

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

101 St Albans Road, Havant, PO9 2JS

**Local Planning Authority Reference:-
APP/19/00020**

**Planning Inspectorate Reference:-
APP/X1735/W/19/3227404**

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR GAVIN SPURWAY AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR Erection of 1No one-bedroom end of terrace dwelling on 101 St Albans Road, Havant, PO9 2JS

Planning Inspectorate Reference: APP/X1735/W/19/3227404

Local Planning Authority Reference APP/19/00020

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The site relates to an end of terrace two storey dwelling located to the west side of St Albans Road in Havant. It is within an area characterised by similar post war two storey dwellings with a strong sense of uniformity. The application site is positioned to the east side of No 101 and is proposed to be a two storey one bedroom dwelling finished in brick with concrete tiles. To the front of the properties sits an area of green open space with parking spaces running the length of St Albans Road to the south and north east of the application site.
- 1.2 No 101 has an existing single parking space situated to the rear of the application site which is accessed from St Albans road. This is currently a provision that serves No 101 but as part of the proposal this would serve the new property with No 101 relying on a parking provision to be provided in the layby to either the north or south of the site.
- 1.3 The proposed amenity space to the rear would be sub-divided leaving a reduced provision for No 101 and a limited provision for the new dwelling. The curtilage boundary consists of 1.8m timber fencing.
- 1.4 The existing side elevation of No 101 is set some 4m in from the side boundary and this area currently provides a grassed side garden as well as providing a sense of space in street scene to the east.
- 1.5 The appeal site location is shown in **Appendix A**.

2.0 THE APPLICATION

- 2.1 A planning application for was submitted and subsequently validated by Havant Borough Council for the 'Erection of 1No. one-bedroom end of terrace dwelling' on 07 January 2019.
- 2.2 No pre-application advice was sought regarding the proposed development. Havant Borough Council actively promotes this service.
- 2.3 The application sought permission for the erection of 1No one-bedroom end of terrace dwelling. The proposed dwelling would align in depth and height with the retained dwelling, however, it would have a width of approximately 3.7m with the host dwelling having a width of approximately 5.8m. The plans indicate the dwelling to have a single bedroom only. To facilitate the proposed development the current amenity space serving No 101 would be sub-divided with the existing parking space serving the new dwelling and removing all parking provision at No 101.

2.4 Consultations were carried out with the following consultees in relation to the development:

HBC Building Control;
HBC Waste Services
HBC Community Infrastructure
HBC Highways Engineer
HBC Environmental Health
Natural England
Hampshire Constabulary Crime Prevention Officer

The Planning Inspectorate has been provided with copies of any Consultation Responses received:

2.5 The application was determined under powers delegated to the Head of Planning and was refused on Monday 4th March 2019 for the following reasons:

- 1. Development of the site in the manner proposed would amount to an over-development, in that it would give rise to substandard garden lengths and insufficient amenity space for both the occupiers of the existing and proposed dwelling. This would lead to a cramped and contrived layout, to the detriment of the character and appearance of the application site, and at variance with the character of the area. The proposal is therefore contrary to the adopted Borough Design Guide SPD, 2011 and policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.**
- 2. The proposed dwelling would by reason of its size, layout and design result in an unbalanced external appearance harmful to the vernacular and rhythm of the host terrace and strong visual appearance of the area. Furthermore the size and bulk of the proposed dwelling would result in a prominent and overbearing development that would be visually harmful to the amenities and spatial characteristics of the area and the St Albans Road streetscene, conflicting with the established pattern of development in the locality. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2018.**
- 3. Without the appropriate financial mitigation, the development would be likely to have a significant effect on the Chichester and Langstone Harbours Special Protection Area and so is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) and the Conservation of Habitats and Species Regulations 2017.**

3.0 PLANNING POLICY

3.1 The Development Plan for Havant comprises The Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Local Plan (Allocations) 2014 and the Hampshire Minerals and Waste Plan 2013 the last of these is not considered relevant to this appeal. In addition, the Councils Havant Borough Local Plan 2036 has been progressed to the Pre-Submission Draft and was subject to public consultation from 4th February to 18th March 2019.

National Planning Policy Framework 2019.

- 3.2 The NPPF was updated in February 2019 and continues to have a presumption in favour of sustainable development (paragraph 11). The following parts are considered particularly relevant:
- 3.3 Part 2 provides guidance on achieving sustainable development,
- 3.4 Part 3 Plan Making confirms that 'The planning system should be genuinely plan-led',

- 3.5 Part 4 Highlights the importance of pre-application engagement and front loading and that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.6 Part 11 Making effective use of Land states that Planning policies and decisions should: (c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs,....It continues Planning policies and decisions should support development that makes efficient use of land, taking into account: (amongst other matters) (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration.
- 3.7 Part 12 Achieving well-designed places – paragraph 127 sets out that Planning policies and decisions should ensure that developments: (amongst other matters) (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 3.8 Paragraph 128 encourages early discussion between applicants and the LPA about design and emerging schemes to clarify expectations and reconcile issues. This reinforces Chapter 4 on Pre-application engagement and front loading that also encourages pre-application discussions.
- 3.9 Paragraphs 174-177 relate to Habitats and Biodiversity and paragraph 177 confirms that: *The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.* This is relevant in relation to recent case law and the revised Solent Recreation Mitigation Strategy, which will be detailed below.
- 3.10 The NPPF continues to place and reinforces the emphasis on achieving good design. It is considered that one of the key considerations in the determination of this appeal is design. The NPPF continues to be relevant to the appeal and the LPA consider that the decision to refuse planning permission was made in accordance with the design guidance contained within the updated NPPF.
- 3.11 The NPPF continues to place an emphasis on the importance of plan led development patterns, pre-application engagement and good design. Importance is placed on maintaining an areas prevailing character and setting and recognising the need to protect landscapes, spaces and intrinsic character. Therefore, the new NPPF continues to be relevant and the LPA are confident that the decision to refuse planning permission was made in accordance with the guidance contained within the updated NPPF.

