
Site Address:	32 Fishery Lane, Hayling Island, PO11 9NR		
Proposal:	Erection of 1No. two bed chalet bungalow. (Resubmission.)		
Application No:	APP/18/00099	Expiry Date:	27/03/2018
Applicant:	Mr & Mrs Macey		
Agent:	Martin Critchley	Case Officer:	Emma Chisnall
	Martin Critchley, Architect		
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 32 Fishery Lane is a large two storey detached dwelling positioned in an application site which has a generous amenity space to the west and is accessed via a driveway to the north which permits access to the site from Fishery Lane. No 32 has a fully hard-surfaced amenity space to the front for parking multiple cars and the curtilage boundary varies in height and material due to the shared boundaries. To the north east its a mixture of 2m timber fencing and 3m hedging. To the north west it is 1.8m timber fencing, the side elevation of No 30 and 3m hedging. To the west is No 32's main private amenity space which is large in size, laid as lawn and surrounded by 3-4m hedging. To the east its 2m timber fencing. A mature chestnut tree is present in the driveway serving No 32 which is laid with gravel.

2 Planning History

97/52442/002 - Felling of Red Horse Chestnut tree covered by TPO 982, REF,08/09/1997
03/57900/000 - Variation of Condition 3 of Planning permission 22521/13 dated 8 May 1981 to allow for the retention of a clear glazed window on the south elevation., REF,06/05/2003
03/57900/001 - Application to crown reduce by up to 30%, crown thin by 10% and crown raise to a height of 3m a Horse Chestnut (T1) subject to TPO 0982., PERM,12/06/2003
07/57900/002 - Fell a Horse Chestnut tree (T1) subject to TPO 0982., REF,14/11/2007
APP/14/00316 - Crown reduce 1No. Horse Chestnut (T1) by 2.8m from the top, 2m from the sides and remove any dead, crossing or epicormic branches;remove lowest limb on east sector back to trunk, subject to TPO 0982., PERM,30/04/2014
APP/17/00790 - Subdivision of garden and erection of 1 No.3 bed bungalow and detached double garage with access from Marshall Road and erection of a new detached double garage for No. 32 Fishery Lane with access from Fishery Lane. , WD,20/09/2017
APP/17/01118 - Fell 1 No. Horse Chestnut (T1) subject to TPO 0982., PERM,24/11/2017

3 Proposal

- 3.1 Erection of 1No. two bed chalet bungalow. (Resubmission.)

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
- CS16 (High Quality Design)
- CS21 (Developer Requirements)

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

Arboriculturalist

No objection. A condition should be applied if permission is granted that the work be carried out in accordance with the Tree Survey and Landscape Assessment V2 and Tree Protection Plan (drawing number 17045-143).

Building Control, Havant Borough Council

No comments

Community Infrastructure

No comment

Crime Prevention -Minor Apps

No comment

Southern Water

Please find attached a plan of the Southern Water sewer records showing the approximate position of a public foul sewer, foul rising main and surface water sewer within the site. The exact position of the foul sewer, rising main and surface water sewer 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 should be located within 3 meters either side of the external edge of the surface water sewer, 4 meters from foul rising main and 5 meters from foul gravity sewer. All existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public sewers and rising main. Reference should be made to Southern Water publication "A Guide to Tree

Planting near water Mains and Sewers” with regards to any Landscaping proposals. 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 SO21 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>

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

a Adequate soakaway or infiltration system

b Water course

c Where neither of the above is practicable sewer

Planning Officer Comment: An informative shall be included with the decision that lays out Southern Waters guidance as above.

Highways Engineer, Development Engineer

The highway Authority has no adverse comment to this application subject to the provision of the dropped kerb

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: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: Amended Proposal 8 objections
Original Proposal 8 objections

Comment	Officer Comment
FURTHER COMMENTS Concern from 30 Fishery Lane regarding: * Previous objection still stands. *Obscure glass shall not address the overlooking and cramping of property. * Development impacts boundary lines. * Works shall impact light reaching downstairs bedroom which are already impacted.	See section 7
Concern from No 32A Fishery Lane regarding: * Highlight object to the revisions of the ongoing planning proposal as per my previous letter. * I am also seeking legal advice regarding boundary rights.	See section 7 This matter was raised with the applicants agent who submitted confirmation that the land in

