
Site Address:	2 Chalton Crescent, Havant, PO9 4PT		
Proposal:	Loft conversion with dormer to create self contained flat with external access via staircase to rear.		
Application No:	APP/19/01237	Expiry Date:	14/02/2020
Applicant:	Mr Gulabakh		
Agent:	Mr Hasnath	Case Officer:	Tina Pickup
	studioAH Architects		
Ward:	Barncroft		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to an end of terrace two storey traditional dwelling, located on the north side of Chalton Crescent. It is constructed of red multi stock bricks beneath a dark concrete tiled roof, with existing solar panels on the front roof slope. The front forecourt area is bounded by a low wall. Immediately to the site's east is a public footpath that is part of the adopted highway. Within this footpath, and approximately aligned with the rear elevation of the application dwelling is a mature tree.
- 1.2 To the rear the property has a small flat roofed attached outbuilding that is back-to-back with the neighbours at number 4, and this appears to have recently been converted to living space with a new entrance door. The remaining western boundary comprises a brick wall, and across the northern rear boundary is a flat roofed outbuilding that appears to have been subject to recent works including new entrance doors. The eastern boundary to the footpath is in part a low wall with close boarded fencing above. There is a side gate close to the rear of the house.
- 1.3 The site is relatively flat and surrounded by high density residential development to its north and west. The property to the immediate north (Nos. 51) is set at 90 degrees to the application dwelling, having its primary elevation fronting the footpath with side elevation facing the application site. There is a mature evergreen tree within the frontage of Nos 51, close to the footpath. However the context of the site varies to the east, with a detached dwelling set in a relatively spacious plot located adjacent the footpath. This dwelling is set at the eastern side of its plot such that its private side garden lies adjacent the footpath and application dwelling. This garden is bounded by high hedging. To the north-east is a Methodist church used by the community for various activities including a regular pre-school, whose outdoor play space is located in the south-west corner of the church grounds, bounded by open palisade style fencing abutting the footpath.
- 1.4 Opposite the site to the south, is open space, grassed with further children's play equipment and a footpath bridge over the hermitage stream. There are no parking restrictions outside the site in Chalton Crescent, and the site lies just beyond flood zones 2 and 3.

2 Planning History

APP/18/01054 - Loft conversion with rear dormer windows., Withdrawn, 17/12/2018

- 2.1 This application proposed a large extension to the rear roof slope that effectively resulted in a flat roofed third storey addition as it resulted in the loss of the rear eaves line. It was to provide an additional bedroom and bathroom as an integral part of the existing dwelling ie the dwelling would have remained a single family dwelling. However, due to design concerns, this application was withdrawn.

3 Proposal

Loft conversion with dormer to create self contained flat with external access via staircase to rear.

- 3.1 This revised application proposes a large rear dormer to enable the loft area to be converted into a single self contained flat/bedsit. This would create an internal space of about 30 sqm. The bedsit would be independently occupied, separately to the house below, with access taken via an external spiral staircase and railed landing at the rear of the dwelling. During the course of determining this application, amended plans have been submitted providing a 1.9m high obscured privacy screen to the landing and one car parking space on the frontage of the site to serve the proposed flat.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL7	(Hermitage Stream)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Building Regulation application required for this work

Compliance with Approved Document B to be shown re

- 1) Windows within 1.8m of staircase to be fire rated and fixed shut
- 2) Access to floor to comply with AD B 5 (fire authority access)
- 3) Solid waste (bins) not located to comply with AD H
- 4) Cooking facilities to be 1.8m away from exit door
- 5) Dormer wall within 1m of notional boundary to be fire rated inside and outside

Also

Sound and fire proofing to separating floor / wall needed

Foul drainage not shown

Community Infrastructure

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

Additionally, instructions should be passed by the Case Officer to the CI Team to 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/unilateral-undertaking-solent-recreation-mitigation-strategy>

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Crime Prevention

None received

Hampshire Highways

Whilst the provision of on-site parking is a matter for the LPA, in this case I would recommend the provision of some where none exist already. The highway is very heavily parked and unless the applicant is prepared to justify the non-provision of parking by a survey at numerous times of the week, which I believe to be unnecessary for this level of development. Instead I would recommend the conversion of the whole front garden which appears to be some 8m. wide to accommodate three car parking spaces. One of which should be allocated to the proposed development, the other two to replace the two spaces that will be lost by the removal of some 12m. of kerb length currently used for the parking of vehicles.

I therefore confirm the Highway Authority have no objection subject to :-

Condition

Prior to occupation a parking area for three spaces shall be provided on the front garden and shall be surfaced in a non-migratory material. The area shall be maintained for this purpose and in this condition at all times thereafter.