Havant Borough Local Plan (Core Strategy) 2011

- 3.12 The following policies of the Havant Borough Local Plan (Core Strategy) 2011 (HBLP (CS) 2011) are considered to be relevant to the determination of this appeal:
 - CS9 (Housing)
 - CS16 (High Quality Design)
 - CS17 (Concentration and Distribution of Development within the Urban Areas)
 - CS21 (Developer Requirements)
 - DM13 (Car and Cycle Parking on Residential Development)
- 3.13 **Policy CS16** is relevant to reasons 1 and 2 of the refusal and sets out the Councils requirements for High Quality Design. The policy states (amongst other matters):

Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1. *Responds to, draws inspiration from and respects local context and:*

- a) *Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;*
- b) *Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- c) *Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*
- e) *The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

3.14 The Planning Inspectorate have previously been forwarded copies of the relevant planning policies.

Havant Borough Local Plan (Allocations) 2014

3.15 The following policies of the Havant Borough Local Plan (Allocations) 2014 (HBLPA 2014) are considered to be particularly relevant to the determination of this appeal:

- AL1 Presumption in Favour of Sustainable Development
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Supplementary Planning Guidance

Havant Borough Design Guide Supplementary Planning Document 2011

3.16 In addition to the Development Plan the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 is relevant to the consideration of this appeal.

3.17 The Borough Design Guide SPD supplements Policy CS16 of the Havant Borough Core Strategy and aims to raise the standard of design across the Borough. The document was adopted by the council on 14 December 2011 and is a material consideration in the determination of planning application. The following extracts are considered particularly relevant to the determination of this appeal:

Paragraph 4.1 states:

It is crucial that the design of new places is undertaken with a sound understanding of the local pattern of development. This understanding should inform the design of a proposal and reflect local character and distinctiveness, whilst allowing innovative design.

Table 4.1 states:

The layout of development should reflect the layout and pattern of development in the neighbouring area, looking to adjoining properties first.

The width of the plot and width of the proposed building should be similar to that prevailing in the local area, looking to immediate neighbours first.

Paragraph 5.05 states:

- *Garden length should normally allow 10 metres between the dwelling and the boundary.*

Paragraph 5.12 states:

All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment.

Paragraph 5.13 states:

As stated, the garden of a two storey home should be a minimum of 10 metres in length to provide appropriate daylight and to minimise overlooking, with an additional 4 metres for every storey added. Clearly there may be exceptions to this rule, depending on the local context, for example in urban areas there may be a historic pattern of development that dictates otherwise, such as three storey townhouse served by small courtyards of 10 metres rather than large gardens of 14 metres plus.

Havant Borough Council Parking Supplementary Planning Document 2016

- 3.18 This document sets out the parking standards for development and requires 1 car parking space per 2 bed unit and 1 space for a 1 bed unit. In addition, cycle parking is required at 2 spaces per 2 bed unit and 1 space per 1 bed unit (Long Stay).

Emerging Policy

Havant Borough Local Plan 2036 Pre-Submission Draft

- 3.19 With respect to the Local Plan, the Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the Havant Borough Local Plan 2036 (HBLP 2036) between 8 January to 16 February 2018. The responses to the public consultation are currently being assessed. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, the Draft Local Plan, it is of relevance in setting out the Council's direction of travel.
- 3.20 With respect to this appeal the draft Design Policy E1 reiterates the Council's commitment to achieving high quality design that respects its context and new draft policy H1 seeks High Quality Design specifically for New Homes and sets out spatial criteria. These draft policies are copied in full in **Appendix B**.

Other relevant strategy / issues

'Definitive' Solent Recreation Mitigation Strategy

- 3.21 The development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan covers this issue and allows for a financial contribution to be made towards mitigation measures.
- 3.22 On 1st April 2018, the ('Definitive') Solent Recreation Mitigation Strategy replaced the 'Interim' and the 'Definitive' Strategy now applies to new residential development (this was as approved by Havant Borough Councils Cabinet on the 7th February 2018.) The updated Strategy uses a sliding scale to calculate the SRMS contribution for new residential development built within 5.6km of the coastline. As such, the contribution is now calculated based on the number of bedrooms per individual dwelling. This Strategy seeks a sum of £373.85 as mitigation for the proposed 1 bedroomed property and the Unilateral Undertaking (including monitoring and admin fees) had been sent to the applicant. The monies were paid, and Undertaking signed on 15th April 2019, after the determination of the Planning Application. **Appendix C** summarises the potential effects on the SPA and appropriate mitigation achieved by the financial contribution.

Other Matters

- 3.23 It should also be noted that following the Councils determination of this planning application the Court of Justice of the European Union (CJEU) issued a judgement (People over Wind, Peter Sweetman v Coillte Teoranta) which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgement as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage. PINS Note 05/2018 refers to the judgement.