	question was owned by No 32. Therefore this is a private and civil matter that cannot be commented on further.
Concern from No 38 Fishery Lane regarding: * Blind spot were the proposed site is going ahead as cars will not have enough visit to see if any child or person is walking.	See section 7
Concern from No 30 Fishery Lane regarding: * Trees in the proposed gardens * Lighting is going to be impacted reaching the bedroom window. * There was a fire close by and the building and shop have a lot of wood.	See section 7
Concern from No 30 Fishery Lane regarding: * Loss of light to bedroom window * Works create a blind spot which could lead to an accident.	See section 7
Concern from No 11 Coronation Road regarding: * Parking will be a major problem on Marshall Road as parking is limited as it stands.	See section 7
Concern from No 30 Fishery Lane regarding: * My bedroom is downstairs and faces the proposed site. Light is limited and with the development will remove this completely. This will have an impact on health.	See section 7
Concern from No 30 regarding: * I can't see the amendments having any impact at all from the previous. Development shall have a massive impact on our house reducing light, causing over-looking and a cramping effect. Rooms will be in complete darkness.	See section 7
ORIGINAL COMMENTS Concern from 38 Fishery Lane regarding: * Works would cause major blind spots for my child walking to and from local shops. * It will be dark and I am worried about safety to my relatives and partner and impact this shall have on his disabilities.	See section 7 Not a material planning consideration
Concern from 30 Fishery Lane regarding: * The driveway will become a blind spot and my child likes to play out. * loss of light * Development is out of character with other houses along this stretch.	See section 7
Concern from 30 Fishery Lane regarding: * Impact on light levels and outlook. * Narrowing the driveway shall remove parking place for motorbike. * Drive way will cause a major blind spot	See section 7 Not a material planning consideration
Concern from No 30 Fishery Lane regarding: * Development shall cause difficulty with getting out of my driveway as I have a large vehicle. * Strong blind spot * Loss of light to bedroom window.	See section 7

* Building works shall impact asthma, health and allergies.	Not a material planning consideration
Concern from 47 Forest Close regarding: * I have right of way down the side of this property and I need to gain access for maintenance which this building will prevent. * Some of my drive will be taken away as a result. * Horse Chestnut Tree has a TPO on it and believed it to be cut back not cut down. * I hold the title deeds for 30 Fishery Lane and I have been in contact with my solicitor who agrees this should not be passed. * This will block natural light into my property. All the windows are fire exists and we would not be able to escape.	See section 7 Not a material planning consideration This matter was raised with the applicants agent who submitted confirmation that the land in question was owned by No 32. Therefore this is a private and civil matter that cannot be commented on further.
Concern from 32A Fishery Lane regarding: * Natural daylight will be completely lost. * General access and maintenance of my own property shall be impacted. * Obscuring the entrance/exit of my own property. * This shall de-value my property if permission is granted. * Application is not fit for approval and should be refused.	See section 7 Not a material planning consideration Not a material planning consideration
Concern from The Bungalow, 8 Birdham Road regarding: * It will be impossible to find a place to park as I normally park outside the shop on Marshall Road with my disabled father. Double yellow lines everywhere else will be a real inconvenience to us on a regular basis.	See section 7
Concern from No 11 Coronation Road regarding: * There will be no parking space along Marshall Road to park and I sometimes bring my disabled father to visit. Fishery Lane has little parking so to take away vital space for shop customers and visitors would be a total nightmare for all concerned.	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) Appropriateness of design and impact on the character and appearance of the area
- (iii) Impact upon neighbouring properties
- (iv) Highway considerations
- (v) Developer contributions
- (vi) Trees

- (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.

7.3 Any new housing contribution has to be weighed against the severity of the impact it causes and although a new dwellinghouse on brownfield land would typically be looked at favourably it is considered that the severity of the visual impact caused by the development alongside the un-neighbourly impact it causes to the immediate neighbours outweighs the modest contribution that this development would make to the Borough's Housing Supply. Current allocations for housing have been approved for the Borough which demonstrates that housing can be accommodated elsewhere within the built up area and therefore, on balance, the significant impact caused as a result is considered to be contrary to CS9 of the Boroughs Local Plan (Core Strategy) and the principal of the development is not supported.

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

7.3 The proposal is for the construction of a part single storey and part two storey dwelling located to the north of the existing dwellinghouse in the current driveway between Nos 30 and 32A Fishery Lane. Although pre-application was previously sought for the application site this was in relation to a new dwelling to the west of the existing dwellinghouse within the amenity space and not to the north in the space which currently provides an access from Fishery Lane to No 32 and therefore this advice is considered to not be relevant or applicable to the proposed new position of the dwellinghouse.

