
Site Address:	101 St Albans Road, Havant, PO9 2JS		
Proposal:	Erection of 1No one bedroom end of terrace dwelling.		
Application No:	APP/19/00020	Expiry Date:	04/03/2019
Applicant:	Mr & Mrs Spurway		
Agent:	Mr Potter	Case Officer:	Emma Chisnall
	James Potter Associates		
Ward:	Bondfields		

Recommendation: **REFUSE PERMISSION**

1 Site Description

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

2 Planning History

54/03141 - Outline for layout of roads and plots for the erection of 566 dwellings, UNK,31/08/1954

3 Proposal

- 3.1 Erection of 1No one bedroom end of terrace dwelling.
- 3.2 The proposed dwelling would align in depth with the retained dwelling having a width of approx 3.6m and a matching eaves and ridge line. The plans indicate the dwelling to have a single bedroom only. To facilitate the proposed development the current amenity space serving No 101 would be sub-divided with the existing parking space serving the new dwelling and removing all parking provision at No 101.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS21 (Developer Requirements)
CS9 (Housing)
DM13 (Car and Cycle Parking on Residential Development)

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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No comment

A Building Regulation application will be required for this work

Community Infrastructure

No comment

Crime Prevention

No comment

Environmental Health

I have read the documentation provided and can advise that this office would have no objection to the approval of this application. I would however ask that the following informative's are included in any positive decision notice, if consent were to be granted:

Informative regarding:

Hours of work

Bonfires

Dust

Lighting

Officer Comment: This shall be included as an informative with the decision.

Highways Engineer, Development Engineer

The Highway Authority have no adverse comment to this application

Natural England Government Team

No objection

Natural England notes that your authority, as competent authority under the provisions

of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

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

Public Spaces

No comment

Waste Services Manager

No concerns over waste collection regarding this planning application

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: 10

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking
- (v) Developer Contributions

(i) Principle of development

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

of a new dwelling is acknowledged as making a modest contribution towards the Council's housing needs. It is however necessary to consider this contribution against other development management issues identified below.

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

- 7.3 The proposed dwelling is situated in a prominent position to the west of the highway of St Albans Road and would be approximately 2 metres narrower than the existing properties in the terrace and would be up to the east boundary at the rear and within 1m of the boundary at the front. It is considered that a 0-0.6m separation to the side boundary would result in a bulky and prominent development from the highway which combined with a full height gable would create an unduly dominating and oppressive feature in the streetscene. Currently there is a sense of openness between the run of terraces within the streetscene and the highway. All development and in particular end of terrace developments retain an acceptable set off from the boundary to the east with the majority of side development being single storey only. Therefore the development of a new two storey dwelling up to the boundary is considered to create an oppressive and dominant feature within St Albans road which is not in keeping nor reflective of other development present.
- 7.4 The proposed dwelling would have a footprint with a width of approx 3.6m with limited to no separation from the side boundary. There is a distinct pattern of development within the run of terraces with the other dwellings being of a similar width approximately 2m larger than the proposed with the other dwellings having a distinctive pattern of regular fenestration including 2 windows at first floor. The proposed dwelling does not repeat this pattern and proposes a single window at first floor with a small window at ground floor including the door. This reduced width and fenestration arrangement would be out of character with the strong vernacular of the area. This results in an unbalanced external appearance that does not respect the proportions and rhythm of the terrace as a whole and context of the site. This is considered to be harmful to the visual amenities of the street scene, contrary to policy CS16.
- 7.5 It is further noted that the current application site benefits from a garden space to the rear measuring approx 7.6m deep by 9.25m wide which is partly reduced by the car parking provision to the rear. Alongside the garden space which is provided to the side of the property No 101 is considered to have an acceptable provision, on balance, to serve the occupiers of No 101. The loss of this space which would come with a sub-division of the existing garden space would, however, leave both dwellings with a below standard amenity space which is considered to be contrary to policy and would result in a further extensive site coverage that is considered an overdevelopment of this modest site.

(iii) Impact upon residential amenity

- 7.6 The application site is situated at the end of a row of terraced properties with a fairly regular building line of which the proposed development would continue. The ridge height would match that of No 101 with the depth and eaves height being retained to match the other neighbouring dwellings. From not having a projection to the rear and modest depth the works are unlikely to have a harmful impact on the neighbouring property.
- 7.7 There is one first floor side window in the east elevation of No 101 which serves a landing and this is proposed to be removed as part of the proposal. It is noted that

there would be an impact and removal of light reaching this room however a landing is a non-habitable room and therefore the living standards of the occupants are considered to not be made significantly worsened as a result. Combined with no objection being made by No 101 the works, on balance, are considered to not be significantly harmful to warrant a refusal of planning permission.

