
Site Address:	Coach House, 14 New Brighton Road, Emsworth, PO10 7PS		
Proposal:	Proposed 1No detached dwelling with parking.		
Application No:	APP/20/00881	Expiry Date:	03/12/2020
Applicant:	Mr J Grant		
Agent:	Ms J Mottershead	Case Officer:	Selina Donophy
	JM Designs Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This proposal site comprises land to the east of the Coach House, 14 New Brighton Road, Emsworth. This land currently forms part of the rear garden of the Coach House , which is accessible via Northlands Park which is located to the east of the B2148 New Brighton Road before the junction with the B2147. Northlands Park surrounds the south and east of the site and creates access to a number of properties which form the cul-de-sac. To the south of that is the A27 , followed by North Street , leading towards Emsworth train station. To the north of the site is an access road with an entrance off the B2147 running adjacent to the side of St Thomas' Catholic Church and this track serves 4 properties .

This area is predominantly residential in terms of development. In the immediate vicinity properties are generally detached, comprising both single storey and two storey dwellings and rear gardens of varying sizes. Nearer North Street to the south housing density becomes more increased and towards the north, along Westbourne Avenue properties are generally detached with generously sized rear gardens.

The application site measures between 19 and 32 metres in length where it fronts the track .It has a width of between approximately 11 and 19 metres and is sited between the rear gardens of nos 1-5 Northlands Park to the east and the remaining rear garden of the Coach House to the west.

2 Planning History

None relevant

3 Proposal

Proposed 1No detached dwelling with parking.

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

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|------|---|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS15 | (Flood and Coastal Erosion) |

CS16 (High Quality Design)
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

E12 (Low carbon design)
E14 (The Local Ecological Network)
EX1 (EX1 | Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1 (General Design Policy)
ENP_D2 (Height, Mass & Materials)
ENP_D3 (Layout, Form & Density)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

The row of Leylandii are the only trees on/adjacent to the site and are not of TPO quality. I have no objection to the proposal.

Building Control, Havant Borough Council

Access to site should comply with Approved Document B 5 (Fire vehicle access and hose length)

Building Regulation consent will be needed for this application

Councillor Julie Thain-Smith

No comment

Councillor Lulu Bowerman

No comment

Councillor R Kennett

I understand that last week you carried out a site visit regarding a proposal for a new house .

I am very concerned about the proposal as it is only around 1 metre from Number 1 and will significantly overlook this property. I also visited Number 3 where it was very clear that although not overlooking this property, the new dwelling would be very adjacent to the existing house and block light and impact on the owners' amenity.

I would be grateful if you could advise on what can be done to challenge this inappropriate proposal.

Officer comment : This comment relates to the previous proposal prior to the current amendments. Councillor Kennett has been advised of the changes to the proposal and

change in recommendation as a result of this.

County Minerals

No comments received

Crime Prevention -Minor Apps

No comments received

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to:

Developer.Services@southernwater.co.uk.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Department of Planning and Development

Havant Borough Council

Public Service Plaza

Civic Centre Road

Havant

Hampshire

PO9 2AX

Your ref

APP/20/00881

Our ref

PLAN-035840

Date

09/11/2020

Contact

Tel 0330 303 0119

Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX
southernwater.co.uk

Southern Water Services Ltd, Registered Office: Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX Registered in England No. 2366670

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing,

West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk by email at:

SouthernWaterPlanning@southernwater.co.uk

Hampshire Highways

As the application is for 5 dwellings or less, and onwards 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 - <http://www3.hants.gov.uk/highways-development-planning.htm>

Natural England Government Team

Thank you for consulting Natural England on the updated Habitats Regulations Assessment and Appropriate Assessment for the above application.

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.

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 all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

Solent Recreation Mitigation Strategy

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.

Deterioration of the water environment

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 Thornham WwTWs. 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.

Nutrient Team, Planning Policy

I can confirm there is sufficient capacity within the Councils mitigation scheme for planning application APP/20/00881.

