

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Land adj 1A Sutton Road
Waterlooville
PO8 8PU**

**Local Planning Authority Reference:-18/00148
Planning Inspectorate Reference:-
APP/X1735/W/18/3213897**



APPEAL BY MR M BARNEY AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE CONSTRUCTION OF 1 NO. DETACHED 3 BEDROOM DWELLING WITH INTEGRAL GARAGE AT LAND ADJ 1A SUTTON ROAD, WATERLOOVILLE , PO8 8PU.

Planning Inspectorate Reference:APP/X1735/W/18/3213897

LPA Ref:APP/18/00148

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 1a Sutton Road lies within an existing built up area in the north western part of the Borough of Havant. The application site itself features a modern detached bungalow and detached garage. It has a brown tiled pitched roof and elevations of red multibrick and yellow render. The site is level with open vehicular access to the front leading to a concrete drive and areas of grass and uncultivated land with the rear garden of the property mainly laid to lawn. There are shrubs and 1 metre high wire fencing to the southern and western boundaries, a 1.8 metre high fence and hedge to the eastern boundary and a dwarf wall to the front boundary.
- 1.2 A modern detached bungalow is to the east, a detached two storey property is to the west, a pair of two storey semi-detached properties are opposite and the rear garden of a property in Hart Plain Avenue is to the rear. The area is of medium density with modern detached and semi-detached two storey dwellings and bungalows of similar and different age, style and design.

2.0 THE APPLICATION

- 2.1 The application the subject of this appeal was validated on 21 February 2018 and sought permission for 'the construction of a detached 3 bedroom dwelling with integral garage'.
- 2.2 Consultations were carried out in relation to the development and the Planning Inspectorate has been provided with copies of Consultation Responses received.
- 2.3 The application was determined under powers delegated to the Head of Planning and was refused on 19 April 2018 for the following reasons:
- 1 The proposed dwelling would by reason of its size, design and prominent siting would appear cramped and be harmful to the existing character and appearance of the area conflicting with the established pattern of development and spatial characteristics and setting of the streetscene. 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 2012.
 - 2 The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring property at 1a Sutton Road and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

- 3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Strategy, is contrary to the Council's Policy on contributions towards ecology which seeks to ensure that the provision is made from new residential development towards the mitigation of the likely significant effect on the Special Protection Areas. It is therefore contrary to policies CS21 and DM24 of the Havant Borough Local Plan (Core Strategy) 2011, Allocations Plan 2014 and the National Planning Policy Framework 2012.

3.0 PLANNING POLICY UPDATE

- 3.1 Since the decision date of 19 April 2018, there have been updates to the NPPF; the Council's Draft Local Plan; and the ('Definitive') Solent Recreation Mitigation Strategy was adopted on 1st April 2018. The consequence of these updates is as follows:

NPPF - 2018

- 3.2 The NPPF was updated on 24 July 2018 and with respect to this proposed development and appeal, continues to have a presumption in favour of sustainable development. Chapter 12 on Achieving well designed places makes high quality buildings a fundamental target with good design that is acceptable to communities a key aspect of sustainable development. Paragraph 127 notes that decisions should ensure that developments

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
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;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 3.3 Paragraph 128 endorses the value of negotiation:

Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Notwithstanding the above, pre-application advice was not sought prior to the submission of the application, therefore there was no opportunity for dialogue to clarify expectations and reconcile any potential issues.

- 3.4 Paragraph 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.
- 3.5 It is considered that the new NPPF continues to place an emphasis on achieving good design and the key consideration in the determination of this appeal is design. 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 design guidance contained within the updated NPPF.

Draft Local Plan

- 3.6 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. 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.
- 3.7 The Council's [Draft Havant Borough Local Plan 2036 Consultation Summary](#) indicates that consultation on a Pre-Submission Local Plan will take place in early 2019. With respect to this appeal the draft Design Policy E6 reiterates the Council's commitment to achieving high quality design that respects its context and new draft policy E7 seeks High Quality Design specifically for New Homes and sets out spatial criteria. These draft policies are copied in full in **Appendix B**.

'Definitive' Solent Recreation Mitigation Strategy

- 3.8 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.
- 3.9 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. In this case, the three bedroom dwelling would require a contribution of £637 plus 5% monitoring fee of £31.85 and Administration Fee of £20 such that the total contribution required would be £688.85.
- 3.10 When the appeal was received by the Local Planning Authority on 12 October, the agent requested the documentation to be sent to pay the SRMS contribution of £688.85, the non-payment of which was the subject of refusal reason 3 of the decision notice. This was sent to the agent requesting the Unilateral Undertaking to be signed and returned, together with the fee by 16 December 2018. The completed Unilateral Undertaking and fee were received by the Local Planning Authority on 15 January 2019. Therefore, it is the opinion of the Local Planning Authority that the appropriate mitigation measures have been adequately secured to meet the Definitive Strategy and policy DM24 of the Allocations Plan.
- 3.11 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.

