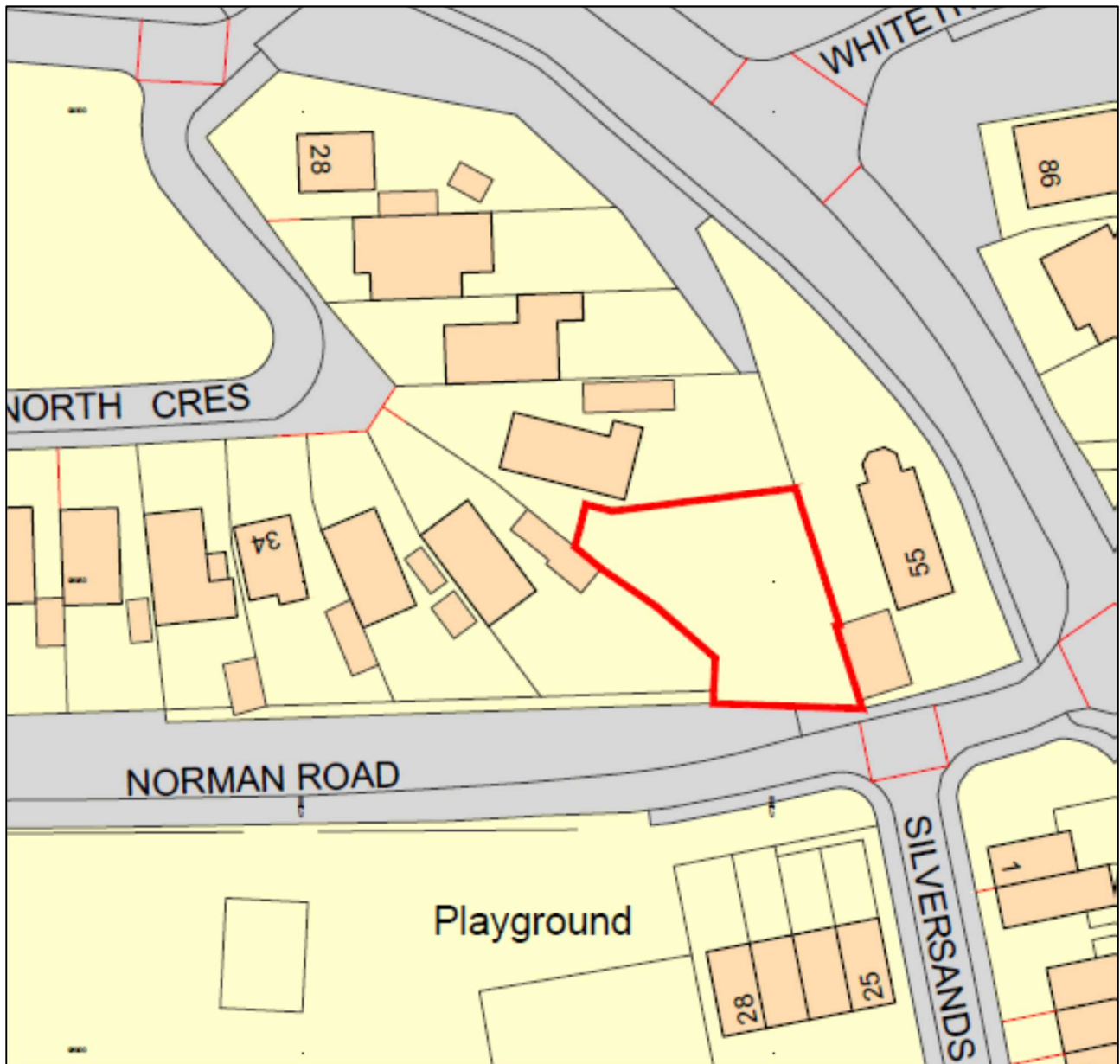


PLANNING STATEMENT**LAND REAR OF 31 NORTH CRESCENT, HAYLING ISLAND****WHALEBACK**

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Site	Land to the rear of 31 North Crescent (AKA Land north of Norman Road), Hayling Island, PO11 9LR
Project	New dwelling
Applicant	Mr Bray
Our Ref	WI948
Date	July 2019
Revision	-

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Introduction

1. WHALEBACK is instructed by the applicant to prepare and submit a planning application to Havant Borough Council for the erection of a new C3 dwelling.
2. The application site includes land formerly part of the garden of No. 31 North Crescent and fronts Norman Road. The site has been fenced off from that dwelling and is currently overgrown.
3. This Planning Statement describes the application site and its surroundings, the development proposal, the planning history of the site and the relevant planning policy framework. A planning appraisal is provided to consider the merits of the application followed by a conclusion.

