
Site Address:	12 Dibden Close, Havant, PO9 4BB		
Proposal:	Erection of 3 bed end of terrace dwelling.		
Application No:	APP/19/00729	Expiry Date:	04/10/2019
Applicant:	Mr and Mrs D Phelps		
Agent:		Case Officer:	Bee Crawford
Ward:	Barncroft		

Recommendation: **REFUSE PERMISSION**

1 Site Description

12 Dibden Close, is the end of part of terrace of dwellings running north/south within the built up area of Havant. The site forms a corner plot which is triangular in nature, which results in the property benefiting from a relatively large side and front garden. The neighbouring property of 17 Hordle Road to the east of the site, forms the other half of the triangular piece of land, which is itself is the end of a terrace, which runs in a west/east direction along Hordle Road. The boundaries to the application site are defined by hedging to the front (west) boundary, with fencing and hedging forming the other boundaries within the site.

The current property does not benefit from any off-street parking, which is how the Leigh Park estate was originally built. Dibden Close is defined by on street, unallocated parking located in front of the properties. It is noted that some of the properties have subsequently provided on curtilage parking, through dropping the kerb, whilst some others have not dropped the kerb. These changes have resulted in the reduction of unallocated parking in the area.

2 Planning History

None

3 Proposal

The proposal is for the erection of 3 bed end of terrace dwelling, attached to the existing property. This application has been amended following concerns raised by the Local Planning Authority, with regard to impact on the character and appearance of the area, impact on the amenities of 17 Hordle Road. The size and scale of the proposal has been reduced, and moved away from the side elevation of Hordle Road. For the avoidance of doubt these amended plans were received by the Local Planning Authority on 30th September 2019.

In terms of the proposed parking provision, these arrangements have been amended a few times, with the latest set of plans, and for which the Local Planning Authority makes the decision on being received on 31st October 2019. This latest plan proposes to provide off-street parking provision for the new dwelling only, in the front garden area of the new property. This would result in the removal of some of the on street unallocated 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

CS16 (High Quality Design)
CS21 (Developer Requirements)
CS9 (Housing)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

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

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control

No response

Community Infrastructure, Planning Policy & Urban Design

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.
It is indicated on the CIL 'Additional Information Form' that this is intended to be self build. For the exemption to be confirmed, CIL form 7 (1) will be required prior to commencement and the applicant would need to comply with CIL form 7 (2) to retain the exemption.

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

Councillor Pamela Crellin - Barncroft

No response

Councillor Yvonne Weeks - Barncroft

Concerns raised about existing traffic congestions and that this proposal would result in the loss of further un-allocated on street parking, which is to the detriment of the area

Crime Prevention -Minor Apps

No response

Hampshire Highways

No Objection subject to conditions. Extensive discussions have taken place regarding alternative parking provisions, the proposal does provide for the needs of the proposed dwelling. It terms of wider issues, including the loss of on street parking provision, this is a matter for the LPA to determine.

Condition :-

Prior to occupation at least the first 6m. of access measured from the rear of the nearside frontage car parking spaces shall be surfaced in a non -migratory material. This area 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 Government Team

No objection - Agree with the findings of the Council's Appropriate Assessment (AA)

Traffic Management, East Hampshire District Council

The Traffic Team would like to raise the concern that although the criteria for parking bays for this development are met according to HBC Parking supplementary Planning Document July 2016, these appear to be at the cost of reducing the un-allocated parking bays for all other residents of Dibden Close, in the front of the proposed properties by approximately five.

Waste Services Manager

No response

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: 14

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 6

6 Objections

Comment	Officer Comment

Out of keeping with the character and appearance of the area	Addressed in 7.2(ii)
Adverse impact on the amenities of neighbouring properties in terms of overlooking, overbearing and loss of sunlight/daylight	Addressed in 7.2(iii)
Loss of unallocated car parking. The area is very heavily congested due to lack of on-site parking. This is amplified by Appleshave Close, very close to the site, to the north, with these properties not having an off street parking, due to the green in front of these properties	Addressed in 7.2(iv)
Loss of property value	This is not a material planning consideration

7 **Planning Considerations**

7.1 **Appropriate Assessment (AA)**

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 the result 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.