- 3.12 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).
- 3.13 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. Natural England are a statutory consultee on the Appropriate Assessment stage and the LPA have consulted Natural England on this appeal. Their response is attached at **Appendix C**. 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.

Havant Borough Local Plan 2011

- 3.14 The relevant policy in the adopted local plan comprises Policy CS16 which relates to High Quality Design. The relevant parts of this policy advise that planning permission will be granted where it 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 identifies and responds positively to existing features of local character within or close to the proposed development site. Also, that it uses the characteristic of the locality to help inform the design of the new development including heights, massing, existing building lines, plot widths and depths, materials and proportions of windows and doors. Also, that the development does not cause unacceptable harm to the amenity of neighbours.
- 3.15 The Planning Inspectorate have previously been forwarded copies of the relevant planning policies.
- 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 applications.
- 3.18 Specific guidance in relation to Residential Development is provided in Part 5. Paragraph 5.03 states:

It is important that applications for new development consider the impact of the development on existing residents. The design of new development needs to balance the needs for the new home to have reasonable levels of privacy, whilst ensuring that the development and its residents engage with the street and public realm.

This is particularly relevant to the second reason for refusal and the relationship with the neighbouring property at 1a Sutton Road. Further explanation for this is provided in part 5 of this statement.

- 3.19 Paragraph 5.10 relates to Sunlight:

It is not always possible or reasonable to require all dwellings to have sunlit rooms. However, the extensive obstruction of sunlight to an existing property or its garden by the construction of a new building or extension is likely to be unacceptable. Therefore applicants should consider the effects of loss of sunlight to existing properties and should aim to mitigate these effects wherever possible. This is particularly important where neighbouring properties are taking advantage of the sun's orientation for solar gain. Further information and tables for calculating sunlight availability at different times of the year are available in the BRE guide.

This is relevant to the second reason for refusal in that the substantial height and mass of the scheme would result in a loss of sunlight to the neighbouring property at 1a Sutton Road. Further explanation for this is provided in part 5 of this statement.

3.20 Part 5.2 relates to Residential Backland and Infill Developments.

Paragraph 5.25 states:

Havant Borough Council acknowledges that backland and infill developments have a role to play in delivering the council's housing and development targets. However, many of these sites are situated amongst existing neighbours and can create an adverse impact. Development of backland and infill sites should not have an adverse effect on neighbouring properties, should maintain and enhance the existing character and quality of an existing area and should create pleasant and attractive places to live.

This is relevant to both reasons for refusal in that the design of the scheme would not enhance the existing quality and character of the area and would have an overbearing impact on the neighbouring property at 1a Sutton Road. Further explanation for this is provided in part 5 of this statement.

3.21 Paragraph 5.33 specifically relates to Infill Development and states:

Infill development should look to the immediate site context for reference and respect the layout and character of the surrounding area, looking to immediate neighbouring properties in the first instance. Where perimeter block development predominates, rear garden infill breaks the perimeter block structure and may reduce the security of internal areas and therefore may be unacceptable.

Again, this is relevant to both reasons for refusal in that the design of the scheme conflicts with the established pattern of development and spatial characteristics and setting of the street scene and would have an overbearing impact on the neighbouring property at 1a Sutton Road. Further explanation for this is provided in part 5 of this statement.

4.0 REPRESENTATIONS

- 4.1 During the consideration of the planning application the subject of this appeal, no representations from neighbouring properties were received. However, following consultation with Southern Water, an objection was raised against the proposal and is summarised in the Officers Report submitted to the Planning Inspectorate. See **Appendix D** for consultee response..

5.0 PLANNING CONSIDERATIONS

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

1st reason - The proposed dwelling would by reason of its size, design and prominent siting would appear cramped and be harmful to the existing character and appearance of the area conflicting with the established pattern of development and spatial characteristics and setting of the streetscene. 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 2012.

- 5.2 The proposal is for the construction of a 3 bedroom detached dwelling and integral garage, situated in the western side garden of 1a Sutton Road.

- 5.3 The character of the area is one of medium density, with low key residential development of two storey detached and semi-detached properties and bungalows set within modest plots. There have been no examples of infill developments within the immediate vicinity.

