
Site Address:	1 Foxcott Grove, Havant, PO9 5BX		
Proposal:	Proposed 1No. 1 bed dwelling.		
Application No:	APP/18/01231	Expiry Date:	06/02/2019
Applicant:	Mr D Greenway		
Agent:	Mr M Wilkes	Case Officer:	David Eaves
	M2 Architecture		
Ward:	Battins		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The site lies to the east of Somborne Drive and South of Foxcott Grove. The proposal is for the addition of a property to the side of an existing terraced property. The site for the proposed dwelling is in a prominent corner location and the proposed dwelling would have a frontage to both Foxcott Grove and Somborne Drive. The site is in close proximity to Leigh Park Centre.

The immediate area is characterised by terraced properties and to the south are commercial buildings associated with Leigh Park Centre.

2 Planning History

None relevant

3 Proposal

Proposed 1No. 1 bed dwelling.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS15	(Flood and Coastal Erosion)
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)
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

Southern Water public sewer approx. 2.81m away from of existing house Consultation to be made with SWS if new build within 3m of sewer

Building Regulation consent required for this work

Crime Prevention -Minor Apps

No comments received

Southern Water

Southern Water would have no objections to the above proposal.

However, please find attached a plan of the sewer records showing the approximate position of a public sewer within 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.

Please note:

- No development or new tree planting will be allowed to be located within 3 meters on each side of the external edge of the public sewer.
- No new soakaways should be located within 5 meters of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

In order to protect public sewers, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewers."

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Natural England

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. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

Public Spaces

No comments received.

Waste Services Manager

No concerns raised.

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: 17

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) Drainage impacts
- (vi) Ecological impacts
- (vii) 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 development would make a modest contribution to the Councils housing requirements and this needs to be assessed against the impact of the development as considered below.

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

The proposal is for the addition of a 1 bed end of terrace property on a corner plot. The width of the proposed dwelling does not match that of the existing terrace plot widths. The design of the frontage would conflict with the established rhythm of the terrace with front doors and generally standard widths and fenestration. The current proposal would have a width of approximately 3.85m compared to that of the host dwelling with a width of approximately 5.8m. This reflects the limited width of the site. The appearance of the dwelling would therefore fail to match the established pattern of development and detract from the design and character of the existing terrace.

The proposed dwelling would be set back from the frontage of Somborne Drive by approximately 1m with the boundary marked by a 1.8m high close boarded fence. The position would be particularly prominent in the street scene of Somborne Drive and result in the loss of a setback of development on this prominent corner which is also a feature of the opposite side of Foxcott Grove (No.2). The tight nature of the plot is emphasised by the position of the side porch to the new dwelling projecting out to the existing fence line to Somborne Drive. The dwelling would be particularly prominent when viewed in the streetscene from the south looking north. The mass and bulk of the proposed building including the extent of the rear extension would be harmful to the character and appearance of the Somborne Drive streetscene.

There are concerns that the side elevation would have a bland relatively unalleviated design particularly at first floor level when viewed from the south-east, east and north-west from Somborne Drive. It is noted that the gable ends to nearby properties generally incorporate end windows, which help to break up the appearance of the gables (it is noted that the existing elevation and floor plan omits the gable window from No.1).

Having considered in detail the proposals visual impact on the streetscene, it is considered that the development would result in an unacceptable impact on the character and appearance of the street scene and area due to the design, prominent siting, height mass and bulk of the proposed dwelling.

(iii) Impact upon residential amenity

The main impacts in terms of residential amenity are considered to be to No1 Foxcott Grove and to 11-17 (odd) Somborne Drive.

No.1 is an existing two bedroom property with a side door and window serving a landing. The proposal would result in the subdivision of the front and rear garden areas and the removal of a rear outbuilding. The proposed property would also project to the rear of No.1 with a single storey rear projection.

The proposal would result in the removal of the side door to No.1, however there is an existing front door and a rear patio door. A first floor side window would also be removed, this however serves a landing and its removal is considered acceptable.