Site and Surroundings

4. The application site comprises a 0.04 hectare part of the former garden of 31 North Crescent and fronts Norman Road. The site has been fenced off from that dwelling and is currently overgrown.
5. 31 North Crescent comprises a detached bungalow with a conservatory to the rear. 55 Rails Lane, a modern detached two storey house lies immediately to the east of the site, and has access off Norman Road.
6. The site is located to the north of Norman Road, in South Hayling. It is well located for access to the beach, Mengham Sailing Club and the wide range of amenities that Mengham Shopping Centre and Hayling Island has to offer. Norman Road extends from the west side of Rails Lane and is tarmacked as far west as the site entrance, providing access to Silversands Gardens to its south.
7. The remaining section of Norman Road is a single width, unmade track, which connects with St Andrew's Road to the west. To the north side of Norman Road is a strip of land containing mature oak trees within an overgrown under-storey of brambles, nettles etc. Historic maps indicate that this was a historic field boundary. Trees also line the south side of the lane, giving it a pleasant, semi-rural character. To the south side of Norman Road is Mengham Park, a large recreation ground that includes a children's playground and sports centre.
8. As can be appreciated from the satellite image (below) the surrounding area is laid out as a relatively high-density residential suburb.



Aerial photograph with arrow indicating position of site

9. This area of Hayling Island was constructed between 1932 and 1969. The area's built environment character is largely defined by mid twentieth century suburban development. These are principally standard layout and building types, similar examples of which can be found across the South of England. Streets and estates contain both single and two-storey houses.

10. Silversands Gardens, a Raglan Housing Association development to the immediate south of the site, replaced Silversands Holiday village in the relatively recent past.
11. The site is most closely associated with North Crescent to its north, although its access and street frontage is to Norman Road to the south. North Crescent consists of single-storey detached and semidetached houses arranged around a central private green. Although a pleasant environment, the buildings are not considered to be of special architectural or heritage value and are not considered to represent the characteristic vernacular building tradition of the Hampshire coast.

Development Proposal

12. The proposed development is the erection of a single dwelling of one-bedroom, bungalow form as well as associated access and landscaping.
13. The building has a maximum plan depth of 5.9m and a total length of 12.0m. The building is 2.4m high to its eaves, with a total height of 4.7m to the roof ridge. The gross internal area is 51.7sqm.
14. The building is of modest size and comprises just one bedroom and a combined lounge, dining and kitchen space. The proposal also includes a small shed discreetly located on the south side of the building for the storage of bicycles and bins.

Relevant Planning History

15. **GEN/18/00266** – Pre-application proposal to amend previous scheme under application APP/17/00829. Council response dated December 2018.
16. The Council noted that two mature oak trees had been lost and suggested that these would need to be replaced. This led the Council to consider that the development potential of the site was limited by this future need to plant further trees. Comments similar to those made in the delegated report for application APP/17/00829 were also reiterated.
17. **APP/17/00829** – Erection of 1 No. 1 bed single storey dwelling for holiday let – Refused October 2017 for the following reasons:
 - 1. Having regard to the size and shape of the plot, its relationship to adjoining properties and the proximity of mature trees, the proposed development would result in a cramped and contrived layout, detrimental to the visual amenities and character of the area, and upon the amenities of the future occupiers of the proposed dwelling. As such the proposal is contrary to policy CS16 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework 2012.*
 - 2 The layout and siting of the proposed development would result in trees important in the local landscape and subject to a Tree Preservation Order being located such as to have an excessive and over-bearing impact on amenities otherwise enjoyed by occupiers of the development, thereby putting at undue risk the long term conservation of the trees. It is therefore contrary to policies CS11, CS16 and DM8 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework 2012.*
18. **APP/11/00278** - Erection of 1 No. 2 bed detached bungalow with new vehicular access onto Norman Road, with cycle & bin stores – Appeal Dismissed June 2012.
19. The appeal inspector summarised his concerns at paragraphs 10 and 11:

Although the harm I identified to the character and appearance of the area associated with the position of the proposed bungalow on the plot would be limited due to the variety of development in the wider area, I ascribe significant additional weight in relation to the long term viability of the protected tree group and the trees associated with the Council land.

