
Site Address: 75 Creek Road, Hayling Island, PO11 9RA
Proposal: Demolition of existing dwelling and erection of replacement dwelling.
Application No: APP/18/00756 Expiry Date: 20/09/2018
Applicant: Mr Widdowson
Agent: Mr R Lilley Case Officer: Lewis Oliver
 Lilley Architecture
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

75 Creek Road is a detached single storey dwelling set within the defined built up area of Hayling Island. The rear and side boundaries are defined by 2 metre high closed boarded fencing. The front boundary is defined by 1 metre high brick walling with hedging.

2 Planning History

None

3 Proposal

The proposal is for the demolition of existing dwelling and erection of replacement dwelling, which would be a chalet style dwelling with three dormer windows on the front elevation and two dormer windows on the rear elevation.

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)

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)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Developer Services, Southern Water

No Objection

Highways Engineer, Development Engineer

This application should be determined by the Planning Authority using The Highway Authority's standard guidance.

Natural England Government Team

No Objection - subject to SRMS payment

Waste Services Manager

No Objection

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: 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) Impact on highways
- (v) CIL and SRMS

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.

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

The application site is in a highly visible location on the corner of Creek Road and Eastoke Avenue. The immediate and surrounding is defined by a mixture of dwelling types which includes bungalows, chalet bungalows, including a variety of dormer windows and two storey dwellings. The proposed chalet bungalow is a design that is found within the area and as such it is considered that the overall size, scale, massing of the development would not have a significant adverse impact on the character and appearance of the immediate and surrounding area, and would not be intrusive in the street scene to justify a reason for refusal on this issue.

(iii) Impact upon residential amenity

The application site is relatively small and compact compared to the surrounding properties, and the current dwelling is located in close proximity to the boundaries of the immediate neighbouring properties. The proposed development is located largely on the footprint of the existing building, which is currently located in an angled position in relation to the neighbouring property of 36B Eastsoke Avenue and as such the north western corner of the development would be located approximately 1 metre from the boundary with 36B, with the south west corner of the development being located 7.5 m from the boundary of 36B. A detached outbuilding is also located between the south west corner of the proposal and the western boundary. The relationship of the development from the to the property to the south, 73 Creek Road would see a 7m separation, between the development and this property, has driveways for both properties on either side of the boundaries. Overall it is considered that given the proposed layout, size, scale and massing of the development that it would not have a significant adverse overbearing or in relation to loss of sunlight/daylight to neighbouring properties.

In relation to privacy this application proposes 2 dormer windows to serve a bathroom and en-suite respectively and are proposed to be obscure glazed, in order to prevent direct overlooking into the private amenity areas of 73 Creek Road and 36B Eastoke Avenue. The proposal also includes the installation of two rooflights to provide light to the proposed stairs, which would be set in the roofslope. Given that the proposed rooflights are located in the roof, and would serve the stairwell it is not considered that these opening would result in significant overlooking of 36B Eastoke Avenue.

Overall it is considered that the proposed development would not have a significant adverse impact on the amenities of neighbouring properties with regard to loss of sunlight/daylight, overlooking or overbearing impact. As such the development would therefore comply with policy CS16 of the Core Strategy, the Design SPD and the NPPF.

(iv) Impact on highways

The proposed development would retain the existing access drive and garage, which provides 2 car parking spaces. The proposed development is for a 3 bed unit, and therefore the proposal would comply with the adopted car parking standards. As such the development is not considered to have a significant adverse impact on the safety or free flow of the highway network to justify a refusal.

(v) CIL and SRMS

The development is for a replacement residential dwelling and therefore CIL is liable. However, the application has been submitted with Form 7 - Self Build Exemption Claim form, which means the CIL is now not liable for the charge, subject to the relevant criteria.

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 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 applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package.

8 Conclusion

The development is not considered to have a significant adverse impact on the highway network, character and appearance of the area or on the amenities of neighbouring properties. Furthermore, the development makes adequate provision in the form a financial contribution toward impact on the SPA.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00756

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:

LOCATION AND BLOCK PLANS - 425 PL01
PROPOSED FLOOR AND ROOF PLANS - 425 PL04
PROPOSED ELEVATIONS 425 PL05
SECTION PLAN - 425 PL06

Reason: - To ensure provision of a satisfactory development.
- 3 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(s) 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.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E, of Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby properties and to control the impact on the character and appearance of the area having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows in the first floor of the south-west (rear) elevation, other than those expressly authorised by this permission shall, at any time, be constructed in the development hereby permitted.

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

- 6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building the windows on the proposed dormer windows on the rear (south-west) elevation at first floor shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent), and retained as such thereafter.

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