- 3.24 In this case, the development is located within a zone of influence of an SPA, the Local Planning Authority undertook HRA screening which included the requirement for avoidance and mitigation measures in terms of the Interim Solent Recreation Mitigation Project (now Definitive Solent Recreation Mitigation Strategy).
- 3.25 As a result of the above judgement and consequent update in case law, an Appropriate Assessment is also now necessary in accordance with Regulation 63 of the Habitats Regulations.
- 3.26 Natural England are a statutory consultee on the Appropriate Assessment stage and the LPA have consulted Natural England on this appeal. Their response in relation to the application stage is attached at **Appendix D**. As the Inspectorate are now the competent determining authority in relation to this appeal, it will be necessary for the Inspectorate to determine whether this is satisfactory to address the new case law.
- 3.27 It should be noted that in addition to this Natural England are raising concerns with all housing development and the impact caused to the deterioration of the water environment. Their comments in relation to residential development are below:

With regard to the integrity of the designated sites, we advise that there is currently uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the international sites.

There is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future housing growth without having a detrimental effect upon the water environment. A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures. However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

The proposal comprises new housing development and it is Natural England's view that the existing uncertainty about the deterioration of the water environment must be appropriately addressed in order for the assessment to be legally compliant in light of recent case law. The key pieces of case law are Sweetman II (People Over Wind, Peter Sweetman v Coillte Teoranta) judgement which was issued in April 2018 by the Court of Justice of the European Union (CJEU) and the CJEU case known as the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

It is Natural England's view that there is a likely significant effect on the internationally designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing. As you are aware, where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess the implications of the proposal in view of the conservation objectives for the European site(s) in question within the appropriate assessment. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Natural England advises that the waste water issue is examined within the appropriate assessment. To address the existing uncertainty, Natural England recommends that the proposals achieve nutrient neutrality. Natural England has prepared a methodology setting out how this can be achieved and this is attached for your information. It is appreciated that this may be difficult for smaller developments. Natural England has advised that Havant Borough Council set up an interim approach that developments can contribute to thereby ensuring that this uncertainty is fully

addressed by all applications. Natural England is working closely with Havant Borough Council and other PUSH planning authorities to help address this issue. Natural England can also provide further advice to the applicant on mitigation options under our [Discretionary Advice Service](#).

- 3.28 As the Inspectorate are now the competent determining authority in relation to this appeal, it will be necessary for the Inspectorate to determine a Habitats Regulations Assessment taking into account the impacts of development on the internationally designated sites and the likelihood of significant effects.

4.0 REPRESENTATIONS

- 4.1 During the consideration of the planning application the subject of this appeal no third party representations were received.

5.0 PLANNING CONSIDERATIONS

- 5.1 The planning application was refused for three reasons and these are considered in order below:

- 1) **Development of the site in the manner proposed would amount to an over-development, in that it would give rise to substandard garden lengths and insufficient amenity space for both the occupiers of the existing and proposed dwelling. This would lead to a cramped and contrived layout, to the detriment of the character and appearance of the application site, and at variance with the character of the area. The proposal is therefore contrary to the adopted Borough Design Guide SPD, 2011 and policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.**

- 5.2 The proposed dwelling would have a significantly reduced width of plot when compared to the plot widths of its neighbours. The building would cover the width of the plot and the angled boundary line reduces still further the available site area. The cramped and overdeveloped nature of the plot is emphasised by the lack of separation distance to the boundary for this end of terrace property which is not reflected in the pattern of terraced development locally.

- 5.3 The proposed dwelling would have a footprint with a width of approx. 3.7m with limited to no separation from the side boundary. There is a distinct pattern of development within the terrace with the other dwellings being of a similar width approximately 2m wider than the proposed unit. The other dwellings have a distinctive pattern of regular fenestration including 2 windows at first floor. The proposed dwelling does not repeat this pattern and proposes a single window at first floor with a small window at ground floor including the door. This reduced width and fenestration arrangement would be out of character with the strong vernacular of the area. This results in an unbalanced external appearance that does not respect the proportions and rhythm of the terrace as a whole, or the context of the site. This is considered to be harmful to the visual amenities of the street scene, contrary to policy CS16 and the Havant Borough Design Guide which states:

Policy CS16 states that all development should demonstrate that it: *c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*

The Design Guide States:

The layout of development should reflect the layout and pattern of development in the neighbouring area, looking to adjoining properties first.

The width of the plot and width of the proposed building should be similar to that prevailing in the local area, looking to immediate neighbours first.

- 5.4 In terms of the external amenity space for the occupiers of the retained dwelling (No.101) this is considered to be insufficient. The adopted Borough Design Guide SPD recommends that garden depths should normally be 10m. Whilst a 10m depth is not currently achieved, the width of the

existing garden, together with the side garden provides suitable and appropriate private amenity for the existing two bed dwelling. Due to the subdivision of the garden and the presence of an existing car parking space to the rear of the application site the retained dwelling would only have a garden space measuring 7.5m to 4.2m deep by 5.5m – 3.9m wide. The significant reduction of this space indicates the contrived nature of the proposal which is essentially an overdevelopment of a small plot. Considering this retained dwelling has 2 bedrooms then it would provide family accommodation and the remaining garden area is considered insufficient for its future occupants.