As such I do not consider that the proposal responds to or respects the local context and natural features, nor does it integrate with the existing local landscape. Furthermore I do not consider that it protects the trees which are a natural feature of importance in the area. Accordingly the scheme fails to comply with Policies CS16 and DM8 of the Havant Borough Core Strategy.

Planning Policy Framework

20. Planning and Compulsory Purchase Act 2004 Section 38(6) requires local planning authorities to determine planning applications in accordance with the development plan, unless other material considerations indicate otherwise.
21. The Development Plan currently in force across the area relevant to the application site currently consists of the following adopted plans:
 - National Planning Policy Framework (2019)
 - Local Plan (Core Strategy) (2011)
 - Local Plan (Allocations) (2014)
22. The emerging Havant Local Plan 2036 was commenced in 2016 but being at Pre-Submission stage carries minimal weight in the determination of this application.

National Planning Policy Framework

23. A presumption in favour of sustainable development is found at the heart of the NPPF, for both plan-making and decision-taking, defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
24. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environment.
25. For decision-taking this means approving applications that accord with up-to-date policies without delay; or where policies are absent, silent or out-of-date, granting permission unless the Framework provides clear reasons for refusing a proposal in a particular location or any adverse impacts of permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Planning Appraisal

26. This application follows the refusal of a 2017 application (APP/17/00829) that provides a useful benchmark for comparison. The 2012 appeal decision (APP/11/00278) also provides some context and is a material consideration.

Principle of Development

27. The application site is formerly garden land (to 31 North Crescent) and as such has a residential land use. The NPPF excludes gardens from the definition of 'previously developed land' in its Glossary but given that the application site is located within the settlement boundary of Hayling Island the principle of a new dwelling is nevertheless acceptable in planning terms.

Material Considerations

28. The previous two decisions referenced above provide a useful benchmark for the material considerations in the determination of this application.
29. The Council's refusal of application APP/17/00829 confirmed the two main issues were (as paraphrased):
- "A cramped and contrived layout, detrimental to the visual amenities and character of the area, and upon the amenities of the future occupiers of the proposed dwelling"; and
 - "Trees important in the local landscape and subject to a Tree Preservation Order being located such as to have an excessive and over-bearing impact on amenities otherwise enjoyed by occupiers of the development, thereby putting at undue risk the long-term conservation of the trees".
30. The two main issues for the Council are therefore design and tree protection.
31. The appeal inspector's decision for application APP/11/00278 gave more weight to the issue of tree protection, assessing that the design of the scheme (manifested its potential impact on the character and appearance of the development) would be "**limited due to the variety of development in the wider area**".