- 5.4 The proposed two storey dwelling would be situated between a modest sized bungalow and a two storey detached dwelling, utilising the side garden of the bungalow. The plot is an irregular shape with a narrow frontage of approximately 5.7 metres extending to a width of 15.8 metres along the rear boundary. Although the dwelling is to be set back from the highway, it does project beyond the front elevations of the neighbouring properties at numbers 1a and 3 Sutton Road. Whilst it is acknowledged the street scene is diverse, having due regard to the constraints of the site it is considered the proposal does not achieve an effective transition between the respective patterns of development surrounding the site and would be harmful to the nature of the existing street scene resulting in an excessive building bulk adjacent to the neighbouring properties.
- 5.5 When taking into consideration the siting of the proposed dwelling, it would be incongruous and appear cramped in the street scene, which would result in the development having an adverse impact on the spatial character and setting of the street scene. It is noted that the application does not have any scaled street scenes or perspective drawings showing how the building would appear in the context of neighbouring properties and perspectives, suggesting there is no evidence available which would allay the concerns above, and indicates that the relationship between the buildings and their context has not been fully considered.
- 5.6 Taking these factors together, it is considered that the development would appear out of keeping with the character of the area. As a result, the development would fail to achieve a successful transition within the established pattern of development, spatial characteristics and setting of the street scene. It is considered that the proposed development would mark a perceptible change to the existing characteristics of this site, which plays a significant role in the character of the area, introducing a more intensely developed built form that would jar with the prevailing gap between the bungalows and two storey dwellings in this part of Sutton Road.
- 5.7 It is therefore considered that the proposed design does not relate sympathetically either to the local area or surrounding properties and would appear cramped, resulting in the scheme having an adverse impact on the character and appearance of the area. In weighing the balance to be struck between achieving additional housing on a site within the urban area, and protecting the environmental qualities of that area, it is considered that the harm that would be caused to the character and appearance of the area would outweigh the benefits of providing a new dwelling. The proposal is therefore contrary to Policy CS16 of the adopted Havant Borough Local Plan (Core Strategy) 2011, and the relevant paragraphs of the Havant Borough Council Borough Design Guide 2011 which states that the design of new development needs to ensure engagement with the street and public realm and paragraph 127 of the NPPF.
- 5.8 **2nd reason - The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring property at 1a Sutton Road and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.**
- 5.9 The application site is situated towards the eastern end of Sutton Road and would utilise the side garden of number 1a. The new dwelling would be sited 1 metre from the proposed eastern boundary with the western elevation of the bungalow at 1a a further 1 metre away and would be situated forward of this property. There is one first floor window in the eastern elevation of the dwelling serving a bathroom, and although the roof of the proposed dwelling is hipped and pitches away from the boundary, the eaves height is 4.6 metres rising to a maximum ridge height of approximately 7.35 metres.
- 5.10 Furthermore, number 1a is a bungalow of a modest size with the main entrance door and two windows in the western elevation. Given the increased intensity of development proposed for the site, which would introduce a two-storey dwelling into an area currently undeveloped in the rear/side garden area of the existing dwelling, it is considered there is clear potential for the scale and density of the development to appear dominant and intrusive to the amenities currently enjoyed by the adjoining properties, affecting their outlook, light and privacy. Having regard to these concerns, it is considered that the development would have a significant adverse impact on the amenities of the neighbouring property of 1a Sutton Road. As such the proposal would

consequently have a detrimental effect on this property and be contrary to criterion 1 e) of Policy CS16 of the Havant Borough Local plan (Core Strategy) 2011, paragraphs 5.03, 5.10, 5.25 and 5.33 of the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and paragraph 128 of the NPPF.

- 5.11 **3rd reason - The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Strategy, is contrary to the Council's Policy on contributions towards ecology which seeks to ensure that the provision is made from new residential development towards the mitigation of the likely significant effect on the Special Protection Areas. It is therefore contrary to policies CS21 and DM24 of the Havant Borough Local Plan (Core Strategy) 2011, Allocations Plan 2014 and the National Planning Policy Framework 2012.**
- 5.12 The completed Unilateral Undertaking and fee were received by the Local Planning Authority on 15 January 2019. Therefore, it is the opinion of the Local Planning Authority that the appropriate mitigation measures have been adequately secured to meet the Definitive Strategy and policy DM24 of the Allocations Plan.