Public Spaces

No comments received

Traffic Management, East Hampshire District Council

The Traffic Team have no adverse comment to make. KRC

Waste Services Manager

No comments 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: 6

Comment	Officer Comment
Case officer comment : This proposal has been amended - the comments above relate to the most	The issues raised by the representations are summarised in bullet points below :

recent amendment . The comments below relate to the original proposal. Objections received (relating to current proposal) - 5	• Loss of light to neighboring properties • Overlooking neighbouring properties • Overdevelopment of the site • Inadequate parking • Heat pump and drainage . • Quality of the plans and measurements Case Officer comment : These points shall be assessed under the 'Planning Considerations' section of the report. Concerns raised which relate to heat pumps : Generally these are allowed under permitted development however certain criteria needs to be met. It will be up to the applicant to determine whether this is the case and to apply for separate planning permission if not. Concerns raised relating to soakaways : There have been no reports of historic flooding issues in the immediate area although it is noted a comment has been made that says there could be issues with increasing pressure. The details of the soakaway will be agreed under a separate application with Building Control. Concerns raised relating to quality of the plans provided and the measurements : The plans provided are judged to be of an acceptable standard by the LPA . The plans are properly scaled allowing for measurements to be taken. It is not a requirement for plans to show the impact on surrounding properties as this is for the LPA to assess.
Comment:It is extremely disappointing that we have again received poorly presented documentation to justify this revised proposal for a dwelling that would be totally unsuited for this small and enclosed site. No attempt has been made to address the genuine concerns raised in our original comments and no effort has	

been made to provide any clarification or to explain how the impact on neighbouring properties would be reduced. The original support documents are now largely irrelevant but no revisions or replacements have been forthcoming.

Please consider the following:

1) The existing properties in Northlands Park, which are the closest to and would be most affected by any development on this site, have inexplicably, once again been ignored. Why are they not shown on the plans?

2) There are no dimensions shown on the Floor Plan drawings of the proposed new dwelling and the stated scale of 1:100 is obviously incorrect.

3) The Site Plan shows a scale of 1:200 which is again obviously incorrect. It includes some dimensions for but none for the floor plan of the dwelling itself or the distances to the nearest properties mentioned previously.

4) There are no supporting documents offering any explanation of this new proposal or how the considerable impact on neighbouring dwellings would be ameliorated.

The new proposal would result in a significant loss of light to our neighbouring property.

This is a small plot of land, part of the existing garden of 14 New Brighton Road, with dwellings on all sides. The northern boundary of the plot is not clearly marked. The actual plot does not

correspond to the larger area, marked in Red on one of the earlier originally submitted documents, which includes land and driveways belonging to surrounding properties.

The footprint of the proposed new dwelling is too big for this site. The eastern edge of the property would be less than 1m from the boundary fences of Nos 3 and 5 Northlands Park and the western edge of the property would be even closer to a proposed new fence being

proposed. There is no space for cars to turn around at the front of the property, and extremely limited parking, necessitating regular reversing of any vehicles causing noise and inconvenience. This proposed development is not at all suitable for this site.	
I write to object to amended proposal on the following grounds: 1) This revised proposal does not really address the issues we - residents of Northlands Park raised in response to original application. Applicant has reduced the height of the house, but made the footprint of the house bigger moving it even closer to our boundaries. The quality of drawings is still very poor, which makes it impossible for public and neighbours to see the true dimensions. Perhaps this is intentional. This standard of application makes it more confusing for everyone, creating extra work for planners. I am surprised again why HBC accepts this kind of standard of application??? 2) Proposed footprint of the bungalow is too large for this plot of land. It takes up almost half of the land and being a 3-bedroom house creates unacceptable density on small plot. All the surrounding neighbouring properties are houses and bungalows placed on the large plots of land creating good size amenity space around the house consistent with local character. This was one of planning policy considerations when we developed our site which HBC planners required. That is why our homes on Northlands Park are well spaced out on the site to match local character and to give enough private amenity space. We could have squeezed in more units, but we did not as we respected the local character. 3) Adversely effecting privacy of mine and my neighbours' homes and	

gardens as it is too close to the east and south boundaries:

a. Back-to-back distance to my house (1 Northlands Park) is just over 10 m (but recommended distance should be 24 m). South-east corner of the proposed house would be just approx.. 1m from our rear garden. This small part of my rear garden is the only sunny private place we use in the summer and if the proposed house is so close, we lose the privacy and quiet enjoyment of our property. The rest of our south-west garden, which we use for parking and is not really an amenity space, is overshadowed by neighbours illegally overgrown leylandii hedge.

