

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Land to Rear of 51-57 Frogmore Lane,
Waterlooville, PO8 9QN**

**Local Planning Authority Reference:
APP/17/01274**

**Planning Inspectorate Reference:
APP/X1735/W/18/3200672**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY DRIFTSTONE DEVELOPMENTS LTD AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR 4No. DETACHED BUNGALOWS WITH ASSOCIATED CARPORTS, PARKING AND ACCESS AND HOBBY WORKSHOP TO No.55 FROGMORE LANE AT LAND TO THE REAR OF, 55-57 FROGMORE LANE, WATERLOOVILLE, PO8 9QN

Planning Inspectorate Reference: APP/X1735/W/18/3200672

LPA REF: APP/17/0127

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The appeal site is located in the north western part of Havant Borough approximately 3.3km to the north of Waterloooville Town Centre. The Borough Plan and Location Plan is attached at **Appendix A**.
- 1.2 The site lies to the rear of properties fronting Frogmore Lane, Yoells Lane and Yoells Crescent and to the north of Willowside. The location is residential in nature and the application site itself forms part of the back gardens of 51-57 Frogmore Lane. The land slopes North-West to South-East and is mainly open in character with some trees to the boundary.
- 1.3 The properties fronting Frogmore Lane are semi-detached bungalows of varying designs and some have first floor accommodation utilising the roof space. Properties in Yoells Lane backing onto the site are detached bungalows, some with significant extensions. Yoells Crescent properties are semi-detached two storey properties. Finally, to the south of the site in Willowside is a new development of 4No. detached 3 bed chalet style bungalows with access from Ash Copse.

2.0 PLANNING HISTORY (Appeal Site and adjacent sites to south)

Land to rear of 41-55 Frogmore Lane, Waterloooville

APP/11/00204 - Outline application for erection of 6No. houses and 8No. flats (consisting of 4No. 4 bed semi-detached houses, 2No. 3 bed semi-detached houses and 2No. 2 storey buildings, each containing 4No. 2 bed flats), with associated garage blocks and parking., REFUSED, 23/06/2011
Appeal Dismissed 3rd July 2012

Land to rear of 41-49 Frogmore Lane, Waterloooville

APP/15/00728 - Outline application for the construction of 4No. detached 3 bed chalet style bungalows with approval for access, appearance, layout and scale with landscaping reserved. (Revised application.)(Approved 04/09/2015).

APP/16/01031 - Reserved matters application relating to landscaping of the site following outline planning permission reference APP/15/00728., PERMITTED, 02/12/2016

3.0 THE APPLICATION

3.1 The proposed development description is as follows:

4No. detached bungalows with associated carports, parking and access and hobby workshop to no.55 Frogmore Lane.

3.2 The application proposes access between No's 55 and 57 Frogmore Road. This access enters a turning/parking area to the front of the proposed dwellings. The bungalows themselves are 3 and 2 bedroomed and include car-port and external parking. The bungalows would have pitched roofs with clay tiles and brick walls. The properties include a projecting rear lounge which would include a lantern feature.

3.3 The application was valid from the 29th November 2017 and was refused planning permission on the 29th March 2018 for the following reasons:

1st Reason:

The proposed development would result in a cramped form of development characterised to the front of the proposed dwellings by narrow gaps between dwellings, driveways, turning, parking and car ports. This would be harmful to the character and appearance of the development and result in a car dominated layout. Furthermore it has not been demonstrated to the satisfaction of the Local Planning Authority that the development would not result in harm to off site trees further impacting on the character and appearance of the area. The proposal is therefore considered to be contrary to policies CS11, CS16 and DM8 of the Havant Borough Local Plan 2011 Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

2nd Reason:

The proposed access located between Nos 55 and 57 Frogmore Lane would by reason of its proximity to the existing dwellings, and associated vehicular and pedestrian movements result in noise and disturbance to adjoining residents and an unacceptable impact on residential amenity. Furthermore the proposed dwellings would by reason of their siting, orientation and design be overlooked by properties fronting Yoells Crescent. This would result in a loss of privacy for future residents to rear rooms and private garden areas. The development is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4.0 PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Since the determination of the application the NPPF 2018 has been published. The revised NPPF will be considered below with regard to its relevance to the appeal proposal.