7.4 The proposal would affectively create an 'infill development' which would appear over-bearing and obtrusive in the streetscene of Fishery Lane creating a cramped and crowded appearance when viewed from the highway. The application site is particuerley narrow and currently forms the driveway and access to No 32 from Fishery Lane which creates a natural and attractive separation between the existing dwellings of No 32A and No 30 Fishery Lane as a result. Although the design of the new dwellinghouse is sympathetic to this due to the limited and restricted space the works would be in close proximity to the boundary to the east and west of the site creating a contrived appearance along Fishery Lane which would remove a natural separation between the dwellings within Fishery Lane which is contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy). Multiple objections have been made in regards to this aspect by the neighbouring dwellings and it is considered that significant harm would be occurred to the visual amenity of the locality if the proposal was to be supported and granted planning permission.

7.5 It is considered that the application side is not big enough to accommodate a dwellinghouse without creating a contrived and negative appearance on the locality and therefore the principal of accommodating a new dwelling in this position is not supported. This was raised with the agent alongside concerns over the impact also caused to neighbouring dwellings and although further plans were submitted to try and address the impact caused, this was not considered to be sufficient enough to address the primary concern over the principal of a new dwellinghouse in this position of the application site at No 32. Therefore the application should be refused.

7.6 It is considered that the development marks a significant change to the existing characteristics of this part of Fishery Road, introducing a modest dwelling to a vary narrow and limited site. The works are deemed to be harmful to the open nature of the existing streetscene resulting in excessive building bulk adjacent to neighbouring properties.

7.7 It is deemed that the position of the dwellinghouse would be overbearing and appear cramped, resulting in over development of the site and having an adverse impact on the character and appearance of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 and the adopted Design Guide 2011.

(iii) Impact upon residential amenity

7.8 Various concerns have been raised by neighbours including the scale, mass and appearance and situation of the proposed dwelling alongside concerns with the alterations to Marshall Road and that the works would create a blind spot for passers by. These concerns have been assessed below. The works proposed to No 32 Fishery Lane are considered to impact the adjacent neighbours No 32A and No 30 Fishery Lane. No 30 is a block of flats and as such serve multiple residents some of which have made objections to the proposal. The other neighbour to be impacted is No 32 itself.

7.9 Impact on No 32A Fishery Lane

No 32A has raised an objection with the development in regards to the proximity of the dwellinghouse to No 32A and the impact this shall have to outlook whilst preventing maintenance of the dwelling and creating a loss of light. Following a site visit it was noted that No 32A has a number of ground floor and first floor windows that look out to the west. However the dwellinghouse itself is set off the shared boundary to the west side by approximately 2m which would not restrict maintenance of No 32A as a result. The design of the proposed new dwellinghouse has attempted to be sympathetic to the impact caused to neighbouring dwelling by proposing a single storey development to the north front of the site which then extends to a two storey dwellinghouse to the south rear of the site. Although this reduces the immediate impact to the front of No 32A the works are proposed (at the closest point) to be approximately 0.2m off the shared boundary with No 32A which shall have an adverse impact on the outlook from the ground floor windows although it is noted that the front lounge is dual aspect and has a window serving the same room in the front north elevation. However, the increased mass and bulk of the two storey development to the rear has the potential to impact light levels reaching the windows in the rear and side elevation of No 32A as well as the rear garden amenity space. As the dwellinghouse is proposed to be to the west of the application site afternoon and evening sun has the potential to be restricted and coupled with the close proximity of the development to the shared boundary with No 32A this is considered to result in an un-neighbourly and significant impact which could not be supported. The works are contrary to the Borough Design Guide in terms of acceptable impacts and policy CS16 of the Havant Borough Local Plan (Core Strategy) and coupled with the objections made against the proposal it is considered that the application should be refused.

The new dwelling has the potential to cause over-looking from the first floor windows proposed in the front elevation of the two storey development. This was raised as a concern with the agent and since then a plan has been re-submitted which proposes obscure glass in the front two dormer windows in order to reduce this impact which is considered to maintain privacy levels between the proposed and neighbouring dwellings.