6.0 COMMENTS ON THE GROUNDS OF APPEAL

- 6.1 The Council's case is set out above and the following comments are made by way of clarification or amplification only where issues not addressed above are introduced.
- 6.2 Paragraph 3.5
The proposal is for the development of 1 new dwellinghouse. Although it is noted that this would provide a contribution to the housing supply of the Borough this is by a very small amount and would have to be weighed against any harm caused to the visual amenity of the area and neighbouring dwellings. A recent review following the 2017/18 completions and recent planning permissions also confirms that the Council does have and can provide a 5.1 year supply of housing land with a 5 percent buffer (**Appendix E**) and so is therefore able to meet the need for housing without this proposed dwelling. Given this, a tilted balance should not be applied in decision making. Therefore the harm caused as a result of the proposal is not considered to outweigh the very small contribution made to housing supply.
- 6.3 Paragraph 4.2
Section 7.4 of the case officer's report (as submitted with the Local Planning Authority's questionnaire) states: *Although the properties in this part of Sutton Road promote a mixed street scene, it is considered the new dwelling would have a significant impact on the existing spatial setting. It would eliminate the space between the bungalows and two storey dwellings on this side of Sutton Road and would appear overbearing and cramped, resulting in a harmful impact on the visual amenity of the street scene. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 and the adopted Design Guide 2011.*
- 6.4 Paragraphs 4.3 and 4.5
The impact of the proposal on 1a Sutton Road was assessed on the existing western fenestration of this property. This property is a bungalow of a modest size and the proposal is for a two storey dwelling with an eaves height of 4.6 metres and a maximum distance of 2 metres between the side elevations of the properties. Section 7.5 of the case officer's report (as submitted with the Local Planning Authority's questionnaire) states: *It is considered the height, mass and proximity to this boundary would result in the new dwelling being overbearing to the existing bungalow and would have a harmful impact on the current and any future occupiers of this property. Furthermore the side windows on the western elevation of the bungalow may result in a loss of light and would have an outlook of a predominantly blank wall.*
- 6.5 The limited distance between the bungalow at 1a and the proposed dwelling, together with the tapered frontage of the site would give rise to a dominant relationship between the proposed and existing properties.

- 6.6 Paragraph 4.4
Although the first floor window in the western elevation of the property is shown to be obscured glazed, serving the landing, there are two first floor windows serving bedrooms in the rear elevation of the new dwelling. This could give rise to overlooking and potential loss of privacy to the rear gardens of the adjacent properties.
- 6.7 Paragraphs 4.6 and 4.7
Whilst it is acknowledged the development would result in a loss of amenity space to the host dwelling which is generous in context, the front of the site is approximately 4.5 metres narrower than that of number 1a and the neighbouring property at number 3. The width of the application site only corresponds with the adjacent sites some 13 metres from the front boundary. Although there is a single storey element to the front of the property in the form of the garage and porch, the bulk of the property is a full height two storey dwelling and this would result in a cramped and incongruous appearance to this part of Sutton Road.
- 6.8 The application was determined in line with paragraphs 186 and 187 of the NPPF (now paragraph 38 of the NPPF 2018). A professional judgement was made in respect of the impact of the development on the character and appearance of the area, and the impact of the development on the neighbouring property at No.1a Sutton Road, informed by both the prevailing planning policies and the officers' visit to the site and surroundings.
- 7.0 CONCLUSIONS**
- 7.1 In conclusion the LPA consider that the proposal for the erection of a 3 bedroom detached dwelling would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout, scale or design, conflicting with the established pattern of development and spatial characteristics of the vicinity. The proposed size of the new dwelling would create a cramped, incongruous feature and have an adverse impact on the setting and spatial characteristics of the street scene. Additionally, it would result in an overbearing presence on the occupiers of the neighbouring properties, in particular those at 1a Sutton Road.
- 7.2 The proposed development is therefore 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. The Inspector is therefore respectfully requested to dismiss this appeal.