Design, character and appearance

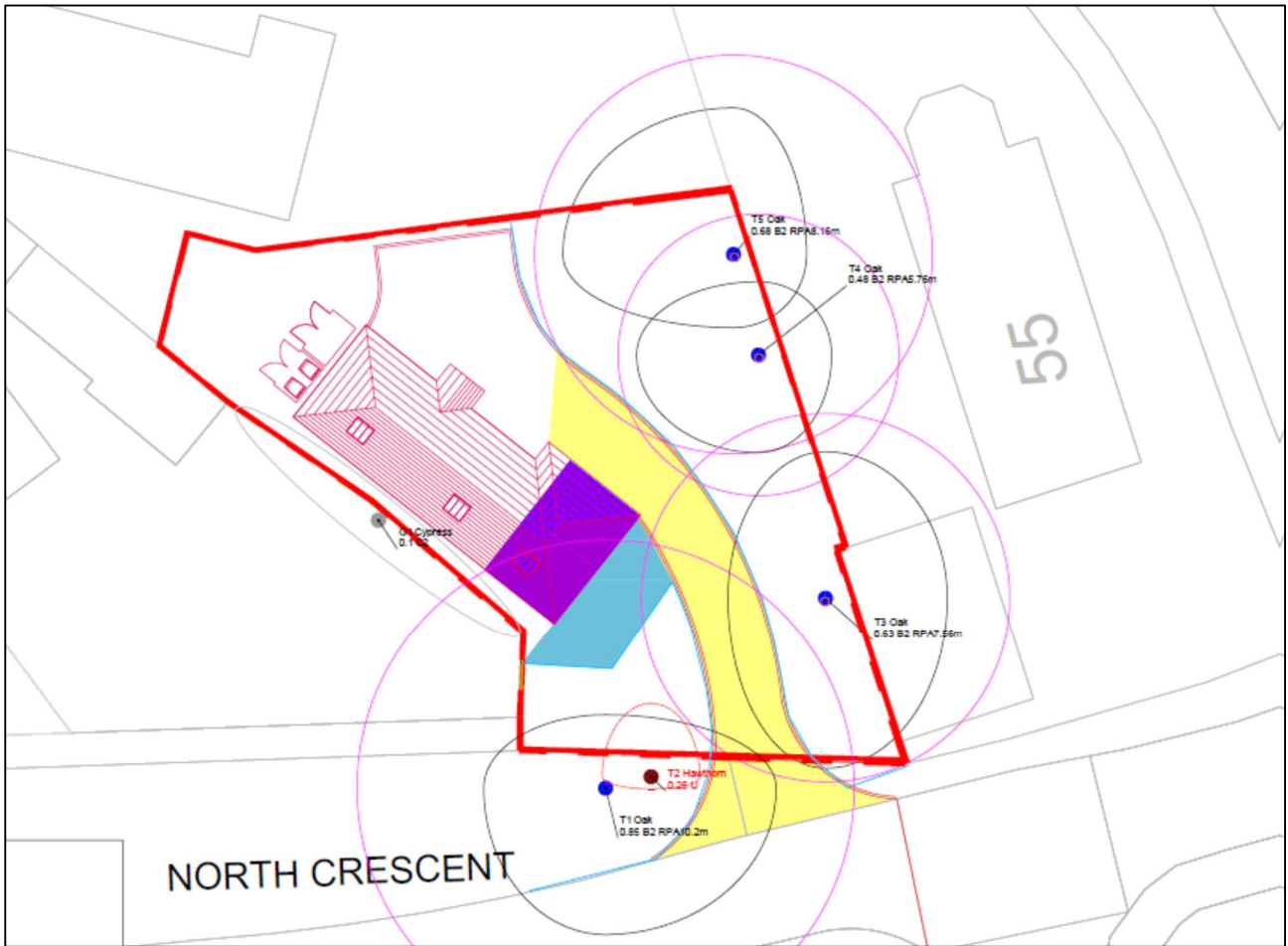
32. The single storey height, plan depth and plain clay tile hipped roof are considered appropriate in relation to historic precedents for the area and the relationship with neighbouring properties. The intention is not to make the proposal invisible from outside the site but to ensure that it presents an attractive, high quality, locally distinctive and neighbourly appearance.
33. The proposed dwelling would be a single-storey bungalow of agricultural or service character positioned close to the southwest boundary of the site.
34. The building's small scale and subsequently low eaves and ridge heights ensures that it will be inconspicuous both from the lane and from neighbouring properties. Only the roof will be seen above site boundaries, being both attractive and of locally characteristic appearance.
35. In being designed in response to locally characteristic agricultural and service buildings, the building will appear appropriate to its location and enhance Norman Road's rustic character. The building will be

of traditional timber frame construction. Walls will be clad externally in featheredged oak weatherboarding and will sit on a red brick plinth. Rainwater goods will be of galvanised steel. The roof will be hipped and clad in plain handmade clay tiles with bonnet tiles to the edges of the hips. Rafter feet will be left exposed to convey an agricultural character. Window and door joinery will be of traditional design, proportions and manufacture and will be painted grey.