4.2 The NPPF sets out in paragraph 8 the three dimensions to sustainable development, economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways. In relation to the proposed development whilst the proposal would provide four new dwellings which has recognised benefits from an economic and social perspective, this particular development is not considered to constitute a development of the right type as required by the economic objective and would create issues in terms of impacts on future residents and neighbours which would be inconsistent with the social objective. The environmental objective is also considered not to be met at this stage in particular in relation to

potential impacts on trees and the built environment.

- 4.3 Paragraph 11 confirms the presumption in favour of sustainable development.
- 4.4 Paragraph 47 confirms that Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.5 Part 12 of the NPPF relates to achieving well-designed places and is considered particularly relevant to the consideration of this appeal.
- 4.6 Paragraph 124 states that: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

As set out in part 6 below, the proposal is not considered to deliver a high quality place and the concerns raised by existing residents demonstrates that the development has not been considered acceptable to the local community. The Council set out clear expectations in relation to design in the Havant Borough Design Guide SPD 2011.

- 4.7 Paragraph 126 confirms the importance of design guides and SPD's in providing clarity about expectations and providing a framework for creating distinctive places, with consistent and high quality standard of design.
- 4.8 Paragraph 127 states (amongst other matters):

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

There are concerns that the proposed layout would detract from the overall quality of the area resulting in a cramped and car dominated layout.

- 4.9 Paragraph 130 confirms that: *Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

- 4.10 Paragraphs 174-177 relate to Habitats and Biodiversity and paragraph 177 confirms that: *The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.* This is relevant in relation to recent case law and is considered further in part 6 below.

The Development Plan

- 4.11 The Development Plan for Havant Comprises Havant Borough Local Plan (Core Strategy) 2011 and Havant Borough Local Plan (Allocations) 2014 and the Hampshire Minerals and Waste Plan (2013). The following policies are considered relevant to the consideration of this appeal.

Havant Borough Local Plan (Core Strategy) 2011

- 4.12 **Policy CS11** is relevant to the first reason for refusal and sets out the Councils requirements for protecting and enhancing the special environment and heritage of Havant Borough. The policy states (amongst other matters) that: *Planning Permission will be granted for development that:*

Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest.

In this case as set out in part 6 there are concerns with regard to the impact of the development on trees on the boundary of the site and their long term retention.

- 4.13 **Policy CS16** is relevant to the 1st and 2nd Reasons for refusal and sets out the Councils requirements for High Quality Design. The policy states (amongst other matters):

Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1.Responds to, draws inspiration from and respects local context and:

a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;

c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

The policy goes on to state that development should demonstrate that it:

2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where (amongst other matters):

b) New streets are not dominated by vehicular traffic;

As set out in part 6 there are concerns that the development fails to address the

existing natural features of the site with regard to trees. The proposal also results in a cramped form of development with limited space between buildings, dominated to the front by hard surfacing, parking and carports resulting in a car dominated character. The proposals also result in an unacceptable impact on neighbours and a lack of privacy for future residents.

- 4.14 Policy DM8 is relevant to the 1st reason for refusal and relates to the conservation, protection and enhancement of existing natural features and states (amongst other matters):

Development will only be permitted where it protects and enhances local habitats and landscape distinctiveness and which addresses all of the relevant criteria as set out below:

1. Protects natural features of nature conservation and/or amenity importance on the site, for example trees, woodlands, hedgerows, soils, streams, stream corridors, springs, ditches or ponds from damage, destruction and a deterioration in quality.

2. Sympathetically incorporates existing features into the overall design of the scheme including measures taken to ensure their continued survival.

As set out in part 6 it is not considered that the proposed development demonstrates the protection of boundary trees that are an important feature of the site.

5.0 REPRESENTATIONS

- 5.1 During the consideration of the planning application the subject of this appeal 17 letters of representation (with 22 names) were received. The letters included 16 objections and one comment. These representations have been forwarded to the Planning Inspectorate and are summarised in the Officers Report also submitted to the Planning Inspectorate.

- 5.2 In addition, during the consideration of the planning application consultations were carried out with the following consultees:

Havant Borough Council Arboriculturalist;
Havant Borough Council Building Control;
Havant Borough Council Engineering/Drainage (No comments received);
Havant Borough Council Development Engineer (Highways);
Havant Borough Council Landscape Team;
Havant Borough Council Public spaces;
Havant Borough Council Traffic Management;
Havant Borough Council Waste Services;
Hampshire Biodiversity Information Centre;
Hampshire Constabulary (Crime Prevention) (No comments received);
Southern Water;
Portsmouth Water Company;
East Hampshire District Council (No comments received)

- 5.3 The consultation responses received have been forwarded to the Planning Inspectorate and are summarised in the Officers Report also submitted to the Planning Inspectorate.