b. Proposed bungalow appears to be less than 1 m away from its eastern boundary, encroaching on privacy of neighbours back gardens

4) Insufficient parking spaces for 3-bed house: this proposal does not demonstrate that it is possible to park 2 cars on the property without the need of reversing all the way back to public highway because this access long, private drive is too narrow

5) It was previously mentioned that heat pump system will be installed. Therefore, it is unclear how they are going to drain surface water as there is no mains surface water drainage available, so it would have to be soakaway system. But plot being so small how they can accommodate heat pump & soakaway systems as both take up a lot of ground space.

Resubmission dated 09/12/2020

Unfortunately the developer has clearly ignored the valid comments and concerns made to the original application on 10/11/20. The inaccuracies and omissions from the plans and drawings that were identified then have not been corrected for this revised application and those comments are still valid.

The site is surrounded by other

properties, which should be clearly identified on the site plan but have again been omitted. Similarly the errors of scale in the drawings have not been addressed and corrected.

The developer proposes a bungalow in place of a house on what is a small and enclosed site, part of the rear garden of 14 New Brighton Road. The exact boundaries of the site are difficult to determine from the poorly drawn site plan, but the building has clearly been crammed in across the full width of the plot and leaving no space to the eastern or western boundaries.

From the applicant's drawings, the footprint of the bungalow appears to be more than double that of the house, providing some 15% more internal space than the previous two floors together.

It appears to occupy more than half of the plot area and is virtually against the existing boundary fences of No 3 & No 5 Northlands Park, with the building wall dominating and overshadowing their gardens.

Although the height of the proposed building has been reduced, the previously identified impact to the adjacent Northlands Park properties is not lessened.

In summary, the proposed building is too large for the small enclosed plot and not in keeping with surrounding properties.

Access and parking provision for cars on the property is ill-defined and the impact to the existing parking spaces on the private road is unclear.

I am surprised and disappointed that such poor planning documents are considered acceptable by the Council Planning Department in making their decisions.

I object to the revised proposal as the proposed bungalow is
- too close to existing properties on Northlands Park to the east of the site.

This part of Emsworth has a character of homes being on reasonably large plots of land. The proposal, however, takes up what appears to be 50% of usable land, hence overbuilding it. - Unreasonably high leylandii hedge adversely affect the site should it be used as someone's residential garden and amenity space - Proposed earth heat pump system takes up large area of land, combined with rainwater soakaway system may be impossible to accommodate on such a small piece of land - There is no adequate parking for 2 cars.	
Comment: It has been extremely difficult to work out whether the new proposals would give adequate space for a 3 bed roomed one story property. The ridge and eaves have changed but I cannot tell whether this is a requirement or whether the intention is, at some point, to extend into the roof. This is highly likely if the floor space is inadequate. I would expect this to be thoroughly investigated. I believe, if the plan is to extend into the roof that the objections on the original proposals may still stand.	
Case Officer comment : The comments below relate to the previous proposal prior to amendments : Objections received - 5 (relating to previous proposal)	Case Officer comment : Previous issues : • Overshadowing • Overlooking • Drainage (please see response above) • Adequacy of plans (Please see response above) • Leylandi hedge - this is a civil matter • Overdevelopment
We object to this application on several grounds, the two main ones being: i. Loss of Light - this is already blighted by the very overgrown row of Leylandii trees in the garden of the existing property on the site, 14 New Brighton Road. Another property on the same	

site, and so close to our home, would greatly exacerbate this problem.

ii. Loss of Privacy - the proposed house appears to be less than 1 metre from our fence and would cause a serious problem for us. It would directly overlook the rear windows of our property and would also totally invade any privacy in our rear garden. How the application can state there would be 'no overlooking' is incomprehensible. Although the plans that have been submitted are difficult to decipher it is clear that neither the design of this property nor its position are suited to this location.

The house is described in different sections of the application as both a chalet house and also a spacious three bedroom property. Is there a definition of a chalet in this context? The implication could be drawn that the roof height might be lower than a conventional design. However, the roof of this house is higher than those of surrounding properties.