- 5.5 Due to the on-site parking space for the proposed dwelling which compromises the available rear amenity space, the proposed dwelling would only have a garden depth of approximately 4.25m and a width of 3.6m (average). This is significantly below the recommended 10m depth of the Design Guide SPD and not compatible with the surrounding area. Whilst it is appreciated that the plans submitted show a single bedroom dwelling proposed, the Local Planning Authority are concerned that suitable external space should be provided. Permitted development rights could be withdrawn for further roof alterations and the addition of a dormer as otherwise the dwelling could become a 2-bed dwelling, but internal subdivision would be hard to control in the future.
- 5.6 The development is not considered to result in appropriate private amenity space for both the existing and proposed dwellings and the following guidance is provided by the Borough Design Guide: *Garden length should normally allow 10 metres between the dwelling and the boundary.*
- 2) **The proposed dwelling would by reason of its size, layout and design result in an unbalanced external appearance harmful to the vernacular and rhythm of the host terrace and strong visual appearance of the area. Furthermore, the size and bulk of the proposed dwelling would result in a prominent and overbearing development that would be visually harmful to the amenities and spatial characteristics of the area and the St Albans Road street scene, conflicting with the established pattern of development in the locality. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2018.**
- 5.7 The proposed dwelling is situated in a prominent position to the west of the highway of St Albans Road and would be approximately 2 metres narrower than the existing properties in the terrace and would be sited up to the eastern site boundary at the rear and within 0.7m of the eastern boundary at the front. It is considered that the siting up to or in very close proximity to the public side boundary facing St Albans Road would result in a bulky and prominent development viewed from the highway which combined with a full height gable would create an unduly dominant and oppressive feature in the street scene. Currently there is a sense of openness between the run of terraces within the street scene and the highway. All nearby development and in particular end of terrace developments retain an acceptable set off from the boundary to the east with the majority of side development being single storey only. Therefore, the development of a new two storey dwelling up to the boundary is considered to create an alien and unusual feature within St Albans Road which is not in keeping nor reflective of other development present.
- 5.8 This is also contrary to the Havant Borough Design Guide SPD which provides the following guidance: *It is crucial that the design of new places is undertaken with a sound understanding of the local pattern of development. This understanding should inform the design of a proposal and reflect local character and distinctiveness, whilst allowing innovative design.*
- 5.9 Overall the proposed layout is considered an overdevelopment, being a cramped and contrived form of development that would not provide sufficient useable private amenity space for future occupiers. As such the proposal is considered contrary to both the adopted Design Guide SPD and policy CS16.
- 5.10 The proposed new dwelling is a one-bedroom property therefore requiring one parking space to serve it in order to be in accordance with the Boroughs Parking SPD. From the details submitted it is taken that the rear parking provision currently serving No 101 would be the parking space for the new dwelling which would leave No 101 with no parking provision onsite. The parking space as detailed above restricts usable private amenity space for both the proposed and existing dwelling.

Without the appropriate financial mitigation, the development would be likely to have a significant effect on the Chichester and Langstone Harbours Special Protection Area and so is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) and the Conservation of Habitats and Species Regulations 2017.

- 5.11 Undertaking signed on 15th April 2019 and the appropriate financial contribution received in relation to the Solent Recreation Mitigation Strategy following the refusal of planning permission. It can therefore be confirmed that the third reason for refusal will not be pursued at the appeal stage by Havant Borough Council.

6.0 COMMENTS ON APPELLANTS STATEMENT OF CASE

- 6.1 It is considered that most of the matters raised by the applicant have been addressed in the Councils Statement of Case. No further information has been provided of which requires additional comment.

7.0 CONCLUSION

- 7.1 It is considered that the proposed new dwelling, by reason of its size, layout and design would result in an unbalanced external appearance, this would also be a bulky and prominent development that would be harmful to the visual amenities of the existing terrace and street scene. Furthermore, the proposed layout, is considered an overdevelopment of the plot with insufficient amenity space for future occupiers of both the existing dwelling and the new dwelling. It is considered that the development would result in a cramped and congested layout of the site, to the detriment of the character and appearance of the locality.
- 7.2 As such, the proposed development is considered to be contrary to the NPPF, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the adopted Havant Borough Design Guide SPD 2011.
- 7.3 The Inspector is respectfully requested to dismiss this appeal.