APPENDICES

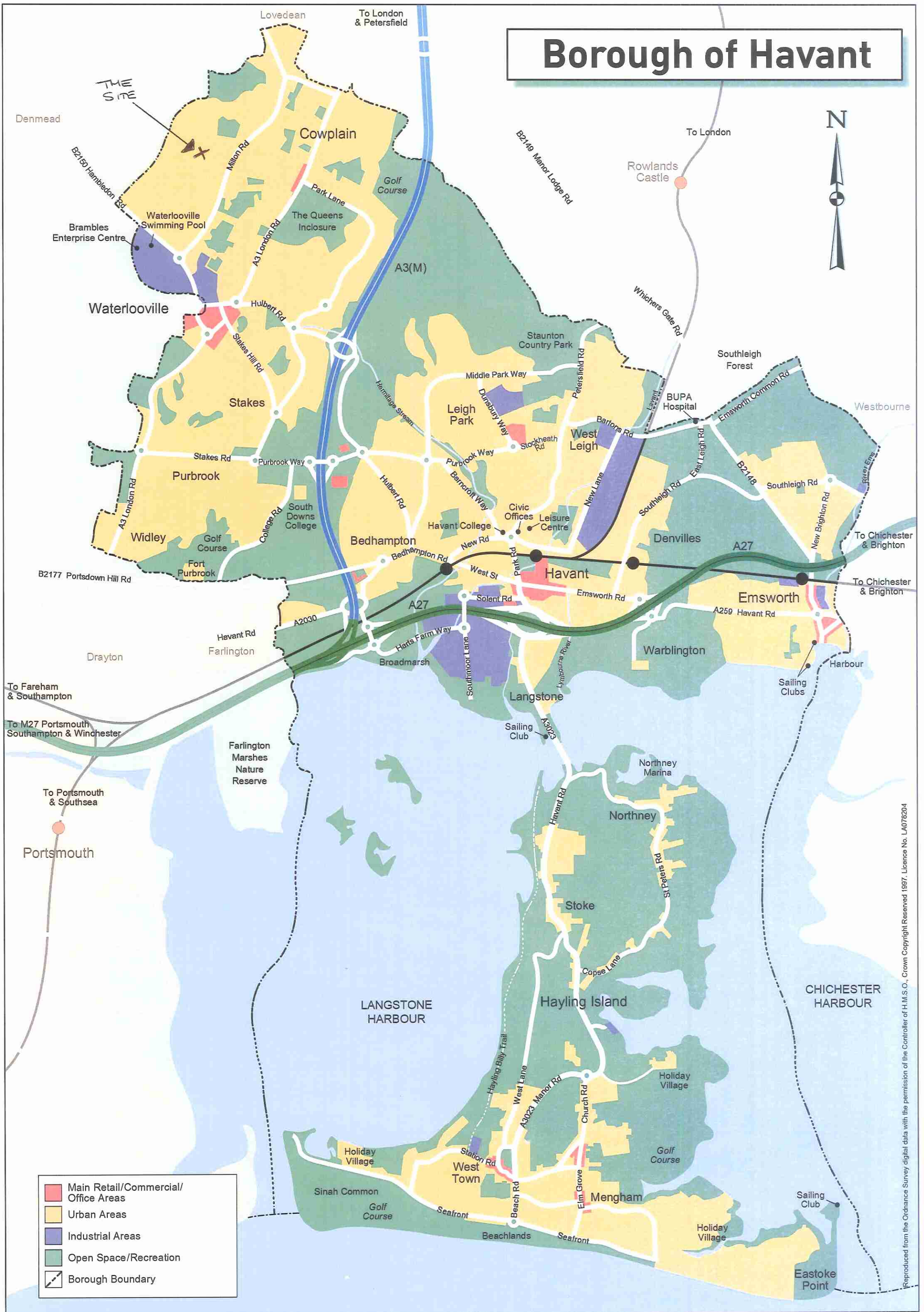
- Appendix A Borough Map and Location Plan
Appendix B Relevant policies from Draft Havant Borough Council Local Plan
Appendix C Response from Natural England
Appendix D Response from Southern Water
Appendix E Havant Borough Council Local Plan 2036 Five Year Supply Update

APPENDIX A

**APPEAL – Land adj 1A Sutton Road
Waterlooville
PO8 8PU**

**Local Planning Authority Reference:-18/00148
Planning Inspectorate Reference:-
APP/X1735/W/18/3213897**

Borough of Havant





© Crown copyright and database rights Ordnance Survey. Licence number 100019217 (2018)

APPENDIX B

**APPEAL – Land adj 1A Sutton Road
Waterlooville
PO8 8PU**

**Local Planning Authority Reference:-18/00148
Planning Inspectorate Reference:-
APP/X1735/W/18/3213897**

E6 | High Quality Design

- 5.57 This policy would update and replace Policy CS16 (High Quality Design) in the Core Strategy and Policy DM21 (Shopfronts, Signs, Security Shutters and Advertisements) of the Allocations Plan. It also covers aspects of Policy CS8 (Community Safety) of the Core Strategy.