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 applicant has indicated a willingness to a Grampian condition/enter into a legal agreement to secure the mitigation packages. A Unilateral Undertaking has been completed and returned for the Solent Mitigation Recreation Strategy

7.2 Having regard to the relevant policies of the development plan it is considered that the

main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on highway and parking
- (v) CIL

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

It is recognised that the development would make a modest contribution towards housing need in the Borough which weighs in favour of this proposal. However, this must also be assessed against the site specific impacts of the proposed development.

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

The amended proposal is for a two storey dwelling with a single storey to the rear which would extend an existing row of terrace dwellings to the south. The amended design and scale of the dwelling respects the layout and character of the surrounding area and would be in keeping with the character and appearance of the locality in accordance with the Havant

Design Guide, SPD. The materials would be concrete tiles and stock facing brick, which would reflect the adjoining terrace. The extension of the terrace would reflect the building line of development fronting Dibden Close to the west and therefore would not be out of place or adversely affect the character or appearance of the street scene.

The proposed rear garden would be approximately 6m, dropping down to 0.5 m, which would not be in accordance with the advice in the Havant Design Guide. However, the proposal would benefit from a reasonable size garden to the south west of the proposal, which would compensate for the limited garden to the rear. As to the existing dwelling, this would retain a garden length of 10 m, which complies with the SPD.

The amended design and appearance of the proposal is deemed appropriate in context to the locality 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

The proposed layout of the development, through continuing the building lines on both the front and rear elevations, of the existing terrace, would not have a significant adverse impact on the amenities of the existing property of 12 Dibden Close. The most sensitive neighbouring property is 17 Hordle Road, which is located to the south east, and as outlined above has an angled boundary. Following concerns raised by the Local Planning Authority the size of the dwelling has been reduced, so that the proposal has moved further away from the common boundary with this neighbour. In addition the floor plan at first floor level has been amended to located an obscure glazed bathroom window furthest south on the rear elevation, with a bedroom window just to the north. For the purposes of clarity the south eastern corner of the proposed dwelling, for the two storey element, would be located approximately 0.4 m from its closest point to the boundary. The distances between the development and the closest

part of 17 Hordle Close, which is the north western corner of the property is approximately 9.5m. It is considered that given the degree of separation, in combination with the layout of the large garden of 17 Hordle Road, that the development would not have a significant adverse impact on the amenities of this property in terms of overbearing impact or loss of sunlight/daylight to justify a reason for refusal on this matter.

In terms of overlooking, as has been outlined, amendments have been sought in terms of revising the first floor layout, so that any bedroom windows are located towards the northern part of the rear elevation. A proposed bathroom window is located closest to the neighbours' boundary, which can be obscure glazed, and controlled through a condition, to prevent direct overlooking. In terms of the proposed bedroom window, this would be located approximately 6 metres away from the eastern boundary, and would look toward the very rear part of the garden of 17 Hordle Road. This area is not the private amenity area of this property, which is located adjacent to the rear of this property, and is approximately 18 metres at an angled view from the window. It is considered that given these specific circumstances, in terms of the degree of separation, and the angled nature of any views that would be available towards the private amenity area, that the development would not create significant overlooking to justify a reason on this matter.

(iv) Impact on highway and parking

The Highway Authority (HA) has raised no objection to the proposal, however, it should be noted that they do not consider parking requirements for the development. Following a number of amendments the proposal does include 2 on-site parking spaces, which would result in the removal of at least one un-allocated on street parking space. In this regard the proposed amended parking plan (received 31/10/19) indicates 1 space being lost, however taking into account the minimum requirements for the width of a dropped kerb, and to allow for sight lines and reversing, would actually result in 2 spaces being lost. For the purposes of clarity the existing dwelling does not benefit from any off-street parking.

Havant Borough Council's Parking SPD sets out off-street parking standards relating to new development in the Borough, in recognition that "...developments should not create undue impact on the built environment, street congestion, road safety issues or create tensions within a community". The SPD goes on to state "The Council considers that there is clear and compelling justification for local parking standards to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets."