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The planning application was refused for two reasons and these are considered in order below.

First Reason (Cramped form of Development, Impact on Character and appearance of the Development, Harm to off site trees)

- 6.2 The development is a backland type proposal which would be sited to the rear of properties in surrounding roads (Frogmore Lane, Yoells Lane and Yoells Crescent). The site would be formed from the rear gardens of properties fronting Frogmore Lane.
- 6.3 The proposed properties are bungalows and although the site is elevated from Frogmore Lane any views of the dwellings themselves from public vantage points would be limited. The main visual impact from the surrounding street scenes is therefore from the proposed access drive to Frogmore Lane, however, the alterations to the proposed access which is proposed to run between two existing dwellings would have a limited impact on the character of the street scene given that there are currently two residential access points in the same position.
- 6.4 Whilst the wider impacts of the development on the character and appearance are limited the internal character of any development requires careful consideration to ensure that the proposal represents an acceptable and sustainable form of development in its context and provides an attractive environment for future residents and visitors.
- 6.5 The entrance into the development is via a constrained driveway between two dwellings. The access itself is facilitated by the demolition of a car-port to the side of No. 55 Frogmore Lane together with a rear outbuilding. The access itself would be 3.7m wide between the two retained dwellings (No.55 and No.57 Frogmore Lane) with a total gap between the buildings of 6m. This constrained access route into the site is considered to represent an unattractive approach between existing dwellings into the development.
- 6.6 The constrained access would lead to the frontage of the new dwellings. The area to the front of the dwellings includes hard surfacing drive, turning areas, parking and car ports. This would also include the parking and turning to the retained properties No.55 and 57. The dwellings themselves would be positioned very close to the frontage hardstandings. There would be very little space for softening the frontage of the development by the provision of any meaningful landscaping.
- 6.7 The dwellings themselves would also be very tightly laid out with very limited gaps between them (between plots 2-3 and 3-4 approximately 1.15m). the gap between plot 1 and 2 whilst 3.3m wide would be hardsurfaced and used for car parking.
- 6.8 Overall it is considered that the area to the front of the dwellings would be dominated by hardsurfacing and parking leading to an unattractive and car dominated development which could not be mitigated by visually meaningful soft landscaping. Havant Borough Design Guide SPD 2011 states in paragraph 4.22 that: *It is important the public realm is enjoyable and attractive. The car and highway should not dominate and create an environment that is harsh and unwelcoming. Large areas of hard surfacing given over to car parking can create a bland, uninteresting and unattractive environment for users and for buildings that address the space.*

This layout is considered inappropriate resulting in a cramped appearance for the development. This would contrast markedly with the more spacious and less car dominated forms of development in the more established residential development fronting adjoining roads and in the newer development to the south in Willowside which incorporates front gardens, a frontage road and greater opportunity for landscaping.

- 6.9 The development would be located close to important boundary trees identified as T1 (Sycamore) and T2 (Prunus) on the submitted plans. These trees are categorised in the submitted Arboricultural Report as Category B trees (Trees of Moderate Quality with a estimated remaining life expectancy of at least 20 years).
- 6.10 The importance of retaining existing landscape features in new developments is recognised in policies CS11 and DM8 of the Havant Borough Local Plan 2011 and the NPPF. In addition the Havant Borough Design Guide states that *The most successful developments make the most of opportunities to utilise the positive attributes of the site in their design. This helps to create character and integrate the new development into its local context. Site assets can include existing buildings, existing Landscape features such as mature trees, hedges or water features such as rivers or ponds, green spaces, views, proximity to transport links and services and microclimate.*
- 6.11 In this case a number of trees would be removed as a result of this development as evidenced by the submitted tree protection plan. It is considered particularly important to ensure that boundary trees are retained to improve the setting of the development (on a site itself lacking in significant landscaping opportunities due to the cramped nature of the development), to help assimilate the development into the surroundings and in the interest of wildlife.
- 6.12 The proposed development and in particular plot 1, surrounding walls, footpaths, car port and parking/turning areas are all located in close proximity to T1 and T2. It is also noted that these are changes in levels close to the trees. Whilst it is acknowledged that a level of arboricultural information has been submitted in relation to the potential impact of the development on T1 and T2 this has been considered in detail by the Councils Arboriculturalist.
- 6.13 The Councils Arboricultural officer original comments have been provided to the Inspectorate, further comments were received in relation to additional information submitted by the applicant during the consideration of the application as follows:

I would refer you back to my report of 5th December 2017 when I listed 5 bullet points under Conclusions – with regards to the first four bullet points the response from the Johnston Consultancy does not answer any of my concerns.