APPENDICES

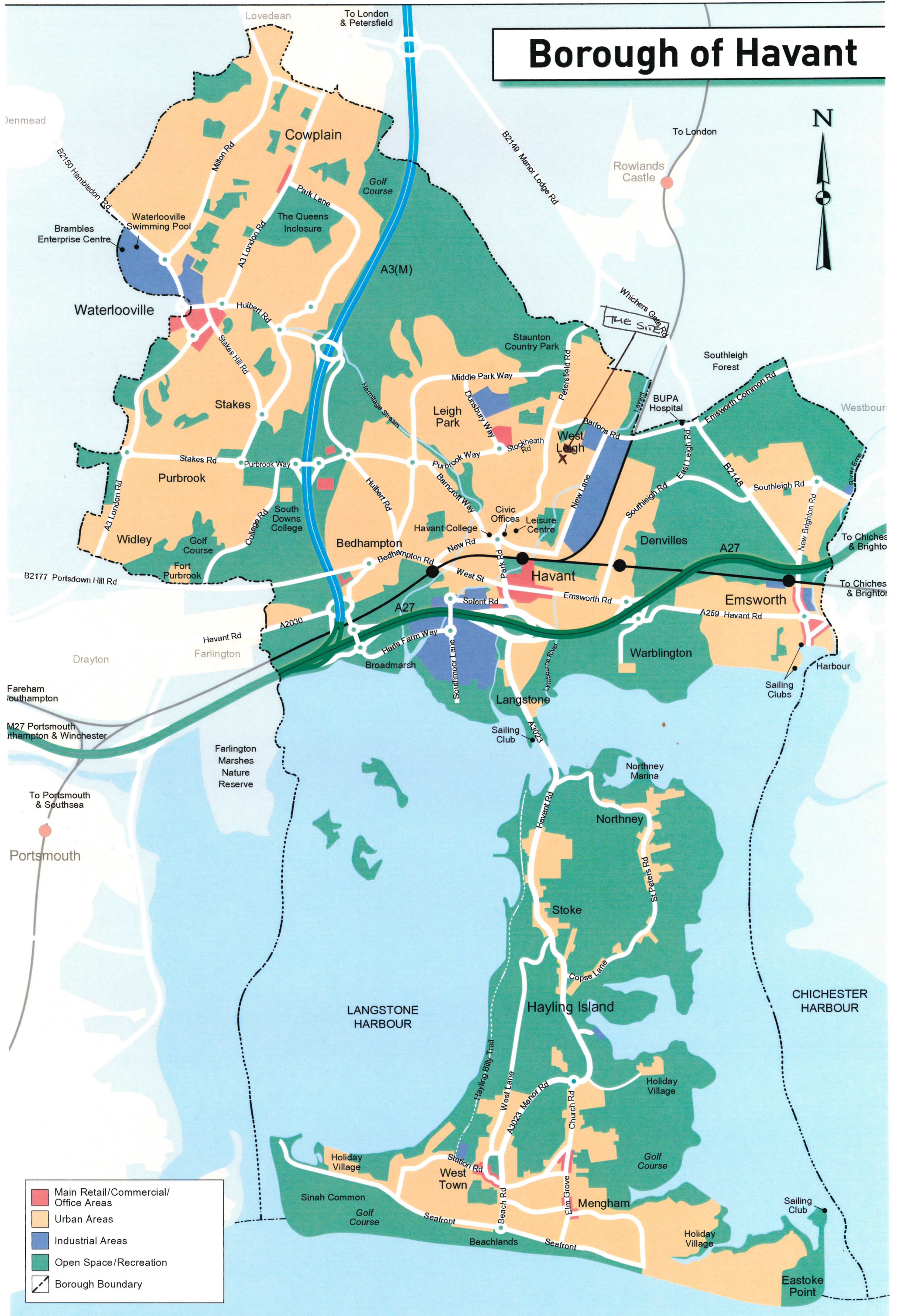
- (A) Borough Map and 1:1250 Location Plan
- (B) Emerging Policies E1 and H1 from Draft Havant Borough Council Local Plan 2036
- (C) Potential effects on SPA of residential development
- (D) Natural England consultation response