Note to Applicant

Before undertaking any work which affects a public highway you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk

Hampshire Highways - on revised plans

I am disappointed the applicant has not followed the advice given in my response dated 9 January. The submission does not increase the available parking space for the new unit because whilst one is provided on the site, one is lost on the highway. As parking is a matter for the LPA I can only repeat my recommendation given previously and leave it to you to decide if you wish to either invite a further amended plan, cover the matter by condition, require the necessary parking surveys, or refuse the application. If approval is the LPA's choice, the condition and note to applicant previously advised is requested again.

Natural England

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

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

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. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured

and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please consult Natural England on the discharge of the Grampian condition.

Public Spaces

None received

Traffic Management

The Traffic Team would raise the concern that there appears to be an insufficient amount of parking for this proposed development, as per HBC Parking Supplementary Planning Document July 2016

Waste Services Manager

None received

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

2 letters of objection have been received, from the same address, one to the original plans and one to the revised plans:

Comment	Officer Comment
Note presence of tree adjacent footpath which currently affords large amount of privacy but acknowledge that it could be pruned or removed by the Council at any time;	Noted - see section 7 below
proposed external staircase would afford grandstand view over our property, currently seasonally, but if tree removed, in summer as well;	Noted - see section 7 below
landing/balcony area would be a natural gathering point for smokers and people standing on balcony with music playing and overlooking our garden; potential noise and disturbance if late at night when sounds carry more;	Noted - see section 7 below

metal staircase and landing would be noisy and deteriorate over time becoming an eyesore; structure imposing and unattractive;	
household currently made up of taxi drivers with lots of activity at night with vehicles coming and going into early hours; new self contained unit would add to activity and noise;	Noted - provided no more than 6 residents living together as a single household then existing dwelling remains as C3 with permitted change to C4.
Parking - Chalton Crescent currently parked up, esp at night, partly due to No 2 being occupied by several taxi drivers and flats that access road via footpath;	Noted - see section 7 below
note nothing else similar in area and would be out of character with area	Noted - see section 7 below
<u>On amended plans:</u>	
proposed screening only obscures view from the landing, not the spiral staircase that will still afford a view of our property;	Noted - see section 7 below
screening could fall into disrepair and be ineffective;	
screening does not overcome noise issues of metal stairway;	
agree that single parking space does not remove any cars from the highway due to dropped kerb;	Noted - see section 7 below

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) Parking
- (v) Compliance with Habitats Regulations
- (vi) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further sustainable development is considered acceptable subject to the usual development control criteria. The proposal is for an additional dwelling and whilst this modest contribution to the Council's housing needs is acknowledged, nevertheless the determination of this application must balance this benefit against other considerations.

- 7.3 The existing dwelling currently appears to be occupied by unrelated tenants, but provided there are no more than 6 living together and sharing the kitchen and bathroom then the site would remain a C3 dwelling with permitted change of use to C4 small house in multiple occupation. The proposed dormer would create an additional bedsit at the site. The emerging Havant Borough Local Plan 2036, pre-submission draft, currently has limited weight in decision making, but indicates the direction of travel of policies. Within this HBLP36 emerging policy H1 relates to high quality new homes and requires new homes to meet the appropriate internal space standards as set out in the nationally described space standards. The proposed bedsit amounts to only about 30 sqm which falls significantly below the 1 bed gross internal floor area within the technical guide of 50 sqm if 2 person and 37 sqm if 1 person. However policy H1 is an emerging policy only and currently does not have sufficient weight for the non-compliance with the space standards to warrant a reason for refusal in its own right. It is further noted that if the site is in use as a HMO then an Environmental Health License may also be required which also considers space standards.

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

- 7.4 From the Chalton Crescent street scene the proposed dormer would not be visible. However due to the public footpath running adjacent the side of the property then the rear roof slope is highly visible from a public area and it is considered that the visual appearance of the large boxy dormer with associated external spiral staircase and landing would be visually intrusive and out of character with the area. No details are provided in terms of the materials for the proposed spiral staircase, but it is likely to be constructed of metal and could be painted/coated. The spiral stairs would have a height of some 6.7m with diameter of 2.2m, and the associated landing has a depth of 1.8m. Therefore this landing projects and overhangs beyond the rear facade of the host dwelling and would be supported by the stairs and a separate post. It is considered that the scale and bulk of this combined spiral staircase and landing structure is overly large and more akin to a commercial structure, and would be visually inappropriate to this residential area. Since the siting of the spiral staircase would be immediately adjacent the public footpath running adjacent the site, then the structure would be highly prominent to passing pedestrians.
- 7.5 The amended plans have added 1.9m high obscured glazed privacy screens around the landing area. The overall visual bulk of this dormer and landing at roof level would represent an overly bulky and dominant structure that fails to respect the domestic scale and character of the host dwelling and area. This would be contrary to adopted policy CS16 and the adopted Design Guide SPD and emerging policy E1.

