
Site Address: Land adj 56 Kings Road, Hayling Island, PO11 0PD
Proposal: Subdivision of garden and erection of end of terrace two storey three bedroom dwelling with on site parking, refuse area and secure bike store, partial demolition of existing brick boundary wall, increase in height of existing 1.5m fence on western side with trellis to 1.8m, new 0.9m high close board fence to northern boundary and new dropped kerb (alternative proposal to Planning Permission APP/18/00708).

Application No: APP/19/00870

Expiry Date: 28/10/2019

Applicant: Mr Hughes

Agent: Mr Douglas
Jeffrey Douglas Chartered
Architect

Case Officer: Daphney Haywood

Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 No 56 Kings Road is a semi-detached two storey dwellinghouse situated in Hayling Island. The dwellinghouse is constructed of facing brickwork and concrete tiles and is situated forward in its plot with a 15m deep garden laid with lawn and surrounded with a curtilage boundary constructed of a mixture of 1m hedging and timber fencing to the north and 2m brick wall .
- 1.2 No 56 benefits from an amenity space to the front, side and rear of the dwellinghouse and currently has a single storey extension to the south side which is proposed to be demolished and a two storey dwellinghouse constructed to the south side in order to accommodate a three bedroom dwellinghouse. A parking provision of two spaces is proposed to the front of No 56 with two parking spaces in the south amenity space to serve the new dwelling. Two dropped kerbs would be required to be installed. The existing boundary to the south of the site is 1m high fencing.
- 1.3 The surrounding area is residential in character featuring two storey semi-detached and terrace dwellings to the north, east and west.

2 Planning History

APP/18/00708 - Demolition of extension and erection of 1No. 2 bed dwelling.,
PERM,19/09/2018

3 Proposal

Subdivision of garden and erection of end of terrace two storey three bedroom dwelling with on site parking, refuse area and secure bike store, partial demolition of existing brick boundary wall, increase in height of existing 1.5m fence on western side with trellis to 1.8m, new 0.9m high close board fence to northern boundary and new dropped kerb (alternative proposal to Planning Permission APP/18/00708).

The works involve the demolition of an existing single storey side extension to the south of No 56. The works are proposed to retain the existing curtilage boundary and shall retain a set off from the boundary ranging from approx 1.5m to 5.5m from the back edge of the pavement. . The works shall not alter the main front elevation of No 56 however two new dropped kerbs shall be installed to create a parking provision to the front of No 56 and to the rear south of the site to serve the new dwelling.

The proposed dwellinghouse, which incorporates a hipped roof design in contrast to the gable end design of the existing, is proposed to be built in matching materials and would not exceed the existing ridge height of No 56 at approximately 8.9m high.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No comments received.

Developer Services, Southern Water

Southern Water would have no objections to the above proposal.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website v via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>.

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.

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.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.

Hampshire Highways

It appears to me the biggest issue here is the provision of only two car parking spaces for the existing and proposed dwelling. This is a matter for the LPA. That said, it appears possible to provide two further car parking spaces forward of the existing dwelling.

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

Prior to occupation the area shown on the approved plan for the parking of vehicles shall be provided with a non-migratory surface material. The area(s) shall be maintained in this condition thereafter.

Note to Applicant

Before undertaking any work which affects a public highway (including a public right of way) 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

Natural England, Natural England Consultation Service Further information required

Solent Recreation Management Strategy

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with the SPD or policy and the requirement for Appropriate Assessment under The Conservation of Habitats and Species Regulations (as amended 2017). Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Nutrient Neutrality

The application site is within the catchment of the Solent Maritime Special Area of Conservation (SAC) and the Chichester and Langstone Harbours Special Protection Area (SPA). Natural England advises that there is a likely significant effect on the Solent's European Sites due to the increase in waste water from the new housing within the Solent catchment.

We recommend that the waste water issue is examined as part of the requirement for Appropriate Assessment under The Conservation of Habitats and Species Regulations (as amended 2017) and note the extant permission for an additional dwelling on the site which will inform your Authority's consideration of the application. Natural England must be consulted on any Appropriate Assessment.