Why this policy is needed

- 5.58 The NPPF makes clear that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This policy sets out the Borough's place-making objectives in terms of delivering high quality design, enhancing connections between people and places and integrating new development with the Borough's high quality natural, built and historic environment.
- 5.59 The Borough has a diverse built environment, but in many cases it will be appropriate to forge new places particularly where areas suffer from neglect and lack of identity. The policy also sets out how the Council aims to create safe and accessible environments so that crime and disorder, and the fear of crime²⁵, do not undermine the quality of life for the Borough's residents.
- 5.60 Havant and Waterlooville Town Centres and Hayling Island Seafront in particular lack identity and/or suffer from neglect and have poor connections to the surrounding areas. The Council therefore recognises the importance of good design as part of new development in order to forge new places, as well as responding to and enhancing its natural assets and more attractive built features.
- 5.61 Using Active Design principles²⁶ new development can encourage greater levels of daily physical activity in and around buildings and spaces, and promote healthy communities. 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. This policy 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 E7 (Health and Wellbeing) also sets out how new dwellings will be expected to contribute towards improved health and wellbeing of occupants.

E6 | 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 account has been taken of local design statements, neighbourhood plans and the design elements of conservation area appraisals which identify local character and distinctiveness;
- c. Demonstrates that it:
 - i. Responds to, and draws inspiration from its local context and where appropriate, forge a new sense of place through design;
 - ii. Considers characteristics such as heights, massing, existing building lines, plot widths and depths and proportions of building features such as windows and doors;

²⁵ Department for Communities and Local Government (2017) Chief Planning Officer letter – security and planning

²⁶ Sport England (2015) Active Design. Planning for health and wellbeing through sport and physical activity

<https://www.sportengland.org/media/3426/spe003-active-design-published-october-2015-email-2.pdf>

- 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 proven weathering ability;
 - v. Produces a positive relationship with and between existing and proposed buildings, streets and spaces;
 - vi. Avoids over-dominance and not cause unacceptable harm to the amenity of neighbours through overshadowing, massing, the loss of privacy, outlook, overlooking, and through odour, noise or disturbance; and
 - vii. Plans for adverts, signage, lighting and other security features to be 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.
- d. In addition, all non-householder development which will create new floorspace is expected to:
- i. Ensure the layout is appropriate in density, scale, and appearance and sufficiently flexible to respond to changing uses, lifestyles and demography;
 - ii. A setting for any new buildings is provided which is in keeping with the surrounding area
 - iii. Reduce opportunities for crime and anti-social behaviour and contribute to the creation of safe and inclusive communities;
 - iv. Consider new technologies and construction methods as part of building design, taking into account sustainability and resource efficiency;
 - v. Integrate with existing local landscape features and characteristics of the area protecting and enhancing local wildlife, biodiversity and ecology;
 - vi. Be well connected to and integrate with the local area by linking to existing pedestrian and cycle routes and encourages people to use public transport where possible;
 - vii. Ensure that it does not undermine the development potential of adjacent sites;
 - viii. Maximise opportunities for mixed uses and the co-location of facilities, particularly in town and district centres in accordance with the design principles set out by Policies KS4 and KS5;
 - ix. Promote and encourage healthy lifestyles and neighbourhoods in line with Policy E1.
 - x. Incorporate safe, secure and convenient provision for cycle storage and refuse and recycling facilities which is integrated within the overall design in line with Policy IN3;
 - xi. Ensure safe and convenient access for all in the public realm, including the elderly, the disabled and less able; and
 - xii. Integrate and design affordable housing in a way that is indistinguishable from market housing.

How the policy works

5.62 The criteria set out under section c of the Policy E6 apply to all types of development including (but not limited to) the following householder and other minor developments and external alterations to existing buildings:

- 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

- 5.63 The Council recognises 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.
- 5.64 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 E11 and the Chichester Harbour AONB SPD (July 2017).
- 5.65 In addition to section c, the criteria set out under section d are relevant to developments which include the creation of one dwelling or more and any new commercial floorspace. It is recognised that the criteria in section d are a guide and development will not be expected to fulfil requirements which are not relevant to the scheme in question.
- 5.66 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 local planning authority will also consult the Design Review Panel on development proposals.
- 5.67 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.
- 5.68 The Borough Design Guide Supplementary Planning Document (SPD)²⁷ complements Policy E6 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 E9 (Heritage).
- 5.69 The Council is supportive of new technologies and construction methods integrated as part of new development, including Passivhaus design principles in line with Policy E8 (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.

²⁷ The Council intends to consult on a revised Design SPD alongside the Pre-Submission HBLP2036.

E7 | High Quality New Homes

- 5.70 This policy would replace and update Policies CS16 (High Quality Design) and CS9 (Housing) of the Core Strategy.

Why this policy is needed

- 5.71 The NPPF highlights that high quality design and a good standard of amenity should be sought through 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.
- 5.72 National policy also recognises that local planning authorities should create a high quality built environment and address barriers to improving health and wellbeing. This policy therefore builds on Policy E1 (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.