Although the PROPOSED SITE PLAN does show the location of some of the surrounding properties unfortunately it does not show the location of the closest properties; two semi-detached houses in Northlands Park which are due East of the site. These two houses would suffer the greatest impact following any development and it is therefore almost impossible to understand why they have been omitted from the plan.

The scales stated on this Site Plan and the drawings of the property, 1:200 and 1:100 respectively, are obviously incorrect and, as these plans do not include dimensions, it is impossible to ascertain the exact location of the proposed property.

Is the extent of the site, outlined in Red on the UK Map Centre plan, correct? This does make the site look larger than it is and seems to include land associated with adjoining properties as

shown on another recent planning application. In the DESIGN STATEMENT it is stated that the building to the west of the site, this is the existing property 14 New Brighton Road, 'is well shielded from the site with mature trees'. Why is there no reference or consideration for the closest properties in Northlands Park as mentioned above? Why have they have been ignored again? We are very disappointed that such a poorly developed and presented plan, which has totally ignored the impact on neighbouring dwellings, has been submitted.	
We are concerned about the drainage from the new property. The run off from our drains to the main road is very shallow and I am worried that additional property joining our draining will cause problems. The area is also very water logged from the road that has been built around the existing properties so will they also be putting a soak away in to stop further raise in the water table around existing properties.	
Planning Application APP/20/00881 We object to this proposed development, with the following reasoning. This planning application has been very poorly assembled. It contains significant errors, inaccuracies and omissions. These combine to minimise the impact to adjacent properties, most notably those to the east of the site in Northlands Park. These properties have been completely omitted from the Site Plan resulting in a totally misleading picture of the proposed development. The Design Statement proposes a 'chalet house', which is 'small in scale'. The description 'chalet dwelling' seems to be at odds with the House Plan	

provided. The proposed house doesn't look small and its roofline is higher than the neighbouring property to the west of the site.

The statement further claims that the proposed house design will 'minimise impact on the neighbouring properties and protect the residential amenities of the surrounding properties' thus satisfying Havant Local Plan Policy CS9 and Emsworth Neighbourhood Plan Policy D2. We would contest this claim.

The proposed house is set just one metre from the rear boundaries of No. 3 and No. 5 Northlands Park, these houses being only 12 metres further away. Consequently the west-facing rear gardens of these properties will lose the benefit of the afternoon sunshine they currently receive, due to the height of the house and its proximity to the boundary. This overshadowing will have an adverse effect on the lifestyle and enjoyment of the gardens for the retired owners.

The loss of light problem will also apply to the houses. This, together with the loss of privacy due to overview, will present a serious impact to these properties and potentially have an adverse affect on their future value.

In summary, we believe that this development does not meet the established planning requirements in many respects and therefore the application should be rejected.

1) site plan lacking details of surrounding properties (buildings and boundaries) making it difficult for anyone to establish the true impact and comparison with immediate surroundings
2) site plan dimensions shown are incorrect and do not match the scaled measurements
3) Design statement referring to incorrect representations:

a. Stating that surrounding area is a mix of chalets and bungalows is not correct. There are no chalets in this area. If applicant is proposing any chalet features, these would not be in character of Hampshire/West Sussex architecture

b. Stating that there will be no overlooking into neighbouring properties or their amenities - again not correct

c. Layout - calling this house 'a spacious three-bedroom property that is not cramped on site' - incorrect. The plot of land is quite small, so they cramped in the building of approximately 46 sq m footprint, but 7.4 m high tower-like building and only 1 m from eastern boundary fence. The building will look disproportionate and cramped

d. Scale - stating that proposed is designed to minimise impact on neighbouring properties and designed to protect residential amenities of surrounding properties is not correct because the proposed house is only 1 m away from eastern boundary and first floor windows will directly overlook the only private amenities spaces there are for the immediate neighbouring properties

e. Landscaping - there are no details provided on proposed soft landscaping. Existing enormously and illegally overgrown Leylandii hedge is overshadowing gardens of neighbours of 1, 3, 5 Northlands Park. We have asked the owners of 14 New Brighton Road to reduce the height of this hedge many times, but they are only ignoring it

I object to the proposal for the following reasons:

1) Poor design - in terms of scale and layout. Surrounding area is a mixture of large detached and semi-detached one and two storey buildings well proportionate and located on large plots of land, which were the factors why planning permissions were granted for the buildings of Northlands Park. The proposed house is with small footprint but disproportionately high,

overbearing onto immediate neighbouring properties to the east disrespecting the privacy in their gardens and their bedrooms 2) Impact on neighbouring properties: Too close to eastern boundary fence creating: 1) direct overlooking into the only private amenity spaces of 1, 3, 5 Northlands Park and overlooking into first floor bedrooms. It appears from the site plan that south-east corner of the proposed house will be just 1 m away from the sunniest place in my garden and 3 first floor windows will directly look down into my garden and patio area, where we spend most of our spare time. This is unacceptable to me and my family; 2) overbearing impact of straight, 7.4 m high and 6 m wide brick wall immediately to the rear of 3 Northlands Park garden. When we designed houses on Northlands Park, we were not allowed to have any first-floor windows which would overlook existing neighbours. Furthermore, we had to move the building of 2 semis 3 & 5 Northlands Park considerable distance away from bungalow to the north in order not to have overbearing impact.	
I write in capacity of the builder of all 9 buildings on Northlands Park. My company built 4 houses in 2007 and further 5 in 2017-2019. (Redacted). When these buildings were built, no first-floor windows were allowed to respect privacy of neighbours. We also plotted the buildings on plots of land much further away from neighbouring properties. We also considered the height of our buildings so that they are not overbearing. Substantial soft landscaping scheme was implemented by planting semi-mature trees and creating lots of natural screening by planting semi-mature hedges to protect neighbours I object to the proposed development because it is too close to east boundary fence and too high creating shadowing of gardens. Its first-floor windows directly overlook neighbours so there is a loss of privacy	

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) Living conditions for future conditions
- (v) CIL
- (vi) Compliance with habitats regulations
- (vii) Access and parking
- (viii) Trees

(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 updated NPPF 2018 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area..."

7.3 This current proposal is an amended proposal as, following a visit on site, case officer concerns were raised regarding potential impact on the amenity of the surrounding properties. The initial proposal comprised a two storey dwelling; however the close proximity to properties to the east along Northlands Park was judged to have resulted in potential overlooking linked to the close proximity to properties sited in the north and south east. The case officer advised of a probable refusal and amended plans have since been received comprising a single storey property.

7.4 The revised proposal comprises a single storey dwelling which is evaluated below.

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

7.5 This proposal comprises a detached, single storey, three bedroom dwelling accessed via the private road leading off New Brighton Road. The principle elevation would front this track facing north, with the rear elevation facing south; incorporating windows at each elevation at ground floor level. On the approach to the property would be a gravel driveway with parking space for 2 vehicles to the front of the proposed dwelling site.

7.6 The proposed single storey property would have a hipped roof with a ridge height of approximately 5.4 metres. It would span a width of approximately 10 metres, with a depth of approximately 9.5 metres, jutting back by a further 2 metres by 4 metres to the rear to form the kitchen. The internal layout would comprise a front entrance sited on the west elevation, with the 3 bedrooms all located on the north side of the property, each served by a window on the north elevation, bedroom 2 would be dual aspect with a window also on the west elevation. There would be a bathroom/shower room with a window located on the eastern elevation and a living room and kitchen, both located towards the rear, the living room would have bi-fold doors facing south and the kitchen would be served by a window facing east, doors facing south, 2

windows on the west elevation and a rooflight located on the projecting element of the kitchen. Above the entrance to the west would be a projecting porch roof with a pitched roof design. The exterior materials would include brickwork and flint to the elevations, clay tiles to the main roof and white pvc window fittings- these details would be agreed in further detail via materials condition.