(iii) Impact upon residential amenity

- 7.6 The layout of the immediate area is such that the proposed dormer and landing/balcony area would provide views over the rear private gardens of all the adjacent properties. Being a high density residential area then the use of spiral stairs and landing area would provide high level views into the gardens of, in particular, numbers 2a to the east, as well as number 4 and the play space of the church to the north. Whilst there is currently some limited screening from a deciduous tree in the footpath, this would not provide long term reliable screening adequate to sufficiently mitigate against the visual intrusion and overlooking resulting from the proposed development. It is likely that the spiral stairs and landing would be used as a sitting out area, somewhere to congregate. Whilst privacy screens have been added to the landing area, nevertheless there would still be privacy issues from the use of the spiral stairs that would enable views across the neighbouring area. Overall the proposed

development is considered to result in both perceived and real overlooking from the use of the spiral stairs and landing area, harmful to neighbours privacy and amenity, contrary to adopted policy CS16 and emerging policy E1.

- 7.7 As the third party letter notes, the use of the spiral stairs and landing area would also result in additional noise and disturbance. Metal stairs are noisy in use and the landing area provides opportunity to sit out and congregate with associated noise and disturbance from voices, music, light etc. This added noise and activity in close proximity to existing residential properties is considered to be harmful to the quiet enjoyment of neighbours amenity, contrary to adopted policies CS16 and DM10 and emerging policies E1 and E22.

(iv) Parking

- 7.8 The existing dwelling does not currently benefit from any on street parking and vehicles associated with the dwelling park on street where there are no parking restrictions. The adopted Parking SPD requires 1 space to serve a 1 bed unit, as well as secure cycle storage. The amended plans have shown the provision of a hard surfaced area to the frontage with new dropped kerb and indicated one car space. This would therefore comply with the Parking SPD by providing one space to meet the needs of the proposed development. It would be unreasonable to request additional on site parking provision for the existing dwelling where none currently exists.
- 7.9 Following discussion, retention of the eastern boundary wall is shown to provide a protective buffer to pedestrians using the adjacent footpath and to prevent pedestrians cutting across the sites fore court area. This would maximise safety for pedestrians. The frontage fore court area is only about 4.7m deep and to avoid overhang to the adopted highway the car space is shown at an angle. This lack of depth would prevent the provision of three right angled spaces as suggested by the Highway Authority.
- 7.10 Whilst it is accepted that the provision of the dropped kerb negates the on site provision, realistically it is expected that 2 cars would probably be able to park on the fore court area. Since this is not a classified road the provision of the means of access and associated hard surfacing does not in itself require planning permission and could be undertaken as permitted development. Overall it is considered that the provision of the one space would meet the demands of the proposed development and policy DM13 and it would be unreasonable to refuse the application on lack of parking or highways grounds.

(v) Compliance with Habitats Regulations

- 7.11 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.

7.12 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 a legal agreement/accept a grampian style condition to secure the appropriate mitigation packages.

7.13 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into the appropriate agreement and signed and returned the Deed and paid the appropriate sum of £383.30. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue, the applicant has indicated a willingness to accept a Grampian style condition to mitigate the harm, pending the Council's solution to the nitrates issue.

7.14 The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreement/condition, 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. The applicant has indicated a willingness to enter into a legal agreement/condition to secure the mitigation packages. As such this matter could be dealt with by condition should permission be recommended, but since the application is being recommended for refusal it would not be appropriate to refuse the application for non provision of the appropriate mitigation package.

(vi) CIL

7.15 The development is CIL liable for the net additional internal floor space, which is indicated on the CIL forms to be 30.6sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2019 - 39.73% and 2020 - 49.107%.

7.16 The levy to be charged for this development would be £80 per square metre on new floor space plus indexation. The Draft Liability Notice has been issued with a charge of £3,650.14.

8 **Conclusion**

- 8.1 It is considered that the proposed dormer with spiral staircase and overhanging landing area constitutes an over large and dominant form of development that does not respect the domestic scale of the host dwelling and residential character of the area. By virtue of the siting adjacent a public footpath the development would result in a prominent visual intrusion to the area, contrary to policy CS16. It is also considered that the use of the spiral stairs and landing area would result in overlooking and noise and disturbance, harmful to neighbouring amenity. Therefore the proposal is recommended for refusal.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/01237 for the following reasons

- 1 The proposed rear dormer with external spiral staircase and overhanging landing constitutes an over large and dominant form of development that would have a detrimental effect on the appearance of the host dwelling house and residential character of the area. By virtue of the siting adjacent a public footpath the proposal would be visually prominent and have an adverse effect on the visual amenities of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy E1 of the Havant Borough Local Plan 2036, Pre-Submission Draft, and the National Planning Policy Framework.
- 2 The use of the proposed external spiral stairs and landing would be likely to give rise to direct overlooking of adjacent properties to the detriment of the amenities of the occupants of these properties. The use of the spiral stairs and landing area would also result in additional noise and disturbance, harmful to the quiet enjoyment of neighbours amenity. The proposal is therefore contrary to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policies E1 and E22 of the Havant Borough Local Plan 2036, Pre-Submission Draft, and the National Planning Policy Framework.