No.1 would retain a rear garden with a depth of 14.5m and a width of 5m providing acceptable private rear amenity space. A rear access would be provided to access proposed cycle parking to the rear. An existing brick outbuilding would be demolished. The proposal would result in the erection of a single storey flat roofed rear extension which would project approximately 4m to the rear of No.1. This would project beyond the 45 degree line from the centre point of the nearest window (french doors and bow window) which serves a living room. Havant Borough Design Guide SPD 2011 provides guidance in relation to rear extensions they need.....*to have particular regard to neighbouring properties and should not cause an adverse affect, such as overshadowing. (Para 5.41). Rear extensions should be a maximum of 3 metres from the rear wall of the existing house, providing that this does not have an adverse effect on neighbouring properties. It is recognised that outside the AONB ...exceptions to this may be considered, providing there is no adverse effect on neighbouring properties. In general, a single storey extension should be no closer than 1 metre to the neighbouring properties...(Para 5.42).*

Whilst it is recognised that this is not an extension but a new dwelling the same principles apply in relation to the impact of the rear single storey element on the existing host dwelling No.1. In this case the extension projects past the 45 degree angle, is positioned to overlap the existing rear wall of No.1 and projects 4m to the rear of the existing building. The rear window to No.1 serves the living room and is a primary habitable room. The rear extension would be imposing when viewed from that room, located to the east of the window and impacting morning light. The mass, bulk and proximity of the extension is considered harmful to the residential amenities of the existing property.

The properties to the east of Somborne Drive 11-17 (odd) would be positioned approximately 21m off beyond the intervening road. There are no first floor east facing windows proposed and it is considered that the set off would reduce any impacts to these properties to a limited and acceptable level.

In terms of the amenities of the proposed dwelling, there are considered to be two main issues, firstly the internal space and secondly the exterior amenity area.

The property would have an internal space of approximately 57sqm, this compares to the 58sqm required by the Technical Housing Standards - Nationally described space standards. The adopted local plan does not include minimum space standards. It is recognised that the emerging Local Plan 2036 policy H1 is looking to introduce space standards, however, this is not yet adopted and is at an early stage of public consultation. It is not considered that planning permission could be refused for a development marginally below the nationally described standard at present given the plans relatively limited weight at this stage.

Externally the proposal allows for a garden depth of 9.5m and a width of 5m. This is marginally short of the 10m garden depth required by the Havant Borough Design

Guide SPD. Overall it is considered that the proposed development would retain acceptable private external amenity space.

(iv) Parking

In relation to parking the development has been assessed against the Councils parking SPD. The existing dwelling has two bedrooms and would require 2 parking spaces. These can be provided to the front of No.1. The one bed new dwelling would require 1 space and this can be provided to the front of the proposed property.

Cycle parking could be provided in sheds to the rear of the existing and proposed dwellings.

(v) Drainage impacts

The site is located within flood zone 1 (low flood risk). Had permission been recommended drainage requirements could be addressed by condition.

It is noted that a Southern Water sewer is likely to cross the site to the front of the plot. Conditions and informatives have been requested by Southern Water and these would have been imposed had permission been recommended.

(vi) Ecological impacts

With regard to the impacts of the development on the European sites, 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, as follows:

From 1 April 2018, the ('Definitive') Solent Recreation Mitigation Strategy SRMS applies to new residential development as approved by Havant Borough Councils Cabinet on the 7th February 2018. The 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 proposal is for 1No. one bedroom dwelling. This would require a financial contribution of:

Total £337 x 2 plus 5% monitoring fee of £16.85 + Admin fee of £20 such that the total contribution required is £373.85.

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. At the time of the determination of this application a legal agreement to secure the mitigation package, and this contribution have not been paid and the appropriate unilateral undertaking has not been received.

Natural England have confirmed that they have no objection to the proposals subject to appropriate mitigation in relation to potential recreational impacts on the SPA. As these have yet to be secured it is not possible to conclude that the identified impacts on the SPA have been appropriately mitigated.

As such, without the required contribution being in place the planning application must be refused as being contrary to Policy DM24 and the Conservation of Habitats and Species Regulations 2017. Therefore the recommendation includes a reason for refusal based on these impacts.

(vii) Developer Contributions

In addition to the SRMS contribution above the development would be CIL liable and the relevant forms have been completed by the applicant. The CIL liability has been calculated as £6,260.

8 Conclusion

In conclusion, whilst the principle of residential development in this area is considered acceptable, the development has been identified as having a harmful impact on the character and appearance of the streetscene / area and on the residential amenities of No.1. Furthermore the impacts on the SPA have not been appropriately mitigated at this stage. It is therefore recommended that planning permission be refused for the proposed development.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/01231 for the following reasons

- 1 The proposed dwelling would by reason of its prominent siting, height, mass, bulk and design result in a development harmful to the character and appearance of the streetscene and local area. Furthermore the development would contrast with the existing pattern and rhythm of the terrace to which it would be attached detracting from the existing built form. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The proposed single storey rear projecting element would by reason of its siting, height, mass bulk and depth result in an unneighbourly impact on the residential amenities of the adjoining dwelling No.1 Foxcott Grove. The building would be overbearing and in particular harmfully impact the outlook from the lounge. The development would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 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.