7.10 Impact on No 30 Fishery Lane

The proposed new dwellinghouse shall be set off the shared boundary with No 30 by

approximately 0.8m. Although a greater distance than to the east, the works shall still be in very close proximity to the neighbours to the west. Multiple objections raise concerns over the impact to bedroom windows on the first and ground floor east side elevation and from the proposed development being to the east of the dwellinghouse morning and afternoon light does have the potential to be impacted. As this unit is split into flats the first floor bedrooms are served by single windows only and do not have any other windows to permit light into the bedrooms which is considered to increase the impact caused further. It is acknowledged that the two storey bulk of the proposed new dwelling shall be in line with the east side projection of No 30 and therefore not directly opposite the bedroom windows however due to the close proximity of the development to the shared boundary coupled with the bedrooms only being served by the one window the works, on balance, are considered to result in a un-neighbourly impact that could not be supported.

The new dwelling has the potential to cause over-looking from the first floor windows proposed in the front elevation of the two storey development. This was raised as a concern with the agent and since then a plan has been re-submitted which proposes obscure glass in the front two dormer windows in order to reduce this impact which is considered to maintain privacy levels between the proposed and neighbouring dwellings. .

7.11 Impact on No 32 Fishery Lane

As the applicants of the proposal the residents of No 32 are aware of the plans and the potential impact caused by the development. The proposed new dwellinghouse would be set away from the front elevation of No 32 by approximately 15m and from being to the north of No 32 is unlikely to cause a significant impact to light levels and would not appear over-bearing or obtrusive. However, the first floor windows in the rear elevation of the proposed dwellinghouse do have the potential to cause over-looking to the front of No 32. Front amenity space is usually open to public view but due to No 32 being set back from Fishery Lane and screened by mature hedging the dwellinghouse has benefited from a fairly private space to the front. This would now be over-looked by the new dwelling but from being the applicants for the new development themselves the potential impact caused by this is considered to be understood and accepted. No objection has been made by the applicant and any person that would purchase No 32 in the future would be able to visually see the impact caused prior to making a purchase and therefore the impact caused is considered to not be sufficient enough to warrant a refusal of planning permission.

- 7.12 In overall conclusion on this matter it is considered that the proposal would be overbearing and detrimental to the visual outlook and amenities of the occupiers at No 32A and No 30 Fishery Lane.

(iv) Highway considerations

- 7.13 There are two bedrooms proposed in the property and subsequently there will be a requirement for two parking spaces as recommended in the HBC Parking SPD (July 2016). The proposed block plan submitted reflects this.
- 7.14 The plan shows a new access to the existing property from Marshall Road and if permission is minded to be granted a condition should be incorporated stating a dropped kerb vehicular access is required and an informative note attached stating that works on the highway require the approval of the Highway Authority (HCC). Strong objection has been made by the neighbouring dwellings in

regards to this development removing parking spaces which serve the shop and that the works would create a blind spot which is un-safe for residents to use. The Highways department have been consulted on the proposal in this regard and have assessed the potential impact coming to the conclusion that no significant concern is raised pending the condition and informative regarding the drop kerb is included with the decision. Therefore this is considered to satisfactorily address the concern raised.

(v) Developer contributions

- 7.15 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 20 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 £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.
- 7.16 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the dwelling has been calculated by the agent as 87 sqm which generates a total CIL liability of approximately £11,729.46. The applicant is claiming self build exemption.
- 7.17 The proposal is also liable for a contribution towards the SDMP (Solent Disturbance Mitigation Project) of £181 plus an administration and monitoring fee which has been paid. The proposal therefore accords with Policies CS11, CS21 (Developer Contributions) and DM24.

(vi) Trees

- 7.18 The Arboricultural Officer has been consulted in regards to the proposed development and although no objection has been raised if permission is to be granted then a condition should be incorporated stating that the works be carried out in accordance with the Tree Survey and Landscape Assessment V2 and Tree Protection Plan drawing number 17045-143.

8 Conclusion

- 8.1 The proposed size and mass of the new dwelling is considered to be of a design which does not accord with local planning policy in that it would create a dominant, incongruous feature and have an adverse impact on the visual amenity of the street scene. Furthermore, it would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout, scale, design or scale. It would result in an overbearing presence on the occupiers of the neighbouring properties, in particular those at No 32A and No 30 Fishery Lane.
- 8.2 As such, the proposed development is considered to be contrary to the NPPF, policy CS16 of the Havant Borough Local Plan Core Strategy 2011 and the adopted Havant Borough Design Guide 2011 and is therefore recommended for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00099 subject to the following conditions:-

- 1 The proposed dwelling would by reason of its size, design and prominent siting be harmful to the existing character and appearance of the area, conflicting with the established pattern of development and spatial characteristics and setting of the street scene creating a cramped and crowded appearance. 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 2012.
- 2 The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring properties at 32A and No 30 Fishery Lane and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.