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|-----------------|-------------------------------------------------------------------------------------------------------------|---------------|--------------|
| Site Address:   | Land adj to 1 Maylands Road, Havant, PO9 3NP                                                                |               |              |
| Proposal:       | Erection of 1No.4 bed detached dwelling, attached double garage and parking with access from Maylands Road. |               |              |
| Application No: | APP/18/01204                                                                                                | Expiry Date:  | 21/01/2019   |
| Applicant:      | Mr P Carvalho & Ms B Patel                                                                                  |               |              |
| Agent:          | Mr E Caush                                                                                                  | Case Officer: | Lewis Oliver |
|                 | Edward Caush Associates                                                                                     |               |              |
| Ward:           | Bedhampton                                                                                                  |               |              |

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

1 Maylands Road is a large detached dwelling in a 0.06ha plot, located within the urban area of Bedhampton. The site is situated in a highly prominent location on the corner of Maylands Road and Portsdown Hill Road; immediately to the east of the site is a roundabout with Bedhampton Road and Bedhampton Hill. The site rises from the east going up Portsdown Hill Road, this is defined by the western part of the site being approximately 4 metres higher than the land level at the eastern part of the site. This results in the southern boundary being defined by a high level bank, with the adjoining Portsdown Hill Road being at a much lower level. Located on the opposite side of Portsdown Hill Road are dwellings located on higher ground which principally front Bedhampton Hill - in a number of cases these feature significant retaining walls, with a number of ancillary garages fronting the Portsdown Hill Road which vary in design and scale.

In terms of the character of the built form in the area, the site sits on a slope rising from the land to the east of the roundabout, towards the roads to the north and west. The types of dwellings in the area are largely two storeys which gradually follow and respect the topography of the area, this results in the character and street views in the vicinity of the roundabout being that of seeing a gradual rise in the buildings epitomised by the gradual rising of the roof forms resulting in a stepped progression of development.

The current dwelling is accessed from Maylands Road, which is defined by an area of hardstanding, along with a former detached garage which has largely been demolished, except for the western wall, which is on the boundary with 1A Maylands Road.

## **2 Planning History**

APP/17/00753 - Outline application for construction of 5No. detached dwellings following demolition of existing dwelling. Refused on 18/09/2017 for the following reasons:

*1 The proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce an inappropriately intensive form of development into an area that is defined by its spacious character. Furthermore when viewed alongside the adjoining dwellings on all sides of the site,*

*and the setting of the roundabout to the south east, the proposed development would not integrate with, or respond positively to the character and appearance of the surrounding area in terms of layout or scale.*

*As such the development would have a significant adverse impact on the appearance and character of the area and is contrary to national and local planning policies for the area, in particular the National Planning Policy Framework 2012, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Borough Design Guide Supplementary Planning Document 2011.*

*2 Having regard to the significant change in levels on and around the site, it is considered that insufficient information has been submitted with this application, in the form of fully detailed sectional and levels plans, to demonstrate that the development would not have a significant adverse impact on the amenities of the neighbouring properties of 1A Maylands Road and 2*

*Portsdown Hill Road by reason of loss of sunlight/daylight, overlooking or overbearing impact. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.*

*3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority which seeks to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. It is therefore contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.*

An appeal was subsequently dismissed by the Planning Inspectorate on 30th April 2018, for the following reasons (summarised):

**Impact on area**

*As the effect overall would therefore, be harmful to the character and appearance of the area, the development would conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 (the LP), which seeks development which identifies and responds positively to existing features of local character. It would also fail to comply with the requirements of the Borough Design Guide Supplementary Planning Document 2011, in respect of securing new development which protects local character.*

**Impact on neighbouring amenity**

*The neighbouring house at No. 2 Portsdown Hill Road sits at a much lower level than the appeal site, and is separated from it by a retaining wall with fencing and hedging on top. The existing dwelling is set at some distance from this boundary while the proposed House 5 would be within a few metres of it. Although it need not have windows on the flank elevation facing No. 2, it would present a large elevation close to and rising a number of metres above No. 2 and its garden. It would therefore have potential to harm the outlook from and light levels reaching that house. In the absence of any evidence convincingly to demonstrate that there would be no harm, I conclude that there is a real prospect of harm to the living conditions of the occupiers of No.2.*

