

APP/18/00602 - Change of use of existing one bedroom annex to an independent two bedroom dwelling with associated curtilage and separate vehicular access. Retention of 35 Lovedean Lane on reduced curtilage., PERM,24/10/2018

3 Proposal

- 3.1 The proposal is for the change of use of existing one bedroom annex to an independent two bedroom dwelling, to include insertion of window with obscure glazing to rear facing dormer, with associated curtilage and separate vehicular access. Retention of 35 Lovedean Lane on reduced curtilage. (Revised application).
- 3.2 The separate vehicular access would be from the new development at No. 33 Lovedean Lane, which has an access road that extends to the rear of the site to serve two of the four properties approved. This access would extend into the application site in between two of the protected boundary trees.
- 3.3 The revised application includes the insertion of a window with obscure glazing to the dormer on the southern elevation of the dwelling.

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)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist - comments forwarded from previous applicaiton

No objection, subject to the application subject to works being undertaken strictly in accordance with the submitted Arboricultural Implications Assessment and Method Statement dated 4th September 2018 referenced 181066 - AIA and Tree Protection Plan referenced ECO5.

Engineering/Drainage - comments forwarded from previous application.

No response provided.

Highways Engineer, Development Engineer - comments forwarded from previous application.

The Highway Authority has no adverse comment to this application

Community Infrastructure, Planning Policy & Urban Design

As confirmed in previous application not CIL Liable.

SRMS also paid under previous application which was numbered APP/18/00602. Suggest if application proceeds toward permission existing SRMS Unilateral Undertaking is updated with new application number to avoid future confusion.

Case Officer please liaise with CI Team on this.

Officer comment: The site falls outside the Chichester and Langstone Harbours SPA. Contribution received from previous application has been refunded.

Natural England Government Team

No objection

Deterioration of the water environment

The application site is within 6.5km of the Chichester and Langstone Harbours Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC). Natural England have assessed this proposal in regards to the changes from the current lawful use of the site as described in the approval of application APP/18/00602.

Having reviewed the existing permission for a separate residential dwelling, Natural England agree with the conclusion of your authority in the HRA & Appropriate Assessment (dated 24 May 2019) that the proposal will not lead to a likely significant effect on the integrity of the European sites in regards to the impact from nutrients.

Solent Recreation Mitigation Strategy

This application is further than 5.6km from the Chichester and Langstone Harbours SPA and therefore is not within the scope of the Solent Recreation Mitigation Strategy. Natural England agree with the conclusion of your authority in the HRA & Appropriate Assessment (dated 24 May 2019) that the proposal will not lead to a likely significant effect on the integrity of the European sites in regards to the impact from recreational disturbance.

Species and Biodiversity Enhancement

Natural England refer your authority to our national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraph 109. Natural England recommend that an appropriate level of enhancement, such as the addition of bat boxes and/or bird boxes, are secured as part of this application.

<https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>

Officer comment: Condition recommended.

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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highway considerations
- (v) Impact on trees
- (vi) Impact on ecology
- (vii) Developer contributions

(i) Principle of development

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

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

7.3 The building is already in situ and has been for over 10 years. The impact of a backland style of development has therefore already been established within the context of the locality. Given the generous scale of the rear gardens, it was considered that this did not compromise the character of the area at the time of the 2007 approval. No major physical alterations are proposed with the change of the annexe to a single dwelling and therefore it is considered that the impact on the character and appearance of the area would be limited.

7.4 The existing garden at No. 35 is very generous and even with the subdivision of amenity space to serve two properties, these gardens areas would still be generous in size to serve 2-3 bedroom dwellings, with adequate space for parking provision and access.

(iii) Impact upon residential amenity

- 7.5 The revised application includes the provision of glazing to the dormer on the southern elevation. This could be perceived to result in overlooking and loss of privacy to the occupiers of the properties in Passingham Walk. However the submitted plan indicates the new window is to be obscure glazed and a condition is recommended for this window to be fitted with obscure glazing and restrictors which are to restrict opening to a maximum of 50mm for ventilation. It is considered that this would overcome the issue of any possible loss of privacy or overlooking.