E7 | High Quality New Homes

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

- a. Sufficient private and/or communal outdoor amenity space is provided proportionate to the number of bedrooms;
- b. New homes are designed to meet appropriate internal space standards²⁸ in order to provide sufficient private and/or communal space for basic daily activities and needs;
- c. Developments of 10 houses or more (gross) meet enhanced accessibility and adaptability standards on 30% of the proposed dwellings across all tenure types to ensure that new homes are suitable for a wide range of occupants²⁹; and
- d. Developments of 50 homes or more (gross) meet wheelchair accessibility standards³⁰ on 2% of the total proposed dwellings as part of the affordable housing provision.

How the policy works

- 5.73 All new homes should benefit from outdoor amenity space of a sufficient size and quality. The updated Borough Design Guide Supplementary Planning Document (SPD)³¹ will set out further guidance on the type and form of outdoor amenity space that should be provided alongside new homes. It should be designed to ensure there is no undue loss of privacy or overlooking of adjoining and neighbouring properties in line with Policy E6 (High Quality Design) and Policy E20 (Amenity and Pollution).
- 5.74 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) for bedrooms, storage, and internal areas, and associated technical requirements. The Council's starting point will be for all new homes, including housing conversions, to meet the appropriate space standards,

²⁸ Appropriate space standards are achieved by meeting the nationally described space standard, or any subsequent Government standard.

²⁹ Enhanced accessibility and adaptability standards are achieved by meeting M4(2) of the Building Regulations 2015, or any subsequent Government standard.

³⁰ M4(3) of the Building Regulations 2015, or any subsequent Government standard.

³¹ The Council intends to consult on a revised Design SPD alongside the Pre-Submission HBLP2036.

unless it can be shown that the standards are not practicable. 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 impractical changes to a building earmarked for conversion.

- 5.75 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. To ensure 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.
- 5.76 Housing is for different groups including families, children, older people and disabled residents by offering functional and adaptable spaces. 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, including older people for which there is an identified need. For the M4(2) standard, the policy makes particular reference to houses as it is understood this housing type is more suitable for the delivery of this requirement.
- 5.77 Wheelchair accessible homes must 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. In the case where there is a locally identified need, 2% of the overall housing provision on larger housing developments (50 dwellings or more) should be designed to meet the wheelchair accessible homes standard. However, it is acknowledged that there may be site specific practical reasons where it may not be feasible to meet this requirement.
- 5.78 Material weight will be given to development proposals where a substantial proportion of homes meet the enhanced accessibility and adaptability standards. In such cases, 50% of the overall housing provision should meet the enhanced accessible and adaptable 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 local authority accordingly.
- 5.79 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 E6 (High Quality Design). For major housing schemes, developers should submit a schedule of accommodation which identifies the specific standard under M4 of the Building Regulation each home in the proposed development will meet.
- 5.80 The accessibility and adaptability standards will usually be secured via a pre-commencement condition when granting planning permission. To ensure compliance with the specific standards, the local planning authority should 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.

APPENDIX C

**APPEAL – Land adj 1A Sutton Road
Waterlooville
PO8 8PU**

**Local Planning Authority Reference:-18/00148
Planning Inspectorate Reference:-
APP/X1735/W/18/3213897**

Thank you for consulting Natural England on the aforementioned application.

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.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Should the proposals change please consult us again.

Kind regards
Rachael Clemson
Solent Planning Adviser

APPENDIX D

**APPEAL – Land adj 1A Sutton Road
Waterlooville
PO8 8PU**

**Local Planning Authority Reference:-18/00148
Planning Inspectorate Reference:-
APP/X1735/W/18/3213897**



Department of Planning and
Development
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

Developer Services
Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW

Tel: 0330 303 0119

Email: southernwaterplanning@atkinsglobal.com

Your Ref

APP/18/00148

Our Ref

PLAN-022139

Date

22/03/2018

Dear Sirs,

Proposal: Detached dwelling with integral garage.
Site: Land adj 1A Sutton Road, Waterlooville, PO8 8PU.
APP/18/00148

Thank you for your letter of 06/03/2018.

Southern Water objects to the above proposals. Please find attached a plan of the sewer records showing the approximate position of a public critical surface water sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

The 525 mm diameter surface water sewer requires a clearance of 3.5 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3.5 metres either side of the external edge of the public sewer. No new soakaways should be located within 5 metres of a public sewer.

From our initial assessment of the existing apparatus it appears that there is limited opportunity to divert existing drainage apparatus, and therefore Southern Water objects to the proposed development. If planning permission were to be granted, Southern Water (as the statutory sewerage undertaker) would request that the Council (as the Building Control Authority) refuse Building Regulations approval on the grounds that building over the public sewer cannot be permitted.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Steve Lupton".