- 7.8 The property to the rear is No 99 St Albans Road which is set approximately 15m away from the run of terraces to the north. Although additional windows shall be developed in the rear elevation of the proposed dwelling this shall be to the east of No 99 and shall look more along the side of the property then directly to the rear. Therefore in combination of the distance between the existing dwellings and established element of over-looking already caused by No 101 which is the property directly opposite this neighbour the development is considered to result in a limited and acceptable impact.
- 7.9 In terms of amenity for the occupiers of the retained dwelling (No.101) this is considered to be insufficient. The adopted Borough Design Guide SPD recommends that garden depths should normally be 10m. Due to the presence of an existing car parking space to the rear of the application site the retained dwelling would only have a garden space measuring 7.65m - 4.4m deep by 5.8m - 4m wide. The significant reduction of this space indicates the contrived nature of the proposal which is essentially an overdevelopment of a small plot. Considering this retained dwelling has 2 bedrooms then it would provide family accommodation and the remaining garden area is considered insufficient for its future occupants.
- 7.10 Due to the on site parking space for the proposed dwelling which compromises the available rear amenity space, the proposed dwelling would only have a garden depth of approximately 4.5m. This is considered to be significantly below the recommended Design Guide SPD and not compatible with the surrounding area. Whilst the plans submitted show only a single bedroom dwelling proposed, the Local Planning Authority are concerned that it is possible that the development, if permitted, could be subdivided internally to form a 2 bedroom dwelling. Permitted development rights could be withdrawn for further roof alterations and the addition of a dormer as otherwise it could easily become a 3 bed dwelling, but internal subdivision would be hard to control in the future. Given the size of the footprint of the proposed dwelling it is considered that the dwelling could realistically be occupied by a family. The proposed garden area is therefore not considered sufficient for the likely intended future occupiers.
- 7.11 Overall the proposed layout is considered an overdevelopment, being a cramped and contrived form of development that would not provide sufficient useable private amenity space for future occupiers. As such the proposal is considered contrary to both the adopted Design Guide SPD and policy CS16.

(iv) Parking

- 7.12 No 101 is a two bedroom property therefore requiring 2 parking spaces to serve it. The proposed new dwelling is a one bedroom property therefore requiring one parking space to serve it in order to be in accordance with the Boroughs Parking SPD. From the details submitted it is taken that the rear parking provision currently serving No 101 would be the parking space for the new dwelling which would leave No 101 with no parking provision onsite. A statement has been made by the agent outlining the parking bays to the north and south of the application site and that provision for No 101 would be provided within this space however without parking surveys being

submitted, which the Parking SPD requires in order to demonstrate and provision evidence of this provision, it cannot be assumed that the compounds have capacity to provide two additional parking spaces. Therefore the provision is not considered to be provided for No 101 and the works would be contrary to policy DM13 of the Havant Borough Local Plan (Core Strategy).

- 7.13 As the proposed development only requires one parking space and one is provided the site can technically provide this provision. This is at the cost of leaving an amenity space for the occupiers measuring only 4.4m deep by 3.4m wide when taken from a central point which contributes to the contrived layout of the site and modest amenity spaces. However, this provision is as existing and therefore from a parking assessment only, is considered to accord with policy DM13 and is acceptable.

(v) Developer Contributions

- 7.14 This site falls within the 5.6km zone of Chichester and Langstone harbours SPA which are large estuarine basins that contain extensive inter tidal mud flats and sand flats that support internationally and nationally important numbers of over wintering and breeding bird species. Natural England's advice in regard to 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 with the Solent Recreation Mitigation Partnership Definitive Strategy being effective from 1st April 2018. This Strategy seeks a sum of £373.85 as mitigation for the proposed 1 bedroomed property and the Unilateral Undertaking has been sent to the applicant. However this has not been returned, nor the monies paid.
- 7.15 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. However the applicant has not provided a package of avoidance or mitigation measures aimed at removing this significant effect. As a result, the HRA concludes that the planning application would be likely to lead to a significant effect on the Chichester and Langstone Harbours Special Protection Area. 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. As such, the planning application must be refused as being contrary to Policy DM24 and the Conservation of Habitats and Species Regulations 2017.
- 7.16 The proposed dwelling is both CIL liable and subject to policy DM24 which requires a financial contribution towards the mitigation of the impact of new residential development on the SPA.
- 7.17 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre on new floorspace (measured as gross internal area), plus indexation in Havant.

- 7.18 The CIL forms note a floorspace of 40 sqm which results in a CIL liability of £4,471.43. The Draft Liability Notice has been sent to the applicants agent.

8 Conclusion

- 8.1 It is considered that the proposed new dwelling, by reason of its size, layout and design would result in an unbalanced external appearance, that would also be a bulky and prominent development that would be harmful to the visual amenities of the existing terrace and streetscene. Furthermore the proposed layout, is considered an overdevelopment of the plot with insufficient amenity space for future occupiers of both the existing dwelling and the new dwelling. It is considered that the development would result in a cramped and congested layout of the site, to the detriment of the character and appearance of the locality. Essential mitigation measures in relation to the development's impact upon the Solent SPA sites have also not been secured.
- 8.2 As such, the proposed development is considered to be contrary to the NPPF, policies CS16 and DM24 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Local Plan (Allocations) 2014 and the adopted Havant Borough Design Guide SPD 2011 and is therefore recommended for refusal.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00020 for the following reasons:-

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