

50 Silvester Road, Waterlooville, Hampshire, PO8 8TL

Site and surroundings

Comprises a two-storey dwelling located on the north side of Silvester Road. The road comprises mainly two-storey detached and semi-detached dwellings of limited design quality. There is no defined building line and many of the dwellings have open frontages that are used for car parking. The existing garden is long, measuring 48 metres.



Figure 1. The existing rear garden viewed from just north of the existing dwelling.

Relevant planning history

Following the refusal of planning permission by the local planning authority for the development described below an appeal was lodged. This appeal was subsequently dismissed by the Planning Inspectorate on 4 July 2019 (PI Reference: APP/X1735/W/18/3202960). The reason for the refusal of planning permission on the decision notice issued by the LPA on 29 March 2018 was as follows:

The proposal would utilise a narrow access located within 1m of a habitable conservatory at No 48a and introduce parking and manoeuvring adjacent private garden areas. It is considered that the use of this drive and parking area with associated vehicle movements, and comings and goings would introduce noise and disturbance detrimental to the quiet residential amenity of the occupiers of both No 48a and 50 Silvester Road. The proposed landscape buffer may conflict with a Southern Water easement and not satisfactorily provide appropriate mitigation. The proposal is therefore considered to have an adverse effect on the amenity of occupiers of neighbouring properties, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The Planning Inspectorate in coming to the decision to dismiss the appeal concluded that the proposed development, including the access, would not have an unacceptable impact on the neighbours' living conditions, however, the issue of water quality, which was raised by the LPA during the appeal process, could not be resolved and hence the dismissal of the appeal. The relevant paragraphs in the Planning Inspectorate's decision letter are set out below:-

24. Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which include the Chichester and Langstone Harbours SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.

25. Natural England further advises that there is uncertainty as to whether new housing growth will further deteriorate designated sites. Work on this issue is on-going with the local planning authorities, the Environment Agency and the water companies. That may lead to identified mitigation measures in the future. However, no mitigation strategy has yet been developed and no interim approach has yet been set up by Havant Borough Council, although it is being progressed. In the meantime, Natural England advises that one way to address the uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens.

26. *In the present case, Havant Borough Council has calculated that the wastewater total nitrogen load arising from the planned development of a single dwelling within the existing garden would be 0.99576563 Kg/TN/year.*

27. *As a redevelopment of existing urban land there would be none of the mitigation that might be expected from a reduction in the nitrogen local from developing agricultural land. The proposed development would not be nutrient neutral. Natural England concludes that it is not possible to ascertain that the proposal will not result in adverse effects on the site's integrity and that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.*

28. *In these circumstances the Regulations provide that planning permission can only be granted if the proposal meets the following tests: • there are no alternative solutions to the proposed development; • there are imperative reasons of overriding public interest; and • there are suitable compensatory measures secured (for example a replacement habitat).*

29. *On the evidence before me I conclude that none of these tests are satisfied and that the appeal must therefore be dismissed on the grounds of the uncertain but likely adverse effects of waste water from this development, in combination with other developments, on the site integrity of the Chichester and Langstone Harbours SPA and other similarly protected areas around the Solent.*

30. *I understand that the position is similar in respect of numerous other current development proposals in South Hampshire. It possible that an appropriate mitigation strategy may be developed at a future date, but that possibility would not be an adequate basis to support the granting of planning permission at the present time.*

Conclusions 31.

I have taken account of all other representations. In particular I acknowledge that the proposal would have the social and economic benefits of providing an additional dwelling. However, having regard to the provisions of the Regulations, that is not sufficient to override the likely environmental harm of the development in combination with other residential development in the wider area.

Since this decision the Council has agreed an avoidance and mitigation strategy in the form of a financial contribution which would be facilitated through the imposition of a *Grampian* style planning condition. This would enable the water quality issue, that resulted in the refusal of planning permission by the Planning Inspectorate, to be overcome.

The proposal

To construct a three-bedroom detached bungalow in the rear garden together with a car port. Vehicular access would be from Silvester Road, to the east of the existing dwelling. A hardstanding for two cars would be formed in front of the existing dwelling to compensate for the loss of parking resulting from the proposed access way.



Figure 2. Car parking for the existing dwelling would be to the left hand side following the removal of part of the boundary wall.

Amount

Without compromising the amenities of nearby dwellings there is space to construct a three-bedroom dwelling as proposed. Both the proposed dwelling and existing would have good size gardens, adequate car parking and safe vehicular access.