36. The exterior paving will be of simple, rustic design. No kerbs will be used but a metal strip will separate the paving from the adjacent lawn. The paving material will be natural coloured gravel. No trees will be affected by the proposed development whilst indigenous planting to boundaries will be enhanced. Hedgerows are intended to enhance the rustic character of the site and to further contribute to its enclosure.
37. Regarding the impact on the character of the local area, the Council's report for application APP/I7/00829 considered that the north side of Norman Road is characterised by "*established unbroken planting*" and the "*formation of accesses and dwellings fronting Norman Road would be out of character with the existing form of development*".
38. This is not correct as the eastern end of Norman Road includes several dwellings positioned along the road, a wide formalised access into 55 Rails Lane (immediately adjacent to the application site on the east side) with its 3 garages next to the road and the road junction of Silversands Gardens opposite to the application site to the south. The two-storey houses of 25-28 Silversands Gardens positioned along the southern side of Norman Road are located directly opposite the proposed new dwelling.
39. It is accepted that further west of the application site Norman Road becomes unmetalled and more rural and informal in character being alongside the playing fields, but up to and including the application site frontage this road has the character of any normal suburban street.
40. Furthermore, the appeal inspector's decision for application APP/I1/00278 concluded at paragraph 10 that the "*harm to the character and appearance of the area associated with the position of the proposed bungalow on the plot would be **limited due to the variety of development in the wider area***". The inspector went on to dismiss the appeal on the basis of the resultant threat to trees.
41. The appeal inspector's findings must be given weight in the determination of this application and it is therefore submitted that the design of the proposed dwelling is acceptable, having a neutral impact on the similarly residential character and appearance of the area and the only matter at stake is now that of tree protection.

Tree Protection

42. The protection of three mature oak trees, covered by Tree Preservation Order (TPO 1711) constituted a reason for refusal of the last two planning applications submitted. The location of the three protected oaks within the application site is plotted on a July 2017 Tree Protection Plan below.



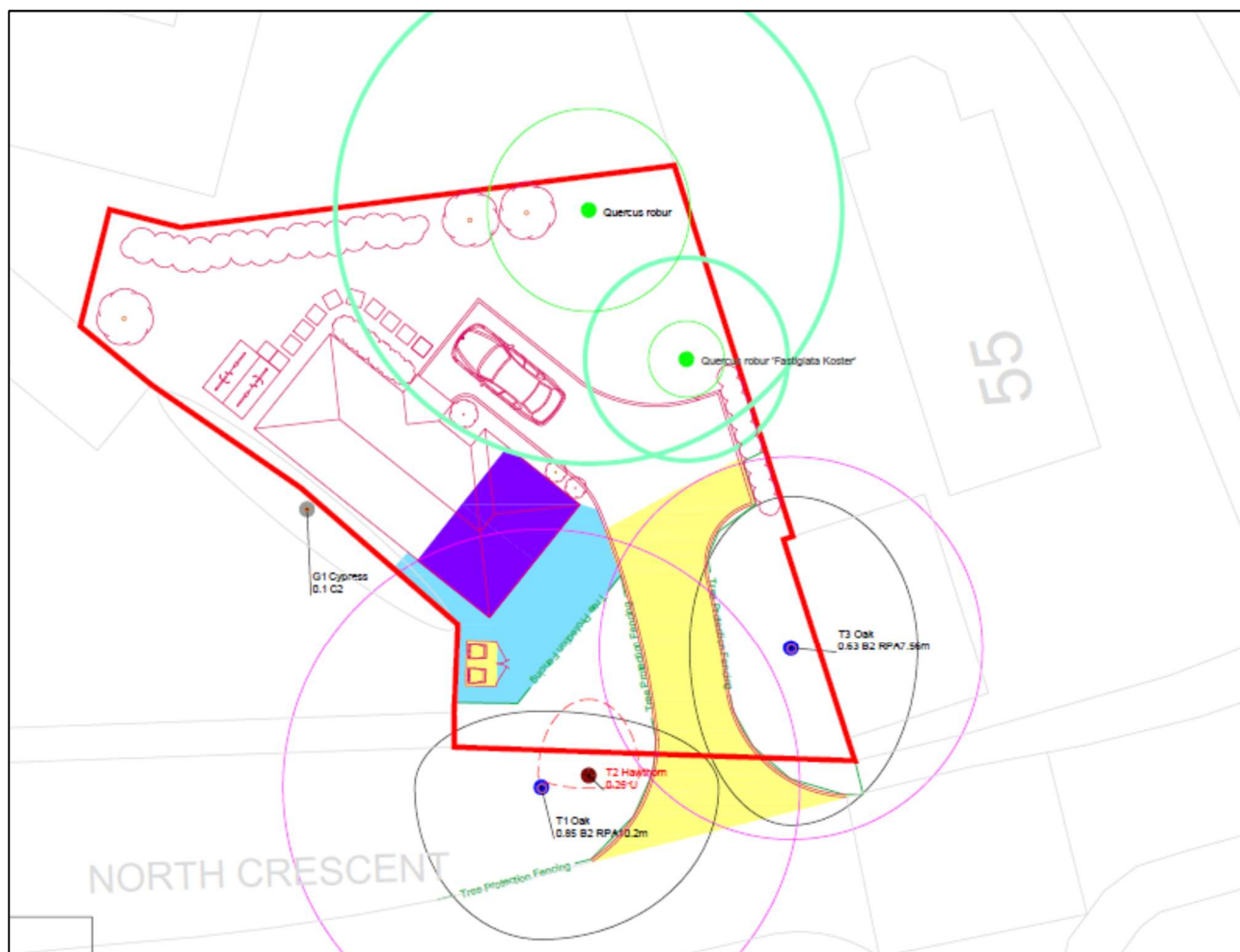
July 2017 Tree Protection Plan showing protected oaks T3, T4, T5.