*Given the degree of separation between proposed House 1 and the adjacent dwelling at No. 1a Maylands Road and their similar ground levels, I conclude that there would*

*not be an unneighbourly effect on light, outlook or levels of privacy in relation to No. 1a.*

*Notwithstanding this, however, in respect of the harm I have identified in relation to No. 2 Portsdown Hill Road, I find that the development would conflict with the requirements of policy CS16 of the Local Plan in respect of resisting development which would cause unacceptable harm to the amenity of neighbours.*

### **Solent SPA**

*A signed and dated Unilateral Undertaking (UU) has now been submitted, covenanting a payment on the part of the appellant in relation to the Solent Recreation Mitigation Project. As, however, I have concluded that, for other reasons, the appeal should be dismissed for other reasons, it is not necessary to reach a conclusion on whether the UU meets the tests set out in Paragraph 204 of the National Planning Policy Framework.*

## **3 Proposal**

The proposal is for the erection of 1No.4 bed detached dwelling, attached double garage and parking with access from Maylands Road. The dwelling would be located 7 - 8 metres from the boundary of the neighbouring property of 2 Portsdown Hill. This application has been amended during the course of the application, following concerns raised by the Local Planning Authority and subsequent to the Appeal Decision. These amendments are:

1. The reduction in the number of units proposed compared to the previous application (only one dwelling is now proposed)
2. Amended layout to ensure a turning area is proposed to ensure that vehicles can leave the site in a forward gear
3. Obscure glazing of a bedroom window on the western elevation at first floor
4. A glazing screen to be provided for the balcony at first level, on th sites to prevent direct overlooking into the amenity areas of neighbouring properties.

## **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**

|      |                                                                                   |
|------|-----------------------------------------------------------------------------------|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS16 | (High Quality Design)                                                             |
| CS17 | (Concentration and Distribution of Development within the Urban Areas)            |
| CS21 | (Developer Requirements)                                                          |
| CS4  | ( )                                                                               |
| CS9  | (Housing)                                                                         |

### **Havant Borough Local Plan (Allocations) July 2014**

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

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

## **5 Statutory and Non Statutory Consultations**

### **Building Control, Havant Borough Council**

Fire Authority access to comply with Approved Document B5

Location of waste bin stores to be shown as required by Approved Document H

Building Regulation application required for this work

### **Crime Prevention -Minor Apps**

No comments received

### **Highways Engineer, Development Engineer**

#### Initial comments

I am concerned that there is no turning on site for the new development. Vehicle will either have to reverse in or out of the long drive and this will cause safety problems on Maylands Road.

#### Comments following the submission of amended plans

The Highway Authority have no adverse comment to this application providing a planning condition is placed on the application regarding the construction of the turning area, and the provision of details of the boundary treatments

### **Natural England Government Team**

No Objection subject to SRMS payment

### **Portsmouth Water Company**

No objection subject to condition

### **Waste Services Manager**

No Objection

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 14

Number of site notices: 2\_

Statutory advertisement: Not applicable.

Number of representations received: 4

| Comment                                                                                                                                                                                                                                                                          | Officer Comment                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Adverse impact on highway safety, in terms of interference with free flow of the highway network, and congestion in the area                                                                                                                                                     | Addressed in section 7.1 (v)            |
| This proposal takes away further open space in the Bedhampton area which has already suffered with the Sratface Lane development and brought about over burdening of the existing Maylands Road destruction. And there is the issue of this development overlooking other homes. | Addressed in section 7.1 (iii) and (iv) |
| Adverse impact on the amenities of neighbouring properties in terms of loss of sunlight/daylight, overlooking, overbearing and general noise disturbance.                                                                                                                        | Addressed in section 7.1 (iv)           |

## 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) Impact on highways
- (v) Impact on drainage
- (vi) Developer contributions

### (i) Principle of development

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

The application seeks permission for the construction of 1 dwelling which equates to approximately 16.66 dwellings per hectare (dph). Core Strategy policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters) '*Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form*'.

The supporting text of the Core Strategy (paragraph 6.21) provides further guidance stating that:

*The density of new housing will depend on its design and appropriateness to its location. As a guide the following minimum density thresholds have been developed*

*using the Havant Borough Townscape, Landscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:*

*High Density - Minimum of 60 dwellings per hectare*

*Medium Density - Minimum of 45 dwellings per hectare*

*Low Density - Up to 45 dwellings per hectare*

Under this assessment, the density of development can be considered to be within the Low Density category. This is considered to be appropriate in principle given the surrounding character of the area, and in addition the Inspector in the previous application raised concerns that more intensive development in this visually prominent location was not acceptable on this site. However there is also a need to consider whether the development in detail would meet the environmental dimension of the NPPF, in terms of the impact on the character and appearance of the area, which is considered below.