Scale

In order to avoid any overlooking it is a pre-requisite that the proposed dwelling should be single-storey height. This would also ensure the new dwelling remains subordinate to the larger dwellings on the road frontage

Layout

The proposed dwelling would be positioned on the site to allow good levels of light penetration to the main front and rear elevations which include large areas of glazing. Both gardens, although north facing, would be large enough to receive good amounts of sunlight. The location of the proposed car port would minimise the length of the access way from Silvester Road.

Design and appearance

There is no established design precedent in Silvester Road that would be justified to follow. As such a bespoke design solution is proposed that follows a contemporary approach. The broken mono-pitched roofs would add visual interest as would the articulated main elevations. The external walls would be rendered and a sedum roof established to aid bio-diversity.

Landscaping

There are no significant trees on the application site, however, there is a line of conifer trees on the northern boundary that provide effective screening. There is potential to plant further trees in the rear gardens and the front garden of the retained dwelling.

Access

There is good access to the application site from Silvester Road, which is not a busy road, and in particular there are adequate sight lines because the adjoining dwellings have open forecourts that are used for car parking. Both the retained and proposed dwellings would have two off-street car parking spaces and secure cycle storage would be provided for the proposed dwelling. It is not considered that the new vehicular access from Silvester Road, to provide car parking for the retained dwelling, would cause any highway safety problems.

Residential amenity

The single storey scale of the proposed dwelling would ensure that no overlooking of adjoining dwellings or gardens would occur. There are existing high fences that separate the application site from neighbours. Furthermore, the low height and location of the proposed dwelling would mean that no significant loss of light would occur in respect of neighbouring dwellings and gardens. In regard to the proposed access way there are no important windows on the side elevations of both the retained dwelling and No.48a. It should be noted that the conservatory to the rear/side of the retained dwelling would be removed. Although the access way proposed would be relatively narrow, it has been aligned to allow some modest planting to form a green buffer. Overall, given that relatively few car movements would occur along the access way it is not considered that residential amenity would be reduced to any significant degree. In coming to his recent appeal decision the Planning Inspectorate concurred with this view.



Figure 3. High fences enclose the application site at the rear.



Figure 4. Conservatory to be removed.

Flood risk

The application site falls within Flood Zone 1 and therefore is considered to be at low risk of flooding

Planning policy

The Council's adopted Core Strategy includes a number of policies that are relevant to this application, as follows:-

Policy CS16 refers to high quality design. It requires development to respond positively to historic and local character and to use characteristics of the locality to help inform the design of new development. Height, massing, materials and proportions of windows and doors are referred to in Paragraph 1.

Policy CS17 is about concentrating development in urban areas and CS20 sets out the transport and access strategy for the borough.

Policy DM13 concerns car parking and cycle storage for residential development.

It is considered that the proposed development would be fully in line with the relevant policies in the Core Strategy. The application site is within the urban area, car parking and cycle storage would be provided to the council's standards and the design of the proposed dwelling would be compatible with the surrounding context.

It is considered the proposed development would be compliant with relevant advice in the NPPF which confirms a presumption in favour of sustainable development.

The three dimensions to sustainable development are economic, social and environmental. The economic role should ensure there is sufficient land of the right type and in the right places to support growth and innovation. The social role supports strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. It should also involve creating a high quality built environment with accessible local services to meet the community's needs. The environmental role should contribute to protecting and

enhancing the natural, built and historic environment. Furthermore, natural resources should be used prudently, waste and pollution minimized and climate change given a high priority by moving towards a low carbon economy. It is considered that the proposed development accords with this advice.

Planning obligations

The Solent Recreation Mitigation Partnership would require a financial contribution. Furthermore, a community infrastructure levy payment may be applicable unless the proposed dwelling is self-build. As already mentioned in this statement a financial contribution would also be required in respect of the water quality issues emanating from the recent appeal decision.

Assessment

The proposed development would be sustainable as defined in the NPPF and would result in a good quality new dwelling that would make a small contribution towards the Council's housing targets for the plan period.

The scale, design, siting and external materials would be appropriate to the location.

Overall the proposed dwelling would provide a good sized unit with acceptable levels of light, ventilation and outlook.

The application proposals would not cause any significant amenity issues for nearby residents.

Car parking would be provided to the Council's standards and a safe vehicular access already exists from Silvester Road.

The water quality issue may be overcome through a financial contribution by means of a *Grampian* style planning condition.

Conclusion

It is respectfully recommended that planning permission should be granted for this sustainable development which has been supported by the Planning Inspectorate, except for the water quality issue, to which there is a solution by means of the Council's avoidance and mitigation strategy.