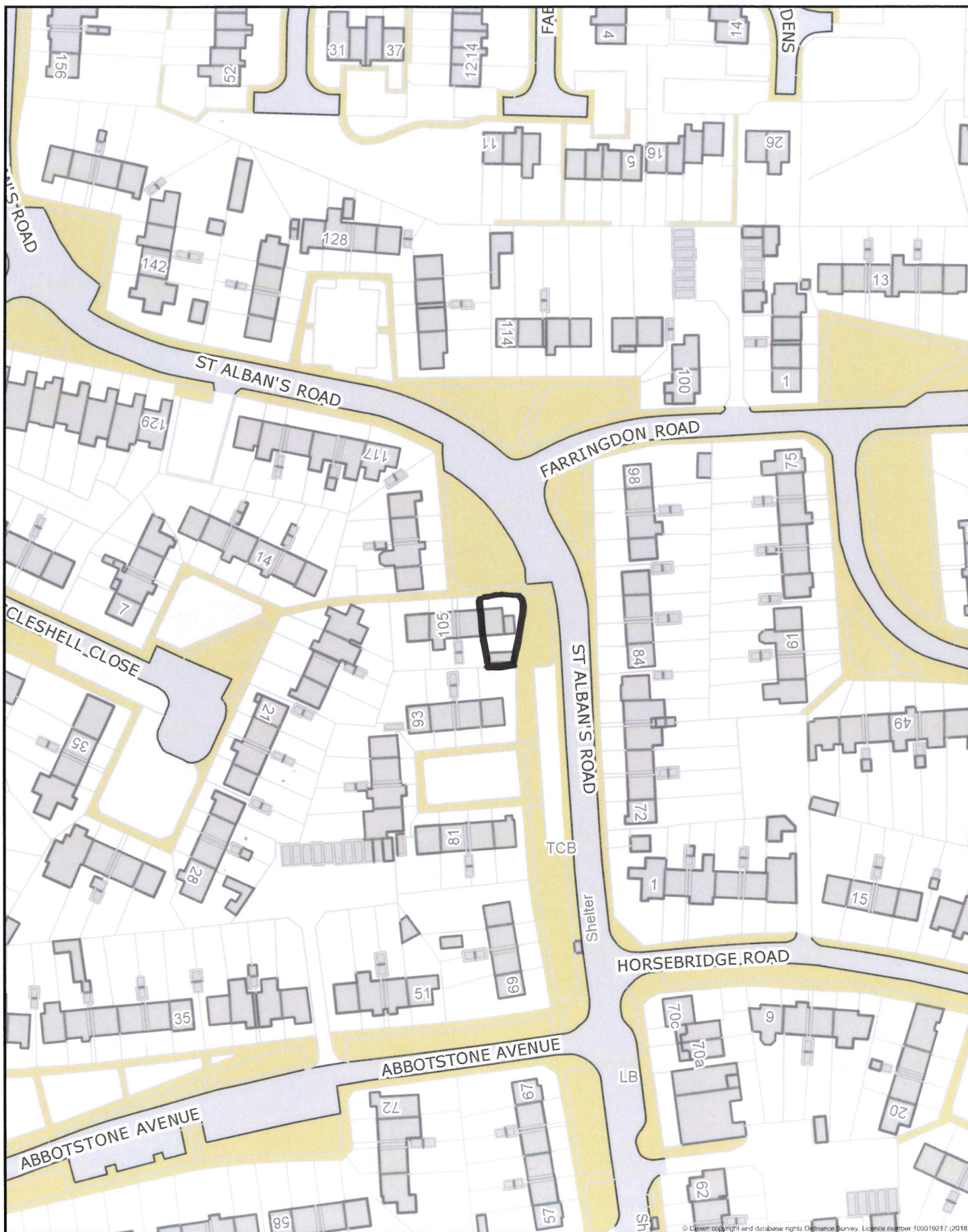
APPENDIX A

**APPEAL – 101 St Albans Road,
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Borough of Havant





101 St Albans Road

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Printed on: 2019-06-14 14:27:45

Havant
BOROUGH COUNCIL

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APPENDIX B

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E1 | High quality design

Why this policy is needed

- 5.1 The NPPF makes clear that good design is a key aspect of sustainable development. Planning and development should create “high quality buildings and places”, and “create better places in which to live and work”⁴⁵. This policy sets out the Borough’s expectations in achieving high quality design, enhancing connections between people and places and integrating new development with the Borough’s high quality natural, built and historic environment.
- 5.2 The Borough has a diverse built environment, and in many cases, it will be appropriate to forge new places particularly where areas suffer from neglect and lack of identity. Havant and Waterlooville Town Centres and Hayling Island Seafront are in need of regeneration and have poor connections to the surrounding areas. The Council recognises the importance of good design for place shaping, including responding to and enhancing its natural assets and more attractive built features.
- 5.3 Safe and convenient connections for walking and cycling within and around development can also help people to take responsibility for their own health and wellbeing. Policy E2 (Health and Wellbeing) indicates how appropriate supporting infrastructure can be integrated as part of new development to support physical activity and meet the needs of different users. Policy H1 (High Quality New Homes) also sets out how new dwellings will be expected to contribute towards improved health and wellbeing of occupants by setting internal space and accessibility standards.

E1 | High quality design

Planning permission will be granted for development that:

- a. Is designed to a high standard, which helps to create places where people want to live, work, visit and enjoy;
- b. Demonstrates that neighbourhood plans, local design statements, and the design elements of conservation area appraisals which identify local character and distinctiveness have been taken into account;
- c. Demonstrates that it:
 - i. Responds to, and draws inspiration from its local context and where appropriate, forges a new sense of place through design;
 - ii. Considers characteristics such as height, massing, existing building lines, plot widths and depths and proportions of building features such as windows and doors;
 - iii. Identifies and positively responds to existing natural and built features including listed buildings, conservation areas and other heritage assets within or close to the development;
 - iv. Makes a positive contribution to the overall appearance of the street scene and wider area by use of good quality materials of appropriate scale, profile, finish, colour and durability;
 - v. Produces a positive relationship with and between existing and proposed buildings, streets and spaces;
 - vi. Avoids over-dominance and does not cause unacceptable harm to the amenity of neighbours through overshadowing, massing, the loss of privacy, outlook, overlooking, and through odour, noise or disturbance;

⁴⁵ NPPF paragraph 124.

- vii. Reduces opportunities for crime and anti-social behaviour and contributes to the creation of safe and inclusive communities; and
- viii. Integrates with existing local landscape and biodiversity features and characteristics of the area, by using high quality landscaping.
- d. Demonstrates that any adverts, signage, lighting and other security features are fit for purpose, fully integrated with the design, and do not adversely affect the visual amenity of the street scene or the amenity of neighbours.

In addition, and where appropriate to the scale and nature of the development, all non-householder development which will create new floorspace is expected to:

- e. Provide a variety of design styles and types to create interest and a sense of place;
- f. Ensure the layout is appropriate in density, scale, and appearance, and provides safe and convenient access for all users;
- g. Incorporate new technologies and construction methods as part of building design, taking into account sustainability and resource efficiency;
- h. Be well connected to and fully integrated with the local area by linking existing pedestrian and cycle routes and encourage people to use public transport where possible;
- i. Make optimal use of land and does not undermine the development potential of adjacent sites;
- j. Include public realm and landscaping which is well designed, durable and consistent across the extent of the development site or key project area; and
- k. Incorporate safe, secure and convenient provision for cycle storage and refuse and recycling facilities which is integrated within the overall design.

How this policy works

5.4 The policy criteria under sections a - c. of the Policy E1 will generally apply to all types of development, including:

- Extensions;
- Garages, car ports, outbuildings, sheds and greenhouses;
- Boundary walls, fences or gates;
- Porches;
- Satellite dishes/radio aerials;
- Dormer windows or other alterations to the roof;
- Conversions and changes of use;
- Shopfronts;
- Signage;
- Lighting.

5.5 In addition, the criteria e. – k. are relevant to developments which include the creation of one dwelling or more and any new commercial floorspace. Criteria e. – k. are a guide and development will not be expected to fulfil requirements which are not relevant to the scheme in question.