As set out in the Havant Parking SPD, any "Reductions in parking standards should be justified in the Transport Assessment or Design and Access Statement accompanying a planning application." The applicant has submitted a 'Parking Survey' taken for Dibden Close only, taken over seven days, between 06.30 and at 20.00 onwards. This was at first intended to justify a zero parking provision for the new dwelling, which has subsequently been amended for the new dwelling to have 2 off-street parking, which would result in the loss of a minimum of 2 parking spaces. As such this information is still relevant for this consideration of off-street parking. The survey found that, during peak periods there were spaces available from a minimum of 1 or 2 in the evening. An issue with car parking survey is that it does not take into account availability of the immediate wider area, in terms of Hordle Road, which from the Traffic Team and third party correspondence is known to suffer from parking congestion. This pressure on parking in the area is exacerbated due to residents of Appleshaw Green, not having any off street parking, and thus are completely reliant

on street unallocated parking.

Third party evidence in the form of photographs of vehicle parking on Dibden Close corroborates the survey provided by the applicant which was mainly taken between the hours of 7 to 9 am and 6 to 8pm. This indicates that on-street parking was very restricted during these times, when it would have been more than likely that residents would be at home for the night and on-street parking would be at a premium.

As to the evidence submitted and the Case Officer's observations, there is a high demand for on-street parking both in Dibden Close and Hordle Road, particularly early evening and

overnight. The proposal would be likely to exacerbate this situation perceptibly. Whilst the current situation of trying to find a car parking space may be accepted by neighbours, the proposed curtilage parking would result in the loss of at least two unallocated on-street spaces, which would increase competition for the limited car parking that is available, giving rise to an unacceptable inconvenience to the living conditions of neighbouring occupiers, with particular regard to parking congestion, with the potential of leading to frustration and resentment within the community, against the occupiers of the development. As such, neither would it be acceptable to have zero car parking provision for this development, given the issues that have been highlighted above, Policy CS16 among other things seeks high quality design that does not cause unacceptable harm to the amenity of neighbours and Policy DM13 seeks to permit development where it provides car parking and cycle storage in accordance with the standards set out in the SPD.

The Local Planning Authority has sought to work with the applicant, to see if any additional un-allocated parking could be provided as a replacement to mitigate the impact of the development. However any options resulted in the removal of the green landscaped area, with mature trees at the entrance of Dibden Close. However in the overall balancing of this proposal it is not considered appropriate to facilitate the loss of landscaping and open areas, which add significant to the amenity and ecology of the area, to be replaced by hardstanding and parking infrastructure.

It is acknowledged that the development would have some sustainability benefits; especially that it is sited within the built up area of Havant, where there are a range of services, facilities and employment opportunities and that one additional dwelling would make a modest addition to the Council's housing stock. However, due to the parking issues identified above, the proposal would be significantly harmful, to the living conditions of neighbouring occupiers and the occupiers of the proposal and that outweighs the benefits associated with the scheme. Therefore, the proposal would be contrary to Policies CS16 and DM13 of the Havant Borough Core Strategy 2011 and Havant's Car Parking SPD.

(v) CIL

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant.

The proposal would result in new residential development which is Community

Infrastructure Levy (CIL) liable and the appropriate forms have been submitted.

8 **Conclusion**

The construction of a dwelling on the site would be acceptable in principle and, in the manner proposed and should not have an impact on the amenities of occupiers of neighbouring properties or the street scene.

The proposal would be likely to exacerbate the on-road parking perceptibly. Whilst the current situation of trying to find a car parking space may be accepted by neighbours, the proposed parking arrangement would result in the loss of at least two unallocated on-street spaces, which would increase competition for the limited car parking that is available, giving rise to an unacceptable inconvenience to the living conditions of neighbouring occupiers, with particular regard to parking congestion, with the potential of leading to frustration and resentment within the community, against the occupiers of the development. As such, neither would it be acceptable to have zero car parking provision for this development, given the issues that have been highlighted above. Policy CS16 among other things seeks high quality design that does not cause unacceptable harm to the amenity of neighbours and Policy DM13 seeks to permit development where it provides car parking and cycle storage in accordance with the standards set out in the SPD. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and Havant's Car Parking SPD.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00729

(A) for the following reasons

- 1 The proposed parking arrangements would result in the loss of at least two unallocated on-street spaces, which would increase competition for the limited car parking that is available, giving rise to an unacceptable inconvenience to the living conditions of neighbouring occupiers, with particular regard to parking congestion, with the potential of leading to frustration and resentment within the community, against the occupiers of the development. As such the proposal would have a significant adverse impact on the amenity of the area and is contrary to Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Council Parking Supplementary Planning Document and the National Planning Policy Framework.