the buildings and single storey height of the proposed dwelling, it is not considered that the proposal would result in unacceptable overshadowing, loss of privacy, or overbearing to no.25 Padnell Road; or no.21 Padnell Road to an extent that would warrant the refusal of the application on these grounds. Further consideration of boundary treatment and appropriate height landscaping adjacent to the proposed car parking area and the boundary of no.25 Padnell Road would be given were the application being recommended for approval.

The layout would allow a sufficient separation between the rear of the host property and the front of the proposed dwelling at approximately 22m. The access parking/turning area would however be immediately adjacent to the house and amenity space of the host property with no buffer strip. In addition, the access road and turning area would be immediately adjacent to no.21 Padnell Road with no buffer strip, and the parking area within 2.5m of the boundary no.25 Padnell Road, the dwelling of which is set further back in the plot than the host property. Whilst the existing driveway and garage brings vehicles further into the site than may have been the case in 2011, this is currently a secondary parking area for the host dwelling

accessed by timber gates. The use as a primary access and parking area along with turning area for the proposed dwelling would intensify the use of this area, resulting in noise and disturbance to the host and neighbouring dwellings into areas that are currently relatively quiet back gardens. As such, the layout is still considered to result in harm to the living conditions of the host property and adjacent neighbouring properties contrary to policy CS16 and the guidance contained in the Council's SPD. As such it is recommended that planning permission is refused for this reason.

In terms of the living conditions for the proposed dwelling, the building would have a floorspace of approximately 120m² which meets the minimum space standards set out in the DCLG Nationally Described Space Standards for the size of property, and there is shown to be adequate light sources to habitable rooms. However, the outside amenity space is considered to be constrained for a three bedroomed dwelling which could be a family dwelling, - constrained by the set back in the site, the size of the footprint of the dwelling, impacting on depth, and changes to levels allowing only a relatively shallow rear lawned area. In addition the amenity space would have a north facing aspect resulting in shadowing to the areas close to the house. Overall, it is not considered that the proposal would ensure a sufficiently high quality amenity space for a family sized dwelling. The size of amenity space is not characteristic of properties in this area. As such the proposal is considered to be contrary to policy CS16 the advice contained in the NPPF, and it is recommended that planning permission is refused for this reason.

(iv) Highways and Parking

- 7.5 Several objections relate to problems of on-street parking and access onto Padnell road which is quite a busy road with a nearby school and on a bus route. However no objection was raised about the use of the existing access or additional traffic movements by HCC highways, and the proposed layout allows for 2 parking spaces per dwelling which accords with the Council's parking standards for the size of dwelling. A cycle store is also indicated. As such the proposal is considered to be acceptable having regard to policy DM13.

(v) Drainage and Flooding

- 7.6 Several objections refer to concerns about the exacerbation of existing flooding into gardens and drainage problems in the area. Whilst drainage is subject to regulation under building control, having discussed further with colleagues in HCC Civil Engineering and Landscape team, there are known drainage issues in this area. As such, a soakaway as currently proposed would not be acceptable in this location. If the application were to be for approval it would be recommended that a drainage condition would be attached, and potentially more information submitted prior to any positive determination. However as the application is recommended for refusal on other grounds further information is not pursued at this stage. The applicant has stated that permeable surfaces would be proposed around the development.

(vi) Compliance with Habitats Regulations

- 7.7 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 of one new residential unit.

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. The applicant has indicated a willingness to enter into legal agreements to secure the appropriate mitigation packages.

With respect to these mitigation packages the applicant was asked if they wished the Council to draw up the appropriate agreement and Deeds given that recommendation was to be the refusal of the application for other reasons. The applicant was made aware that if the relevant agreements and payment were not made that the lack of mitigation would form additional reasons for the refusal of the application. The applicant has not requested that the agreements are drawn up, and the LPA has been asked to proceed to decision. As such therefore the impacts of the development have not been adequately mitigated against. This lack of mitigation is contrary to policy DM24 of the HBLP (Allocations Plan) and CS11 and CS21 of the HBLP (CS).

The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreements, 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 objection on this basis. Whilst the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages, these have not been secured to date. Therefore, on the basis of a refusal of planning permission for other matters, then it is necessary to include the non-provision of the avoidance and mitigation packages as reasons for refusal.

(viii) CIL

The development is CIL liable for the net additional internal floor space. In light of the recommendation for refusal on other matters, the Draft Liability Notice has not been prepared, but could be done at the appeal stage if necessary.

Other considerations:

Portsmouth Water Source Protection Zone:

7.9 Portsmouth Water may need to be reconsulted if there could be any impact on the Source Protection Zone resulting to changes to drainage requirements were a positive determination to be considered.

Emergency vehicle access: _

7.10 One representation raised concerns about adequate access for emergency vehicles to the site. This is a building control matter, however in discussing further with HBC building control the shown site access width would be sufficient, or as an alternative a sprinkler system could be fitted as a compensatory feature.

8 Planning Balance and Conclusion

- 7.11 The proposal would result in the provision of one additional residential unit, however the benefits this very modest contribution makes to the borough housing supply is not considered to outweigh the significant harm caused to the character of the area, the amenity of neighbours and the host dwelling, and insufficient quality amenity space for the proposed 3 bedroomed dwelling. In addition, in the absence of the appropriate binding agreements to secure a contribution toward the Solent Recreation Mitigation Project, or mitigation measures in respect of Water Quality, the development would have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken in respect of this planning application. The proposal is thus contrary to policy CS16, CS11 and CS21, DM24 of the HBLP (CS), guidance contained in the Council's SPD, and the guidance contained in the NPPF. Consequently, it is recommended that planning permission is refused for these reasons.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/01026 for the following reasons

- 1 The proposal would substantially increase the built-up appearance of the site and would constitute an intensification of development that would appear incongruous and out of character with the street scene of Padnell Road. The proposal would not respect the local context or respond positively to local character, and would result in harm to the character and appearance of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and guidance contained in the National Planning Policy Framework.
- 2 Due to the position of the access drive, turning and parking areas to serve the new dwelling, the proposal would have a detrimental impact on the living conditions of the host dwelling (no.23 Padnell Road), and adjacent neighbouring properties (no.21 and no.25 Padnell Road) by reason of noise and disturbance. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, guidance contained in paragraph 5.27 of the Havant Borough Design Guide SPD, and guidance contained in the National Planning Policy Framework.
- 3 Given the constrained size, depth, and north facing aspect of the amenity space of the proposed dwelling, and given the size of dwelling proposed, the proposal would not result in a sufficient high quality amenity space for the future users of the development. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and guidance contained in the National Planning Policy Framework.
- 4 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against

increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, emerging Policy E16 of the Pre-Submission version with changes Havant Borough Local Plan 2036 and the National Planning Policy Framework.

- 5 In the absence of a suitable agreement to secure appropriate mitigation measures in respect to water quality, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken in relation to this planning application. The development would be likely to result in detriment to water quality and as such, it is contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, emerging Policies E16 and EX1 of the Pre-Submission version with changes Havant Borough Local Plan 2036, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.