Further comments

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 permission given.

Recreational disturbance – 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). The development proposal will need to be in accordance with the Definitive Strategy rates. Please note these rates were updated as of 1 April 2019.

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.

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.

Traffic Management,

The Traffic Team would raise a concern that although there appears to be sufficient parking for the new development this is at the cost of losing existing parking space attached to number 56 Kings Road. KRC

Officer note - plans amended to provide parking for the existing dwelling.

CIL

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
we have received payment of the SRMS fee of £705.65

Waste Strategy Team Leader, Community Group

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: 7

Number of site notices: one

Statutory advertisement: Not applicable.

Number of representations received 3

Comment	Officer Comment
Objection on safety grounds as the property is sited on a busy blind bend, which is already used as overspill car park and cars parked all the way down the road cause obstruction and block visibility, Road uses as a shortcut issue for road users and pedestrian , this would block vital vision for both to see on coming cars on such a dangerous blind bend, highways should investigate this in more detail, the road is used by people taking children to school, it is often a single lane which is very dangerous during school terms.	See section 7
Garden should not be developed in this way. rear garden not building site.	See section 7
Nuisance from construction traffic and Disruption from building works.	See section 7
Insufficient parking in the area with constant blocking of drives, parking on pavement and verges causing a hazard to pedestrians and road users. on a blind bend, often with limited vision , and obstruction from parked cars. More houses means more cars	See section 7
fencing to side boundary will block visibility to neighbouring drive.	See section 7
Issues with flooding as land slopes.	See section 7

Summary:

Comment:

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) Residential amenities of the proposed dwelling
- (v) Parking
- (vi) Developer Contributions

(i) Principle of development

The application site is situated within an urban area as defined by policy CS17 where further development is considered acceptable subject to the usual development control criteria. Policy CS9 supports new dwellings which help the Borough achieve its allocated housing requirement and therefore the principle for the additional dwelling is acceptable.

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

The works propose a three bedroom dwellinghouse to be built to the south side of No 56 Kings Road a width of approximately 6.4m and depth of approximately 8.5m. The works would alter the pair of semi-detached dwellings creating a three property terrace. Additionally the proposed dwelling would have a hipped roof in contrast to nearby dwellings. Although this would disrupt the immediate pattern of housing it is noted that street scene of Kings Road is varied and contains semi-detached, link detached and terrace dwellings. Therefore, the works are considered to not disrupt the pattern of development significantly and would have an acceptable visual impact on the locality of the area which complies with policy CS16 of the Havant Borough Local Plan (Core Strategy).

The application site has a adequate plot size to the south and can accommodate the proposed dwellinghouse without creating a cramped and crowded appearance in the streetscene. The works shall retain a modest amenity space to the front, side and rear therefore reducing the visual dominance of the development and from being built in matching materials to that of No 56 the works are considered to look in keeping to the immediate locality and not out of place. A condition shall be included with the decision to request further information and samples to be submitted to the Local Planning Authority for approval in order to ensure that the materials proposed are in keeping to the material palette and appearance of the area.

The removal of the front curtilage boundary and development of the dropped kerb to accommodate two parking spaces to the front of No 56 is considered to reflect the typical pattern of parking provisions to the front of dwellings within the streetscene. Multiple neighbours have carried out similar development and therefore this is considered to not look out of keeping on No 56 and shall be in keeping to the immediate locality and character of the area. The development is considered to be acceptable.

(iii) Impact upon residential amenity

The works have the potential to impact No 58, 56 and No 54 Kings Road. Although the works shall bring development in closer proximity to the dwellings to the south including two first floor windows in the south side elevation, these neighbours would be separated an adequate distance from the proposed works via the highway and green space creating a distance away from the proposed development of over 30m. This is considered a sufficient distance to ensure the amenity of these neighbours is not impacted significantly and no direct overlooking occurs.

