

Site Address: Land Adjacent to 19 Woodgreen Avenue, Havant, PO9
3EB

Proposal: Erection of 1No. one bed end of terrace dwelling with associated parking and access from Timsbury Crescent; alterations to porch of 19 Woodgreen Avenue and removal of existing sunroom to rear.

Application No: APP/18/01007 **Expiry Date:** 10/12/2018

Applicant: Mr & Mrs Hore

Agent: Mr Andrews **Case Officer:** Tina Pickup
SDA Planning Ltd

Ward: Bedhampton

The proposed dwelling would align in depth with the retained dwelling, having a width of 4.45m and matching eaves and ridge line. The plans indicate the dwelling to have a

single bedroom only. To facilitate the development half of the existing single storey rear extension and garage would be demolished. Two tandem parking spaces would be provided against the southern boundary for the retained dwelling, No 19, with the drop kerb widened to provide a single space alongside for the proposed dwelling. Bike store and refuse storage are shown for both dwellings.

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

It has been noted on the drawings that the existing door and window are to remain in the new party wall. These will require removing, if the new dwelling is not intended to be an annex.

A public surface water drain passes through the front of the site, within 3m of the new dwelling. Southern Water should be consulted.

Crime Prevention

None received

Southern Water

Development is close to a public surface water sewer which crosses the site and building over is not normally permitted. Under certain circumstances building over a minor sewer may be allowed and conditions are set out in guidance notes; otherwise a formal application to build close will require a formal application.

Any other sewer found during construction works will need to be investigated.

Highways Engineer, Development Engineer

It would appear the existing dropped kerb in Timsbury Crescent will need to be extended to cater for the proposed parking spaces and I suggest that this should be conditioned. An informative should be added to any future permission with regard to the details of the construction of the dropped kerb having to be agreed with the

Highway Authority.
Conditions and Informative required if consent granted.
Surface water disposal needs to be in accordance with Part H3 of the Building Regulations.

Natural England

No Objection provided all mitigation measures are appropriately secured

Public Spaces

None received

Traffic Management

No adverse comment

Waste Services Manager

No concerns

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: 13

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I don't object any building work as this does not affect me but what I really don't agree with is taking another parking space in Timsbury crescent. We really do struggle with parking here .This issue has been ongoing for years in fact probably 25-30 years!! So I think it would be VERY unfair on the residents who can't already park where they live. We simply don't have enough parking at present let alone with more space being taken up by another driveway. Its an absolute pain and I see this only making the problem a lot worse.	Noted, see section 7

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 neighbouring residential amenity and future occupants
- (iv) Parking and highways
- (v) Developers Contributions/CIL
- (vi) Compliance with the Habitats Regulations

(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 Being located on a corner, the site is in a prominent yet spacious position. No 21 on the opposite corner has a subservient single storey side addition that respects the spacious setting of the corner. To the south No 26 Winkton Close has a two storey side extension that flanks Timsbury Crescent with a modest separation to the highway which was subject to a refusal for a wider scheme (APP/12/00977) before a narrower scheme was permitted (APP/12/01314). Otherwise the area is characterised by regular linear terraces set back from the road creating spacious frontages. The presence of the wide frontage grass verge adds to the spacious character of the area. Most properties in the area also have 10m rear gardens.

7.4 The proposed dwelling would have a footprint width of 4.5m with a separation to the side boundary of about 2.1m. It is noted that the host dwelling and remainder of the original dwellings in the area have a width of 5.5m with 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 small window at ground floor. This reduced width and fenestration arrangement would be out of character with the strong vernacular of the area. Whilst it is accepted that the reduced width lessens the overbearing effect of the proposed dwelling on the corner, nevertheless the consequences of retaining some space on the corner, 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. Furthermore it is considered that a 2.1m separation to the side boundary would result in a bulky and prominent development on the corner. A full height gable end within 2.1m of Timsbury Crescent is considered to create an overbearing and unduly dominant feature in the street scene, particularly when viewed from Timsbury Crescent. 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 whilst the application site originally benefited from a standard 10m rear garden, the presence of the existing single storey rear extension and detached garage have already significantly covered the site and reduced the garden depth. In its current form this is acceptable as the side garden provides a reasonable useable alternative external amenity space commensurate to this 3 bedroom family dwelling. However the proposed layout would result in further extensive site coverage that is considered an overdevelopment of this modest site.

(iii) Impact upon neighbouring residential amenity and future occupants

7.6 The back to back separation between the proposed dwelling and No 1 Timsbury Crescent to the rear of the site would meet and marginally exceed the recommended minimum within the adopted Borough Design Guide SPD of 20m. Within this established residential area this separation is considered acceptable and appropriate and it is unlikely that the proposed dwelling would result in any material harm to neighbouring residents.

7.7 However in terms of amenity for the occupiers of the retained dwelling (No.19) 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 the proposed car parking spaces which are shown to be fenced off and separated from the garden areas, then the retained dwelling would only have a garden depth of between 4m and 8m. This layout is also reliant on part of the brick built existing single storey rear extension being demolished to provide an open patio area instead. It is considered that the need to demolish what is a permanent brick structure indicates the contrived nature of the proposal which is essentially an overdevelopment of a small plot. Considering this retained dwelling has 3 bedrooms (with a large loft conversion) then it would provide family accommodation and the remaining garden area is considered insufficient for its future occupants.

7.8 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 5.2m. This is also 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.

7.9 The Local Planning Authority has considered a previous appeal at 67 Bond fields Crescent (APP/13/0155) in which a similar lack of private outdoor garden space was found by the Inspector to be unacceptable for future occupiers. The agent has submitted various alternative cases but none of these are considered sufficiently similar in circumstance to be directly comparable. In any case it is necessary to treat each applicaiton on its individual planning merits.

7.10 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 and highways

7.11 The proposed parking for both the retained dwelling and proposed dwelling would be to the rear of the site, accessed off Timsbury Crescent, requiring a widened dropped kerb. This would further reduce the available on street parking to which the third party representation objects. However the widening of the dropped kerb on this non classified road would not in itself constitute development for which permission is

required if undertaken in connection with permitted development. In this instance the widening is required to serve the development proposed and as such needs to be assessed as part of the proposal. This widened access would result in the loss of an on-street space to create an on-site space and therefore there would be no net gain in parking for the area as a whole. Two parking spaces are provided for the retained dwelling which meets the standards set out in the adopted Havant Borough Parking SPD 2016 for a 3 bed dwelling.

7.12 It is further noted that as a single bedroom dwelling the proposal would only require a single parking space to meet the adopted standards, which is provided. The submission therefore technically meets the parking requirements for the proposed development. Whilst it is accepted that there would be increased pressure to park on the local roads if this development were permitted, it is considered that this could not be substantiated as a reason for refusal.

(v) Developer contributions / CIL

7.13 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.

7.14 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.

7.15 The CIL forms note a floorspace of 61.6sqm which results in a CIL liability of £6,644.00. The Draft Liability Notice has been sent to the applicants agent.

(vi) Compliance with Habitats Regulations .

7.16 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.

7.17 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.

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 on the corner, that would be harmful to the visual amenities of the host terrace and spacious corner site and streetscene. Furthermore the proposed layout, (with contrived layout necessitating the demolition of an existing single storey element) 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.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/01007

(A) 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 on the corner, that would be visually harmful to the amenities and spatial characteristics of the area and the Timsbury Crescent 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.