43. Two of the three oak trees in the northeast corner of the site (T4 and T5) died during the unseasonably cold weather in early 2018 and were legitimately removed under exemption from the need for planning consent. The loss of the trees is documented on Google's Streetview service which includes a photo from June 2018 showing the two oak trees (T4 and T5) severely defoliated in the summer months.



Google Streetview Image dated June 2018 – showing two dead oak trees viewed from east on Rails Lane

44. The following Tree Protection Plan (May 2019) shows the site as it is now, with oaks T4 and T5 removed and replacement specimens replanted in their place in the northeast corner of the site.



May 2019 Tree Protection Plan showing replanted trees in place of oaks T4 and T5.

45. Under application APP/17/00829 the Council's Arboriculturalist agreed that the proposed building could be constructed without harm to the trees but indicated instead that much of the property would be overshadowed by the trees resulting in likely future pressure by future owners to undertake works to the trees which would be difficult to resist.
46. In considering a 2018 pre-application submission (GEN/18/00266) the Council noted that two mature oak trees had been lost and suggested that these would need to be replaced. This led the Council to consider in the pre-application response that the development potential of the site was limited by this future need to plant further oak trees, stating:
- "Historically proposals for a dwelling on this site have been refused as the useable area of the site was heavily constrained by the TPOed trees and even a small dwelling was considered to result in detriment to the TPOed trees. Whilst the loss of the trees has impacted this constraint and the plot may be large enough to accommodate a single dwelling without detriment to the remaining tree and neighbouring properties, the need for replacement planting of a similar species is a constraint."*
47. However, the local planning authority has powers only to enforce the duty to plant one tree to replace one other but this may be of a different species. Alternatively, two trees of a smaller species to replace

one of a large species may be acceptable. Therefore, the assertion that the same (or similar) species must be planted is incorrect.