(iv) Residential amenities of the proposed dwelling

The layout shows how the site would be laid out and includes two parking spaces. A garden depth of 15m with a garden width of 6.5m to the east end and an average 4.2m towards the west end is provided which complies with the Boroughs Design Guide and is considered to be an appropriate size. Due to the position of the dwellinghouse creating an end of terrace development it is considered that the new dwelling would not suffer from being over-looked and although it would be two storeys in height would be set sufficiently away from the shared curtilage boundaries to the north and west of the site. Permitted Development Rights shall be removed via a condition with the decision to ensure that amenity space is retained and so that no further development at ground, first floor and roof level do not cause significant over-looking to neighbouring dwellings or lead to over-development of the site.

(v) Parking

The proposed dwellinghouse can accommodate two spaces onsite to the south of the site which accords with the Boroughs Parking SPD for a three bedroom home. This would however remove the provision for No 56 which is a two bedroom dwellinghouse. In order to accommodate this provision two parking spaces have been proposed to the front of the dwellinghouse which would require a dropped kerb from Kings Road. Although this would remove the amenity space currently in place to the front of No 56 and the attractive appearance of the dwellinghouse that accompanies it, it is noted that most dwellings along Kings Road have a parking provision to the front. Therefore, the works proposed to No 56 are considered to not look out of keeping nor detract significant character from the area as a result and are therefore considered to be acceptable. The dropped kerbs shall need to be applied for via County Highways and therefore an informative shall be included with the decision recommending this. The required provision can be met and complies with the Parking Standards SPD.

Concern has been raised by No 71 & 58 Kings Road that the development of a dwellinghouse to the side of No 56 would mean access from the neighbouring properties and within the streetscene would be un-safe. The highways team has been consulted with in regards to the proposed development and no objection has been raised to the proposed development. The works are set away from the highway retaining a gap to view traffic approaching from the north, east and west. The works and proposed dropped kerbs shall also reflect a typical pattern and layout of other dwellings when it comes to vehicles accessing properties and therefore the application is considered to not result in significant enough harm to substantiate a reason for refusal and is considered to be acceptable.

(vi) Developer Contributions

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 .

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 results of the proposed development.

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 to secure the mitigation packages, and the contribution and deed in respect to the Solent Mitigation Project together with confirmation through a European Site Avoidance and Mitigation Checklist the applicant's commitment to providing a mitigation package have been received.

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.

The application is liable to pay the Community Infrastructure Levy a total of £11,640.48 and the relevant forms have been sent including a draft liability notice.

8 Conclusion

The proposed scheme for an additional dwelling to the side of No 56 with appropriate conditions shall not give rise to any undue amenity space issues, has an acceptable impact on the character and appearance of the area and neighbouring residents and is acceptable in highway terms. The proposal is therefore considered to accord with the relevant Local Plan and Allocations Plan policies and the guidance set out in the Borough Design Guide SPD and the NPPF. The application is therefore recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00870 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plan Reference 21902/201 Rev

Site plan and existing floor plans 21902/202

Proposed Site Plan Ground Floor Plan: 21902/203 rev A

Proposed first floor, roof, elevations and section 21902/204

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure or windows (including within the roof) shall be constructed within the curtilage of the hereby permitted new dwelling without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring properties, to prevent loss of privacy and/or a cramped form of development and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The car parking and associated dropped kerb, servicing and other vehicular access arrangements shown on the approved plans (Location and Block Plan Reference 21902/201 Rev A) to serve the new dwellinghouse hereby approved and existing dwellinghouse No 56 shall be made fully available for use prior to the occupation of the dwelling hereby approved 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.

- 5 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures 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.

- 6 No development shall take place until finished floor levels for the proposed building(s) relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 7 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 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 building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

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

- 10 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the roof lights at or above first floor on the rear elevation (west) shall have a minimum cill height of 1.7m from finished floor level, be fitted with 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.

- 11 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; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

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 for 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 of the Pre-Submission Havant Borough Local Plan 2036.