(iv) Highway considerations

- 7.6 The Council's Development Engineer has raised no objections to the application. The development will be accessed using the newly developed access at No. 33 Lovedean Lane which is currently being implemented. Both the new dwelling and existing property has sufficient parking on site to meet the standards in the adopted parking SPD.

(v) Impact on trees

- 7.7 The access to the new dwelling will be run through the space between two protected oak trees. An arboricultural impact assessment has been submitted with the application which has been considered by the Council's Tree Officer. They have advised that there is no objection, subject to works being undertaken strictly in accordance with the submitted Arboricultural Implications Assessment and Method Statement dated 4th September 2018 referenced 181066 - AIA and Tree Protection Plan referenced ECO5.

(vi) Impact on ecology

- 7.8 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file.
- 7.9 The application in question does not represent a net increase in population. The application in question would constitute a new planning permission on the site however the application is a re-submission of a previous planning application. This application was for the creation of a new dwelling using a former annex and was granted planning permission. As a result, the creation of the new dwelling has already been granted planning permission. The only difference in the two applications is the insertion of an obscured glazed window, which in and of itself would not increase population.
- 7.10 It should also be noted that the space subject to the current planning application was previously part of a dwelling. The development in question would not be likely to lead to an increase in population as it sub-divides an existing larger dwelling into two dwellings and does not lead to an increase in bedrooms.
- 7.11 It is considered that the project in question, when considering the impact from other approved projects, would not lead to an increase in population within the catchment of the Chichester and Langstone Special Protection Area, Solent Maritime SAC or the Solent and Dorset Coast SPA. As a result, there would be no likelihood of a significant effect as a result of the proposed development.

- 7.12 Having reviewed the existing permission for a separate residential dwelling approved under APP/18/00602, Natural England agree with the conclusion of this authority in the HRA & Appropriate Assessment (dated 24 May 2019) that the proposal will not lead to a likely significant effect on the integrity of the European sites in regards to the impact from recreational disturbance.

(vi) Developer contributions

- 7.13 The application is not CIL liable because no additional floorspace is being created and the building was still in use on the date the application was submitted - 28/3/19.
- 7.14 This application is further than 5.6km from the Chichester and Langstone Harbours SPA and therefore is not within the scope of the Solent Recreation Mitigation Strategy.

8 Conclusion

It is considered that the conversion of the annexe into a dwelling would have minimal impact on the character of the area and neighbouring properties and could provide adequate parking and access arrangements. It is therefore considered to be a sustainable form of development and is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00343 subject to the following conditions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the window in the dormer on the southern elevation shall be fitted with non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and fitted with restrictors, which are to restrict opening to a maximum of 50mm for ventilation and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no building alteration to the roof including the insertion of any glazing or windows, shall be carried out without the prior approval of the Local Planning Authority.

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

- 5 The development shall be carried out strictly in accordance with the submitted Arboricultural Implications Assessment and Method Statement dated 4th September 2018 referenced 181066 - AIA and Tree Protection Plan referenced ECO5.

Reason: In the interests of the amenities of the area and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The works hereby permitted shall not be occupied unless or until the development has erected a minimum of one bat roosting unit and one bird nesting unit within the site in regards to securing ecological mitigation and enhancement measures in accordance with Conservation Regulations. The boxes shall be retained as such thereafter.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011 and National Planning Policy Framework.

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

Drg no. 421/02/01 Location and site layout plan
Drg no. 421/02/04 Proposed floor and roof plans
Drg no. 421/02/05 Proposed elevations plan
Arboricultural Implications Assessment and Method Statement dated 4th September 2018 referenced 181066 - AIA and Tree Protection Plan referenced ECO5.

Reason: - To ensure provision of a satisfactory development.