- 7.7 The pattern of development in the surrounding area comprises some variation in building styles and heights, with properties along Northlands Park generally set at two storey, the Coach House also at two storey level, however properties located on the private road off New Brighton Road to the north are bungalows which have been developed into the roof. All properties include some form of rear garden, although these are generally modest in size, notably at properties along Northlands Park. Due to new development along Northlands Park in recent years, this has meant the building lines have become closer and therefore any additional development will be sited within fairly close proximity to existing dwellings. The siting of the proposal, located away from New Brighton Road and accessed via a private road would mean it is not highly visible from the public realm, as it would be set at single storey; this also would reduce its prominence. The front boundary would be left open, which reflects existing front boundaries of surrounding properties.
- 7.8 Policy CS16, in seeking High Quality Design, requires developments to respect their local context and states specifically at 1.c) that "Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;". This proposal is considered to be generally well designed, with the traditional style which is not judged to upset the character of the area or appear incongruous in appearance. The hipped roof also reflects roof styles apparent in the local context. The proposed dwelling would have a reasonable floorspace and would take up around 50% of the plot in scale, however would be separated from surrounding properties to the sides and would be set back from the road, with a rear garden which averages 10 metres. This proposal is judged to accord also with the principals as set out in the Emsworth Neighbourhood Plan including policies D1, D2 and D3 which relate to the design, height, mass and materials, layout form and density. The impact on the character and appearance of the area is considered to be acceptable.
- 7.9 The design and appearance of the proposal is deemed appropriate in context to the main building 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

- 7.10 The points below have been raised in objections to the proposal and shall be assessed in the following section :
- **Loss of light to neighboring properties**
 - **Overlooking neighbouring properties**
 - **Overdevelopment of the site** - this is evaluated in the 'Impact on the character and appearance' of the area above
 - **Inadequate parking** - this will be discussed in the 'Access and parking' section below

- 7.11 To the east of the application site are the rear gardens of nos 3-5 Northlands Park which form a semi-detached pair set at two storey level. The flank wall of the proposed dwelling would be set approximately 1 metre off the rear boundary curtilage of properties 3-5 and the side elevation wall would be sited parallel to the width of the rear garden at no 3. The maximum ridge height of the proposed dwelling would come to approximately 5.4 metres , although the eaves would be set at approximately 2.5 metres . With the average fence height of 1.8 metres , this would mean the eaves of the proposed dwelling would rise above the fence by approximately 0.7 metres, sloping upwards away from nos 3 and 5. The proposed dwelling would be visible from these properties, and would be located within close proximity . Despite this , the Havant Borough Design Guide stipulates that a minimum of 10 metres distance should be retained between the gable wall and the closest dwelling - the separation distance in this case would be approximately 13 metres. This distance is judged to mitigate against any potential harm to the amenity of these properties in terms of overshadowing or overbearing impact. The development would be sited towards the end of the gardens and away from the private amenity spaces. The sole window on the eastern side would serve a bathroom/shower and would be obscure glazed, limiting any form of overlooking.
- 7.12 To the south east is 1 Northlands Park which is a two storey, detached property which is separated from the application site by its rear garden and there would be approximately 12 metres distance from the closest corner point of no 1 and the south east corner of the proposed dwelling. Due to the single storey design, there is not judged to be any overlooking impact back towards no 1 , nor is the proposal considered overbearing or overshadowing . It is noted that there would be some level of overlooking from no 1 Northlands back towards the application site however in urban areas such as this some degree of overlooking is to be expected.
- 7.13 To the north of the application site are nos 20 and 22 New Brighton Road which form a pair of semi-detached bungalows. No 20 has received planning permission for a loft conversion which would result in roof lights to the front roof slope. The north elevation of the dwelling would feature 3 windows at ground floor level and there would be between 13.5 and 16.5 metres separation distance between the proposed dwelling and no 20. The existing sun room would be bricked up and glass bi-fold doors added to the front elevation , forming a study and dayroom to the front. With the proposed property set at single storey level , overlooking towards nos 20 and 22 is not judged to be significant and neither is there deemed to be any overshadowing or overbearing impact upon these properties.
- 7.14 To the west of the proposal site is no 14 'The Coach House' . The proposal site currently forms part of the rear garden of this property. There would be approximately 9.7 metres of rear garden separation the side elevation wall of the proposed dwelling and the rear elevation wall of no 14. Whilst the Havant Borough Design Guide states that 10 metres of rear garden space should be retained, in this instance there is private amenity space also to the north and west of the property and therefore on balance, there is judged to be an adequate amount of garden space on site. The entrance to the proposed property would be located on the western elevation as well as 3 windows serving a kitchen and bedroom. This would bring increased activity in reasonable proximity to the rear of no 14, however this is not deemed to cause substantial harm to the amenity of no 14 to substantiate a refusal. There would be a 2 metre high fence erected along this boundary which would mitigate against any overlooking.
- 7.15 It is noted that any further future development to the roof slope/ property in general

could allow for potential impact upon neighbouring properties. For this reason a condition shall be applied removing permitted development rights. This will mean that any future development would need planning permission from the LPA.