As far as the new cross section evidence is concerned it only goes to reiterate my concerns over retaining walls and footpaths and car ports and Plot 2 (Should state Plot 1) all being within the RPA of trees T1 & T2 and yet this is dismissed as not significant.

I would refer them back to their own Method Statement at 8.6 Changes in Ground Surface within RPA's where it states there are no changes except for T2 – either there are levels changes or there are not and clearly there are. How can you then state that there will be a 'No Dig' construction when you have just stated that there will be a dig in the form of levels changes? Similarly at 8.7 there is a distinction made between Changes in Ground Surface and Ground Level – for me they are the

same thing? The whole thing does not add up for me and no further info has been provided that would give me confidence that these trees would not suffer root damage so I have no alternative but to maintain my objection.

A copy of these further comments is attached at **Appendix B**.

- 6.14 Given these concerns with regard to the impact of the development on trees adjacent to the boundary of the site it is considered that their retention is in question and damage caused to roots can take time to manifest itself in terms of the trees ongoing health. The potential for damage to and loss of the trees is therefore considered to detract from the setting of the development and the character of the area.
- 6.15 In conclusion in relation to the 1st Reason for Refusal, it is considered that the development would represent a cramped form of development dominated to the frontage by hardsurfacing, parking, turning and car ports. The site would also be accessed between existing buildings via a narrow unattractive access. The opportunity for significant soft landscaping is severely restricted and it is not considered to have been adequately demonstrated that important trees can be retained. The development is therefore considered unacceptable.

Second Reason (Impact of Access to Adjoining Residents, Whether the proposed dwellings would provide suitable amenity for residents)

- 6.16 In terms of the properties on Frogmore Lane the proposed driveway between No's 55 and 57 is considered to raise significant concerns. The access route requires the demolition of an existing car port and outbuilding to No.55. The access itself would be extremely close to the buildings on either side. The gap between properties measures approximately 6.2m at front 5.77m (pinch point) and 6.12m at rear. The access width is shown at 3.7m.
- 6.17 No.55 would be set approximately 1.8m off the access and a 1.8m close boarded fence is indicated between the drive and the building dropping to a lower height in front of the dwelling. It was noted during the case officers site visit that this properties glazed door, kitchen and bathroom window would face the proposed access. In addition a front bedroom window would also be in close proximity to the drive.
- 6.18 No.57 would be very close with a gap of 0.5m to the proposed drive (reduced further by the projecting chimney). This property contains two small windows facing the access, these serve the lounge and a study. There are also lounge windows on the rear elevation in close proximity to the access together with front windows. There would be no boundary treatment adjacent to the side wall of No.57. An acoustic fence is indicated to the side of the rear garden of No.57. To the front side boundary the low retaining wall and low fence would be retained.
- 6.19 The proposed access would serve the 4 new dwellings and provide rear parking for No's. 55 and 57. The plan indicates a total of 14 parking spaces provided. It is considered that the development including parking for the two Frogmore Lane properties would generate a significant number of vehicular and pedestrian movements along the access and between the retained dwellings. It is also noted that bins would be moved to the Frogmore Road frontage for collection. Given the very tight relationship between the access and the retained dwellings it is considered that the development would result in noise and activity which would be harmful to the residential amenities of these properties, this is considered unacceptable.

6.20 The proposed dwellings would be located relatively close to the two storey dwellings in Yoells Crescent which have first floor windows looking towards the rear of the new properties. This is exacerbated by the change in levels and two storey to single storey relationship.

6.21 The Havant Borough Council Borough Design Guide SPD in para. 5.05 states that:

Where a new dwelling or the development is more than two storeys in height an additional four metres per storey should be added to the separation distance e.g. a separation distance of 24 metres is required between the new three storey building and existing two storey dwelling

6.22 In this case new single storey dwellings are proposed next to existing two storey dwellings. The distance between them is approximately 20m (to lounge flat roof of new dwelling from first floor facing windows of existing dwellings) and 22m to pitched roof element of new dwelling. The design of the new units with lounge and bedroom windows facing the existing dwellings and rooflight increase the overlooking to the rear rooms. The rear private garden areas are also severely overlooked.