5.6 The Council recognises that it is important to ensure that new signs do not result in a cluttered appearance on an individual building or on the wider street scene. Signs must also be of an appropriate size and scale for the building and its surroundings. Security shutters and other features can also create significant visual intrusions in the street scene. It is important that proposals are fit-for-purpose and are fully integrated within the design.

- 5.7 Illumination, particularly in or adjacent to conservation areas, heritage assets and in or adjacent to or visible from Chichester Harbour AONB, can detract from the overall appearance of a building or area. Signage in or close to the AONB should also have regard to the Policy E5 and the Chichester Harbour AONB Supplementary Planning Document (SPD) (July 2017).
- 5.8 Constructive pre-application advice is a valuable tool in guiding and progressing development proposals, prior to their submission. The Council's procedure for pre-application advice is set out under the planning pre-application advice guidance note which can be found on the Council's web site. For major proposals, developers will also be expected to engage with councillors, key stakeholders and the public on major proposals through the Council's Development Consultation Forums. Where appropriate, the Council will also consult the Design Review Panel on development proposals.
- 5.9 At pre-application stage, consideration will be given to the site's opportunities and constraints in light of the policies in the Adopted Local Plan; identifying any aspects which may need to be resolved, and relevant material planning considerations and constraints. Advice will be provided on planning obligations and the appropriate documents which would need to be submitted.
- 5.10 The Borough Design Guide SPD⁴⁶ complements this policy and provides detailed guidance to raise the standard of design across the Borough. The SPD sets out what developers are expected to deliver in terms of the design of new development, and how the distinctive character and qualities of the Borough could be enhanced through development. Designated Conservation Areas within the Borough also have Character Appraisals and Management Plans, which provide detailed information on these areas which should be given regard when proposing development in line with Policy E13 (Heritage).
- 5.11 The Council is supportive of new technologies and construction methods integrated as part of new development, including Passivhaus design principles in line with Policy E12 (Low Carbon Design). The sustainability and resource efficiency will be considered in the overall design and layout of schemes, including ensuring that, where appropriate schemes maximise solar gain and minimise the need for energy heating.

⁴⁶ The Borough Design SPD (December 2011) will be revised in line with this new policy.

H1 | High quality new homes

Why this policy is needed

- 6.1 The NPPF highlights that high quality design and a good standard of amenity should be sought in new development. This policy sets out the quality standards that new housing in the Borough are expected to achieve and how the needs of different groups will be met.
- 6.2 National policy also recognises that local planning authorities should address barriers to improving health and wellbeing through a high standard of housing design. This policy therefore builds on Policy E2 (Health and Wellbeing) to provide opportunities for people to live healthier lives. It requires new homes to have appropriate space for occupants to enable them to have a good quality of life and healthy lifestyle.

H1 | High quality new homes

Planning permission will be granted for new homes that meet the following criteria:

- a. New homes are designed to meet appropriate internal space standards¹²⁰ to provide sufficient private and/or communal space for basic daily activities and needs; and
- b. Developments of 10 houses or more (gross) meet enhanced accessibility and adaptability standards on 30% of the proposed dwellings across all tenures to ensure that new homes are suitable for a wide range of occupants¹²¹; and
- c. Developments of 50 homes or more (gross) meet wheelchair accessibility standards¹²² on 2% of the total proposed dwellings as part of the affordable housing provision; and
- d. Sufficient private and/or communal outdoor amenity space is provided.

Private outdoor amenity space should be:

- e. Of a sufficient and functional size to meet the needs of the likely number of occupants; and
- f. Designed to provide a good level of amenity by maintaining a reasonable degree of separation between the new dwellings and the surrounding properties.

How this policy works

Housing Space Standards

- 6.3 Building to appropriate space standards will ensure new homes provide sufficient space for basic daily activities and needs. The Council will therefore require all residential development to meet the nationally described space standard (or any subsequent Government standard). The Council's starting point will be for all new homes, including subdivisions of larger properties and conversions, to meet the appropriate space standards, unless it can be shown that the standards are not practicable in the face of other material considerations and policy requirements. For example, an exception may be made where works needed to achieve the standards would adversely affect the significance of a heritage asset or would require unachievable changes to a building earmarked for conversion.

¹²⁰ Appropriate space standards are achieved by meeting the nationally described space standard, or any subsequent Government standard.

¹²¹ Enhanced accessibility and adaptability standards are achieved by meeting M4(2) of the Building Regulations 2015, or any subsequent Government standard.

¹²² M4(3) of the Building Regulations 2015, or any subsequent Government standard.

- 6.4 The Council recognises that innovative housing solutions such as the emerging 'build for rent' sector have a role in addressing specific housing needs in the Borough. These types of housing models can involve the development of high density housing in town centre locations though there are other types of housing that can be developed through a 'build for rent' approach as well. To ensure a good standard of living accommodation and to support the health and wellbeing of occupants, the same space standards will be required as mainstream housing. Where developers wish to deliver an alternative approach, this will need to be fully justified. Referring to, for example, good design practice and case studies, applicants must demonstrate how the proposed operating models can be successful in providing residents with a high quality of life.