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

The immediate character of the area is one of generally low density, low key residential development set within well vegetated, generous plots. There is a significant change in levels in the area which allows the majority of the site to be seen from the surrounding road network, which converges at the roundabout adjacent to the site. The existing dwelling is set well within the application site, some 30m from the roundabout itself. The existing character of the area sees properties gradually step up the hill on all of the surrounding roads and follows the topography of the area, which results in a natural progression of roof forms going up the hill. There have been limited examples of infill developments within the immediate area, however these have been designed to assimilate with the siting, scale and form of the older dwellings in terms of roof form so that they integrate into the area.

As has been highlighted in paragraph 3.1, this application has been amended following concerns raised by the LPA, and the subsequent dismissed appeal on the previous planning application for residential development on this site. These amendments have reduced the number of units on the site, and in addition following extensive pre-application discussions the size and scale of the proposal has been reduced, and further information in the form of street scene and section plans have been submitted, so that the LPA can fully assess the proposal. Given these changes the development is considered to be consistent with the existing streetscene and would not appear as an over development of the site, with a reasonable degree of space retained about the new dwelling, and its roof form largely hipped to acknowledge the roof forms of other dwellings in the locality. As a result it is considered that the development would not have a significant adverse impact on the character and appearance of the area. Furthermore this proposal is considered to have addressed the previous reasons for refusal, particularly those matters which were outlined by the Inspector in the dismissed appeal. As such this proposed revised scheme is considered to comply with the advice laid out in Policy CS16 of the Local Plan (Core Strategy) 2011.

(iii) Impact upon residential amenity

With regard to residential amenity, there are two elements to consider - in terms of the impact on adjoining properties, and the quality of environment to be created for occupiers of the new dwellings proposed.

#### Impact on surrounding residents

Concerns have been raised by a number of nearby residents in relation to the impact on their amenity from the development proposed. As has been identified above, the site has significant level changes both within the site, and in relation to neighbouring properties. The main impacts are considered to be to 1A Maylands Road, which is to the north of the site, and 2 Portsdown Hill Road, which is located to the west of the site and is approximately 1.2 metres lower level than the application site, with retaining walls and fencing defining the mutual boundary. These properties are two storey properties.

1A Maylands Road is set at a slight angle to the application site. The proposed dwelling would lie a distance of approx. 6.4m from the boundary with this property, and approx 15m to the property itself. In considering the previous appeal which proposed a cul de sac development of 5 dwellings on the site, the Inspector concluded "*Given the degree of separation between proposed House 1 and the adjacent dwelling at No. 1a Maylands Road and their similar ground levels, I conclude that there would not be an unneighbourly effect on light, outlook or levels of privacy in relation to No. 1a.*" Given that the current proposal is for just one dwelling with fully hipped roofs presenting themselves to No.1a, and with all first floor windows proposed to be obscure glazed, this conclusion has also been reached in relation to the current application.

The relationship between the development and 2 Portsdown Hill Road is such that the new dwelling would be set 7 - 8 metres off from the boundary with this property, and approx 7m to the side elevation of the property itself - this contrasts with the separation distances of 3.5m and 5m respectively considered by the Inspector in the previous proposal. This being a full application, greater certainty has been able to be provided as to the relative levels and height of the new dwelling with respect to No.2, and these clarify that the eaves height of the new dwelling will be commensurate with that of No.2, notwithstanding the difference in ground levels. Overall it is considered that given the amended layout, size, scale and massing of the development that it would not have a significant adverse overbearing effect or significant loss of sunlight/daylight impact on the amenities of neighbouring properties, and has therefore addressed the concerns that were raised by the Inspector in dismissing the appeal in relation to 2 Portsdown Hill Road.