48. Clearly, the Council cannot make an informed decision about the development potential of the site on the basis of a future constraint that is not yet present on site. The Council's criticism and concern is entirely speculative without the benefit of seeing the species, location or impact of any replanted trees and appears to have heavily relied upon the Council's Arboriculturalist rather than taking an objective view of the planning merits of the site on the day of submission and with the benefit of the full information about the replanted trees proposed.
49. This application is supported by an Arboricultural Impact Appraisal and Method Statement (May 2019) that sets out alternative species of trees to be replanted in place of lost oaks T4 and T5 namely common oak (*Q. robur*) and cyprus oak (*Q. robur fastigiata* 'Koster'). These replacement tree species have the same leaf characteristics as the lost oaks but a significantly reduced spread into maturity providing more space, light and outlook into the site now and in the future.
50. On this basis, the Arboricultural Report finds that if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in the report, the development will have no significant adverse impact on the contribution of trees to amenity or character in the wider setting.
51. As such, the retained and replaced trees will not constrain development now or in the future and the proposed development could be constructed, accessed, operated and maintained without harm to the trees themselves or reciprocal harm from the shading of the trees to the amenities of future occupants. As such, the Council's reason to refuse application APP/I 7/00829 and the appeal inspector's concerns regarding application APP/I 1/00278 have been overcome.

Access and Sustainable Transport

52. In being within a built-up area of Hayling Island, close to the amenities of the seafront and Mengham village centre, the site is sustainably located and ideally placed for residents to walk or cycle to nearby amenities and local attractions.
53. The character of the access will be a simple, uncluttered entrance. Suburbanising elements such as gate posts, kerb stones or block paving will not be used and can be controlled by condition. The paving material will be gravel, separated from the neighbouring lawn by metal strips. As such, the physical access arrangements will be subtle and congruous with the surrounding character.
54. On-site cycle storage will encourage people to travel by sustainable methods. Access into the site will be obtained through the existing entrance from Norman Road. There will be no visual separation between the area of paving for vehicles and that for pedestrians.
55. The parking area will be sufficient for two vehicles. The single storey unit is suited for use by those with mobility issues.

Neighbouring Amenity

56. The small scale and low height of the proposed building will ensure that impacts on the amenity of neighbours will be minimised. The building will be located alongside the site's southwest boundary. Only the hipped, tile-clad roof will rise above the boundary structure and will have an attractive, locally

characteristic appearance. In being located on the northeast side of the neighbouring garden, it will not cause any significant degree of shading.

57. The arrangement of windows and door openings, as well as the building's low height, will prevent any issues of overlooking. Boundary hedges will also be planted to enhance the site's attractiveness and enclosure from neighbouring properties.
58. The Council's report for application APP/17/00829 found impacts on neighbouring amenity to be altogether acceptable except for potential noise disturbance from the outdoor amenity area given that application's proposed use for holiday accommodation. It is therefore submitted that the now-proposed use as a C3 residential dwelling would be in-keeping with the surrounding residential uses and garden-to-garden disturbance would have a neutral impact.

Constraints

59. Apart from the Tree Preservation Order, the site is otherwise free from environmental and physical constraints or other planning designations. The Core Strategy Policies Map shows no specific designation for this site.

Conclusion

60. The proposed development of a residential dwelling in a predominantly residential area, within the settlement boundary, is acceptable in principle subject to relevant material considerations. The appeal inspector for application APP/I 1/00278 confirmed the main issue was the ongoing viability of protected trees. Although the Council later refused application APP/I7/00829 on the basis of design, this has been addressed in the report above and the appeal inspector only attributed this "limited weight" which must be taken into account in determining this current application.
61. The Council's pre-application response (GEN/I8/00266) incorrectly assumed that the lost oak trees would need to be replaced like-for-like and thus unfairly concluded that the development potential of the site was limited by a future constraint that is not present on the site nor necessary.
62. The application is supported by a an Arboricultural Impact Appraisal and Method Statement (May 2019) that sets out alternative species of trees to be replanted namely common oak (*Q. robur*) and cyprus oak (*Q. robur fastigiata* 'Koster'). These replacement tree species have the same leaf characteristics as the lost oaks but a significantly reduced spread into maturity providing more space, light and outlook into the site now and in the future.
63. As such, the retained and replaced trees will not constrain development now or in the future and the proposed development could be constructed, accessed, operated and maintained without harm to the trees themselves or reciprocal harm from the shading of the trees to the amenities of future occupants. As such, the Council's reason to refuse application APP/I 7/00829 and the appeal inspector's concerns regarding application APP/I 1/00278 have been overcome and this application can be approved without delay.

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