Accessible and adaptable homes

- 6.5 Housing should offer functional and adaptable spaces for different groups including families, children, older people and disabled people. On major housing developments of 10 dwellings or more, 30% of new houses will be required to meet as a minimum Part M4(2) of the Building Regulation to ensure that new homes are suitable for a wide range of occupants. For the M4(2) standard, part b of this policy makes particular reference to houses as it is understood this housing type is more suitable for the delivery of this requirement.
- 6.6 To address a locally identified need, the Council expects 2% of the overall housing provision on larger housing developments (50 dwellings or more) to be designed to meet the wheelchair accessible homes standard. Nonetheless, wheelchair accessible homes must only be provided as part of the affordable housing provision where the local authority is able to allocate or nominate a person to live in that dwelling. This should be discussed with the Council as part of the pre-application process. However, it is acknowledged that there may be site-specific practical reasons why it may not be feasible to meet this requirement.
- 6.7 Favourable consideration will be given to development proposals where at least 50% of homes meet the enhanced accessibility and adaptability standards. This could include wheelchair accessible dwellings (over and above the 2% policy requirement) as part of the affordable housing provision where there are locally identified needs. Applicants are encouraged to explore how best to meet locally identified needs in consultation with the Council accordingly.
- 6.8 New houses designed to the enhanced accessibility and adaptability standards should be proportionally distributed across all tenure types, evenly spread across the site, and integrated with the rest of the development in line with Policy E1 (High Quality Design). For major housing schemes, developers should submit a schedule of accommodation which identifies the specific standard under M4 of the Building Regulations that each home in the proposed development will meet.
- 6.9 To ensure compliance with the specific standards, the Council expects to be provided with plans certified for compliance and/or written confirmation from an appointed building control body that the specifications for each dwelling meet the relevant standard. Where necessary, this will be secured through a performance-based condition prior to occupation.

Outdoor amenity space

- 6.10 All new homes should benefit from private outdoor amenity space solely for the use of the occupants of a sufficient size and quality to support physical and mental health and wellbeing. It should be designed to ensure there is no undue loss of privacy or overlooking of adjoining and neighbouring properties in line with Policy E1 (High Quality Design) and Policy E22 (Amenity and Pollution).

- 6.11 In terms of the functionality of garden spaces, external amenity space should be of a sufficient size to accommodate a storage shed (including a cycle store where no garage provision is possible), space to facilitate the drying of clothes (rotary or washing line), table and chairs suitable for the size of the dwelling, an area for children to play in and circulation space. External private amenity or communal space does not include car parking or turning areas.
- 6.12 In addition to the above, the Council expects that occupiers will be able to enjoy a reasonable degree of amenity and privacy in their gardens by maintaining reasonable relationship with neighbouring properties. A guideline depth of at least 10m is considered appropriate to preserve the amenity and privacy of residents.
- 6.13 For flatted developments, the Council's Healthy Borough Assessment¹²³ sets out that this should be a minimum of 1.5 sqm of private amenity space per bedroom or 1 sqm of communal space per bedroom.

¹²³ Havant Healthy Borough Assessment – Havant Borough Council (November 2018)

APPENDIX C

**APPEAL – 101 St Albans Road,
Havant, PO9 2JS**

**Local Planning Authority Reference:- APP/19/00020
Planning Inspectorate Reference:-
APP/X1735/W/19/3227404**

Appendix C

The potential effects of new residential development on the Chichester and Langstone Harbour SPA can be summarised as follows:

Potential Effect	Site Conservation Objective(s)	Qualifying features	Potential for Impact?	Relevant Mitigation Measures
Decrease in survival rates and populations of over-wintering birds due to increase in disturbance, caused by increasing human population (in combination with other plans and projects)	Maintain or restore the population of each of the qualifying features. Maintain or restore the distribution of the qualifying feature within the site.	All for Chichester and Langstone Harbours SPA.	Yes. Indirect impact. Without mitigation, bird populations would be reduced and/or re-distributed by increased numbers of visitors leading to increased disturbance	Bird Aware Solent Strategy The Strategy proposes:- • a team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc.; • communications, marketing and education initiatives; • initiatives to encourage responsible dog walking; • preparation of codes of conduct for a variety of coastal activities; • site-specific projects to better manage visitors and provide secure habitats for the birds; • providing new/enhanced greenspaces as an alternative to visiting the coast;

Further details in relation to the Bird Aware Solent Strategy can be viewed via the following web address:

<http://www.birdaware.org/CHttpHandler.ashx?id=29372&p=0>

APPENDIX D

**APPEAL – 101 St Albans Road,
Havant, PO9 2JS**

**Local Planning Authority Reference:- APP/19/00020
Planning Inspectorate Reference:-
APP/X1735/W/19/3227404**

Dear Mrs Chisnall,

RE: 270867 Appropriate Assessment - New dwelling - 101 St Albans Road, Havant, PO9 2JS (Havant) APP/19/00020

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. 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.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

Kind regards,
Rebecca Berry

Rebecca Berry
Sustainable Development Adviser
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We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as

well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR GAVIN SPURWAY AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR Erection of 1No one-bedroom end of terrace dwelling on 101 St Albans Road, Havant, PO9 2JS

Planning Inspectorate Reference: APP/X1735/W/19/3227404

Local Planning Authority Reference APP/19/00020

SUGGESTED CONDITIONS

If the Inspector is minded to grant planning permission for the development, then the LPA would suggest 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 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 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.
- 3 No development shall take place until finished floor levels for the proposed building 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 having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.
- 4 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 CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the

positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 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.

- 7 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first occupied 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.

- 8 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

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.

- 9 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension or outbuilding permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To protect the character and amenity of the area and to secure satisfactory levels of private amenity space for future residents and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

- 180060-PL-001 - Block and Location Plan
- 180060-PL-002 - Ground Floor Plans
- 180060-PL-003 - First Floor Plans
- 180060-PL-005 - Proposed Elevations

Reason: To ensure provision of a satisfactory development