- 7.16 Consequently, it is considered that the proposal will not appear overbearing or lead to 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) Living conditions for future occupiers .

- 7.17 As noted in the 'Impact on amenity' section above, there would be some degree of overlooking into the rear of the site from surrounding properties, although this is not judged to be significantly harmful to the privacy of future occupiers. There is judged to be suitable outlook from rooms , with each room served adequately with windows allowing for suitable future habitation. The garden depth averages 10 metres , the minimum depth specified in the Havant Borough Design Guide and this is judged to be an acceptable sized amenity space . The proposed fencing at 2 metre height to the boundaries would offer suitable privacy both for future occupiers and surrounding properties.

(v) CIL .

- 7.18 The proposed dwelling is both CIL liable and subject to policy DM24 i.e a financial contribution towards the mitigation of the impact of new residential development to the SPA.
- 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 20th 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 on new floorspace (measured as gross internal area), plus indexation in Emsworth.
- 7.20 The CIL forms note a floorspace of 107sqm which results in a CIL liability of £15,906.70 . The Draft Liability Notice has been sent to the applicants.

(vi) Compliance with habitats regulations

- 7.21 The application has also been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to a net increase in population, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. Furthermore the development is not necessary for the management of the European sites.
- 7.22 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 Regulations 2017. 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 European Sites due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

- 7.23 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation. 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 application submission indicated a willingness to enter into a legal agreement to secure the mitigation packages, and the contributions and deeds in respect to both requirements have now been received.
- 7.24 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.
- 7.25 The development is CIL liable and the assumption of liability has been submitted

(vii) Access and parking .

- 7.26 The proposed dwelling would have 3 bedrooms. The adopted Parking SPD, 2016 stipulates that every new 3 bed dwelling should have a minimum of 2 on site parking spaces unless in one of the Borough's recognised accessible locations of Havant or Waterlooville town centre. The 2 parking spaces would be located to the north of the property, on the gravel drive area within the site boundary and this space is judged to meet the 2.4 by 4.8 metre parking specification per space as outlined in the Parking SPD . There would be space to turn on site so as to allow for exiting the site in forward gear leading out onto the private access which then meets up with New Brighton Road. Both the Traffic and Highways teams uphold no objection in regard to this proposal.

(viii) Trees .

- 7.27 To the south west of the proposal site , located along the proposed western boundary there is a row of Leylandi trees. The Council's Arboricultural Officer has been consulted in regard to this and has upheld no objection noting that the trees are not of TPO quality.

8 Conclusion

- 8.1 The proposed development is considered to be of appropriate design and sympathetic scale and mass as to be acceptable in this context. In addition it is not judged to adversely affect the amenity of the neighbouring properties. An Appropriate Assessment has been carried out which concluded that proposed mitigation is sufficient to remove the significant effect on the SPAs. The recommendation is therefore to grant Planning Permission subject to conditions.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00881 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:
REV A - Amended site plan published on the 14.01.2020
Location map published on the 15.10.2020
European Site Avoidance and Mitigation Checklist published on the 07.10.2020
Amended nutrient budget calculation published on the 30.10.2020
Amended proposed floor plans and elevations published on the 09.12.2020
Reason: - To ensure provision of a satisfactory development.
- 3 The development shall be undertaken in accordance with levels and datum points shown on drawing 'Amended site plan REV A'
Reason: To safeguard the amenities of the locality, and against risk of flooding and undue damage to existing trees and/or other vegetation at the site 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.
- 4 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed 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 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.
- 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, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 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 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.

- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, outbuildings, or additional windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS 11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 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 in the Conservation Area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the bathroom window in the ground floor on the side elevation facing east 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 nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core

Strategy) 2011 and the National Planning Policy Framework.

- 10 The development hereby permitted shall not be occupied until boundary screening comprising 2 metre fencing is erected on the western boundary shared with no 14 New Brighton Road as shown on 'Amended site plan REV A' and shall thereafter be retained.

Reason: To safeguard the amenities of the locality and 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.