

Recommendation: **GRANT PERMISSION**

APP/16/00020 - First floor and two storey rear extensions; alterations to the roof including raised eaves levels to front and sides to form 2No. two bedroom properties following demolition of the front porch, and garage with associated parking and landscaping., REF.11/03/2016

Appeal Dismissed 28 September 2016

APP/16/00526 - Variation of condition 2 of Planning Permission APP/13/01214 to enable garage to be retained until occupation of the extensions., PERM,01/07/2016

NB/ Note on file that confirms APP/16/00526 was commenced and therefore is an extant permission

3 Proposal

Conversion of existing 3 bed property to 1No.1bed flat and 1No. 2 bed flat with enlarged dormers to front and rear elevation, with associated parking and turning.

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)
CS20	(Transport and Access Strategy)
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

Highways Engineer

No adverse comment on this application providing the area shown on the plans for the turning and parking of vehicles are provided and retained.

Natural England

No objection

Notes that under Habitats Regulations an Appropriate Assessment has been undertaken. Natural England concurs with the assessment providing all mitigation measures are appropriately secured.

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Why is there a need for flats in a quiet housed area	additional unit would contribute to housing need and see section 7 below for character of area issue

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) The living environment for future occupiers
- (iv) Parking and Highways

(i) Principle of development and planning history

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The subdivision of the dwelling into 2 units would make a modest contribution to the Borough's housing needs.

When planning permission was granted on appeal (APP/13/01214) for large extensions effectively creating a two storey dwelling the Inspector noted that the demolition of the existing garage would compensate for the loss of amenity derived from the increased footprint of the house. With the demolition the amenity space was considered sufficient for a single family dwelling and accordingly the demolition of the garage was conditioned. An application was then submitted to convert the same extensions into 2 dwellings. This was refused and dismissed at appeal with the level of amenity space for each property being found to be unacceptable. It was further dismissed as the congested parking arrangements for 2 separate dwellings would lead to daily logistics problems limiting the ability to turn within the forecourt which was considered a highway danger.

An application was then made to vary the Inspectors condition requiring the demolition of the garage to change it from before commencement to prior to occupation (APP/16/00526). This was approved and subsequently it has been confirmed that this permission was commenced and is extant. However the recent site visit shows that although extant, works have not progressed and the foundation has since been covered up.

However the layout of the approved plans for the extant permission directly conflict with the layout and submitted plans for the current proposal - particularly in respect of the proposed turning area which overlaps with the footprint of the extant permission. Accordingly the two layout plans cannot both be implemented simultaneously and if this application is permitted and implemented then APP/16/00526 would then no longer be continued with in the event that the current proposal were carried out..

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

The only proposed external changes are to the existing front and rear dormers which would each be enlarged by simply widening them by 3.5 and 4m. They would still be appropriate in scale and dominance to the roof slope and not considered visually harmful. Other alterations are all internal to create the subdivision with the ground floor unit becoming a two bedroom flat, accessed from a door in the side, east elevation. The proposed first floor flat would be accessed via the existing front door and be one bedroomed. The subdivision into 2 flats would result in a more intensive use of the site but any material harm to the character of the area or neighbouring amenity as a result would be minimal. It is considered that in this residential area the change from a family dwelling to 2 flats would not be detrimental to the character of the area.

(iii) The living environment for future occupiers

The available amenity space for future residents is a key issue (previous subdivision to a pair of 2 bed semis was found to be unacceptable on appeal due to a lack of amenity space for two households). The proposal is however materially different in that the ground floor two bed flat which could be occupied by a family, would have the entire rear garden area available as amenity area. This is considered adequate for future occupiers. The proposed first floor one bed flat would only have very limited available external space - just the parking and refuse area at the front. However it is not uncommon for flats to have no (or limited) external amenity space and as a single bed unit it is unlikely to be occupied by a family. On balance it is considered that the allocation of external amenity space between the proposed flats is appropriate for future occupiers and would comply with policy CS16.

(iv) Parking and Highways

The dismissed appeal for 2 semis proposed all 4 parking spaces within the front forecourt area and the Inspector concluded that the layout was overly congested and would have resulted in daily logistic difficulties in maneuvering resulting in lack of turning on site and the need to reverse out onto a busy road close to a junction with traffic accelerating towards the property.

To overcome this previous highway safety objection the current proposal retains the existing garage in the rear for the parking of 1 car for the 2 bed flat (it is of a substandard size to be used for 2 cars). Turning for this vehicle would take place in the rear garden, enabling this car to enter and leave in a forward gear. The second space required for the 2 bed flat would be at the front. The proposed one bed flat requires just one space to meet the parking SPD, and this is shown at the front. The resultant parking layout has just 2 spaces in the front forecourt which would leave sufficient room for these vehicles to turn and leave the site in a forward gear, overcoming the previous highway safety concerns. It would be necessary to condition the parking and turning area to be kept available for that purpose in order to comply with the Parking SPD and policy DM13.

(v) Contributions and Habitats Regulations Assessment and Appropriate Assessment

Since there would be no new floorspace the proposal is not CIL liable. However the proposed subdivision into 2 flats results in the net gain of one household which could lead to additional recreational pressure on the SPA.

The site lies within 5.6km of Chichester and Langstone Harbour, which is designated a Special Protection Area for over-wintering birds, and hence an Appropriate Assessment is required to consider the potential impacts on a Habitats Site.

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

The appropriate Unilateral Undertaking has been sent to the applicant seeking the appropriate financial mitigation contribution for the additional one bed dwelling £373.85, including monitoring and admin fees. These monies have been received, together with the signed and dated Unilateral Undertaking. Therefore the proposal is considered to have sufficiently mitigated against the potential recreational impacts of the development.

8 Conclusion

It is considered that the technical submission for the subdivision of the existing dwelling into 2 flats overcomes the previous amenity and highway concerns of the dismissed appeal and it would now be difficult to refuse. The proposed use of the site for 2 flats, whilst would result in marginal increase in intensity of the use of the site, would nevertheless not result in any material harm to the amenities of neighbours. On balance it is considered that the proposal should be issued conditional permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01168

(A) subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

1:1250 Site Location Plan
Site Layout Plan Drawing No. 5153/500 Rev C
Proposed Elevations Drawing No. 5153/6 Rev A
Proposed Ground Floor Plan Drawing No. 5153/3
Proposed First Floor Plan Drawing No. 5153/4 Rev A
Turning on Ground Floor Plan Drawing No. 5153/6

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used for the hereby approved dormer extensions shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The car parking, turning areas and other vehicular access arrangements shown on Site Layout Plan Drawing No. 5153/500 Rev C, to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose. The areas for turning shall be kept clear and available for turning at all times.

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.