APPENDIX E

**APPEAL – Land adj 1A Sutton Road
Waterlooville
PO8 8PU**

**Local Planning Authority Reference:-18/00148
Planning Inspectorate Reference:-
APP/X1735/W/18/3213897**

Five Year Supply Update

- 1.1 When assessing sites for potential inclusion within the boroughs five-year supply of housing regard was given to PPG guidance which states that:

“clear evidence is required to demonstrate that housing completions will begin on site within 5 years”
- 1.2 For sites with detailed planning permission that have already commenced - numbers are included within the 5-year supply for remaining dwellings to be completed as of 31st March 2018. Annual site visits are conducted to confirm the progress of sites under construction and trajectories updated accordingly. Trajectory and five-year supply figures are also updated based on communication with land owners and developers throughout the year.
- 1.3 Where there is clear pre-application work and intention to bring the site forward within five years these figures are included.
- 1.4 For any larger sites, delivery is split across several years to reflect how sites are incrementally brought forward. This often means that delivery is expected to commence within the five-year supply period and continue beyond it.
- 1.5 Windfall permissions of less than 5 dwellings are included within the five-year supply based on expected delivery. Windfall permissions have been calculated as delivering slightly more dwellings than expected within this monitoring period. Although it is not intended to adjust the windfall figure applied to the whole plan period windfall figures included within five-year supply calculations have been removed from the whole plan period supply of windfall to avoid double counting.
- 1.6 The 5-year land supply calculation clearly indicating buffers and shortfalls and the number of years of supply can be found at table 1.
- 1.7 Of note with regard to the Council’s 5-year housing supply position is the particularly high completion figures in the 2016/17 monitoring year within the Borough. This is due to sites from the Havant Borough Council Allocation Plan (2014) coming forward and completing and creating a peak in supply. Within the interim period the Council has released its Local Plan Housing Statement (2016) to maintain market confidence in the ability of new sites to come forward outside of the currently adopted plan. As well as providing enough allocated sites within the Havant Borough Local Plan 2036 to confirm continuing supply. Whole plan trajectory information is provided in the Council’s 2019 update to the Strategic Land Availability Assessment¹

¹ <http://www.havant.gov.uk/localplan/evidence-base>

Table 1: Five Year Supply – Data on completions and outstanding permissions taken from a particular point in time (April 2018)

**Five Year Supply Calculation for period 2018-2023 (Liverpool Method)			
	Calculating the required supply		Dwellings
a	OAN requirement 2016-2036		9,260
b	Completions 2016/17 - 2017/18		939
c	Remaining requirement	a-b	8,321
d	Remaining years of period		18
e	Annual requirement	c / d	462
f	Five year requirement	e x 5	2,311
f(i)	Five year requirement with 5% buffer		2,427
f(ii)	Five year requirement with 20% buffer		2,774
	Identified Supply		
g	Supply over 5 year period 2018-2023		2,479
	Five year land supply (expressed in years):		
	Excluding buffer	g / (f/5)	5.4
	With 5% buffer	g / (f(i)/5)	5.1
	With 20% buffer	g / (f(ii)/5)	4.5

- 1.8 The Council's Housing Implementation Strategy within the Havant Borough Council Strategic Land Availability Assessment (2019) provides details of risk associated with housing delivery projections. As well as the measures the Council has and could take to mitigate any shortfalls that would result from identified risks to supply.



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR M BARNEY AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE CONSTRUCTION OF 1 NO. DETACHED 3 BEDROOM DWELLING WITH INTEGRAL GARAGE AT LAND ADJ 1A SUTTON ROAD, WATERLOOVILLE , PO8 8PU.

Planning Inspectorate Reference: APP/X1735/W/18/3213897

LPA Ref: APP18/00148

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 / or 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 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 2018.
- 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 and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 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 policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 7 The new dwelling shall not be occupied until space for the parking of vehicles and other vehicular access arrangements (including the provision of dropped kerbs) for for the new dwelling have been provided within the site and surfaced with permeable materials in accordance with the details shown on approved drawing no. 01. Such areas shall thereafter be retained and used solely for those purposes.
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 2018.
- 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 2018.
- 9 The garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.
Reason: To ensure the retention of adequate on-site car parking in accordance with the standards adopted in the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and to discourage parking on the adjoining highway in the interests of highway safety / local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 10 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 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 2018.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan
Drg no. 01/18 Proposed floor and elevations plan; proposed block plan
Policy, design and access statement dated January 2018
Reason: To ensure provision of a satisfactory development