In relation to privacy at No.2, this application proposes an angled window at first floor, serving a bedroom, which would allow views towards No.2's front garden area. In addition a balcony is proposed on the rear (south elevation), at first floor level. Following concerns raised by the LPA with regard to overlooking, the application has been amended to obscure glaze the first floor side bedroom window, and in relation to the balcony, an obscure glazed side screen is now proposed. It is considered that, subject to relevant conditions to ensure that these measures are provided and retained, the development would not result in direct overlooking into the private amenity areas of 2 Portsdown Hill.

Two windows are proposed on the northern elevation at first floor level, which face towards 1A Maylands Road. These windows would serve a bathroom and landing area. These windows are proposed to be obscure glazed, and would be controlled through a condition.

#### Impact on amenity of future occupants

The proposal includes an extensive garden area, which complies with the guidelines set out in the Design Guide SPD which normally require a garden depth of 10m. Overall it is considered that the impact of the development is acceptable in terms of

the amenities of future residents of a dwelling this size.

(iv) Impact on highways

The proposal would utilise the existing access to the site. Having regard to the advice of the Development Engineer, and notwithstanding the concerns expressed by local residents, these arrangements are considered acceptable in principle as they would provide adequate visibility and manoeuvrability for this scale of development. In addition it is considered that the submitted layout makes acceptable provision for car parking for new development - each dwelling meeting the Council's standards. As such the proposal is not considered to have a significant adverse impact on highway safety.

A number of objections have been received regarding the increase in traffic generation having an adverse impact on the highway network. Guidance in the National Planning Policy Framework outlines that proposals would have to have proven 'severe cumulative harm' on the highway network, in order for applications to be refused. Given the number of units proposed (only one additional dwelling), it is not considered that the development would have a severe adverse impact on the safety or free flow of the highway network, furthermore the Highway Authority do not object to this application.

(v) Impact on drainage

The site lies on Bedrock consisting of the Lambeth Group, beneath which is the Portsdown Chalk Formation. The Chalk is classified as a Principal Aquifer and lies in a Source Protection Zone One (SPZ1) and Source Protection Zone One C (SPZ1c) for the Havant & Bedhampton Springs. Portsmouth Water have been consulted and have raised no objection to this application subject to appropriate conditions being attached, to ensure the development does not impact on the Principal Aquifer.

(vi) Developer contributions

The development is CIL liable and a liability notice based on the proposed floor area with a contribution of £21,239.29 has been sent to the applicant. A self-exemption form has been submitted with the application, and if the CIL team consider that it would benefit from this procedure, a revised liability notice will be sent to the applicant.

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. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement and provided a financial contribution to secure the mitigation package.

## 8 **Conclusion**

It is considered that this revised scheme has addressed the previous reasons for refusal and matters that were raised by the Inspector. The development is therefore not considered to have a significant adverse impact on the character and appearance of the area, amenities of neighbouring properties or highway safety. Furthermore the development makes adequate provision in the form a financial contribution toward impact on the SPA.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01204 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 development hereby permitted shall be carried out in accordance with the following approved plans:

PROPOSED LOCATION PLAN - 18:2070:L(2-)101 03 REV A  
PROPOSED FLOOR PLANS - 18:2070:L(2-) 102 08 REV C  
PROPOSED SOUTH & WEST ELEVATIONS 18:2070:L(2-) 111 10 REV C  
PROPOSED NORTH & EAST ELEVATIONS 18:2070:L(2-) 112 10

**Reason:** - To ensure provision of a satisfactory development.

- 3 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 and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Portsmouth Water.  
Any piling, if proposed, must be undertaken in accordance with the terms of

the approved piling method statement.

**Reason:** Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. Therefore, penetrative foundation methods have the potential to impact on the underlying groundwater and thus the Havant and Bedhampton Springs public water supply. This condition is therefore necessary having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the dwelling 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, including construction details within root protection areas have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

- 7 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the dwelling the windows hereby approved on the rear (north) and west (side) elevations at first floor level shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent), and shall be non-opening and retained as such thereafter.

**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.

- 8 Prior to bringing into use the balcony on the south elevation of the dwelling hereby approved, it shall be fitted with side panels in accordance with the details shown on the approved floor plans. In particular, the side panels shall be:

(i) a minimum of 1.75m high; and

(ii) shall be fitted with textured glass, which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent).

Such panels shall be retained in that condition at all times thereafter.

**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.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E, of Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of 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.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows at first or second (roof) floor, other than those expressly authorised by this permission shall, at any time, be constructed in the north and west elevations of the development hereby permitted without the prior written consent of 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.