6.23 It is considered that the new dwellings would be impacted by overlooking and consequent loss of privacy.

6.24 Havant Borough Design Guide recognises the issues often associated with backland type developments in paragraph 5.26 stating:

Backland developments can be difficult to design because they are commonly located in existing residential areas, which can create issues of scale, access, overlooking and separation distances.

It is considered in this case that the separation distances, levels changes and two storey to single storey relationships present in the appeal proposal result in this backland development failing to provide suitable privacy levels for future occupants.

6.25 In conclusion in relation to the 2nd Reason for Refusal it is considered that the proposed access to the new dwellings and rear parking would lead to an unacceptable increase in noise and activity to the harm of the residential amenities of the occupants No's 55 and 57 Frogmore Lane. In addition, the new dwellings would be overlooked by two storey properties in Yoells Crescent which would lead to loss of privacy to rear rooms and gardens resulting in an unacceptable living environment for future residents.

Other Matters

6.26 The development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard 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 which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures.

6.27 During the course of the application a Deed was completed together with a payment for the financial contribution then required of £780 (£180/unit + administration and monitoring fees).

- 6.28 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 SRMP 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 3No. two bedroom dwellings and 1No. three bed dwellings. This would require a financial contribution of:

$$\begin{aligned}£487 \times 3 &= £1,461 \\+ £637 \times 1 &= £637\end{aligned}$$

Tot £2098 plus 5% monitoring fee of £104.90 = £2,202.90 + Administration fee of £20 such that the total contribution required is £2,222.90. As £780 has already been paid the remaining contribution is **£1442.90**.

- 6.29 It should be noted that any decisions (including at appeal) made after the 1st April 2018 are liable to pay the new sliding scale contribution. The contribution will need to reflect the revised charging schedule set out above and not the pre 1st April contribution. A revised draft agreement will be forwarded to the agent for completion in order to seek to address this requirement.
- 6.30 Following the Councils determination of this planning application the Court of Justice of the European Union (CJEU) issued a judgement (People over Wind, Peter Sweetman v Coillte Teoranta) which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgement as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage. PINS Note 05/2018 refers to the judgement.
- 6.31 In this case, the scheme is located within a zone of influence of an SPA, the Local Planning Authority undertook HRA screening which included the requirement for avoidance and mitigation measures in terms of the Solent Recreation Mitigation Project (now Solent Recreation Mitigation Strategy). Payment at the then applicable rate was received during the course of the consideration of the application. As set out above this rate has now increased for decisions made after 1st April 2018 (including on appeal).
- 6.32 As a result of the above judgement and consequent update in case law, an appropriate assessment will need to be undertaken at the appeal stage by PINS as the competent authority.
- 6.33 The Local Planning Authority consider that without the completion of a revised unilateral undertaking and financial contribution in line with the requirements of the Solent Recreation Mitigation Strategy that PINS would not have the necessary information to undertake the assessment. The amended contribution shall be taken up with the applicant's agent and should the revised payment be made prior to the determination of the appeal it is considered that PINS would have the necessary information to undertake the assessment. Please confirm if further information is required.
- 6.34 The development would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on the 1st August 2013. Therefore

should permission be granted on appeal, this scheme will be liable to pay the Council's CIL upon commencement of the development.

7.0 Comments on Appellants Statement of Case

- 7.1 The Council's case is set out above and the following comments are made by way of clarification or amplification only where issues not addressed above are introduced.
- 7.2 In paragraph 3.13 it is noted that acoustic fencing is proposed along the boundary with No.55 in front of the side openings. This is not shown on the submitted plans which indicate 1.8m Close Boarded fencing.
- 7.3 Comments are made with regard to possible negotiations in relation to seeking to reduce the impact of the development access on the properties either side. The case officer dealing with this application visited the site and accessed both properties adjoining the access to carefully consider the impact of the access and its use on the residential amenities of the properties. Given the tightly constricted nature of the access route between the existing buildings and the nature of the development and likely associated activity, it was not considered that further mitigation would be likely to overcome significant concerns with regard to the relationship of the access to the existing residential uses. The suggestion in relation to potentially blocking windows and erecting acoustic fencing effectively up against existing windows serves to demonstrate the difficulty of trying to address the issues raised by the access and these measures would themselves detract from the amenities of the dwellings.
- 7.4 The relationship of the proposed properties to the existing houses is Yoells Crescent and their departure from minimum separation distances set out in the Havant Borough Design Guide SPD are considered in part 6 of this statement. Of particular relevance here is the two storey to single storey relationship and ground level changes which increase the level of overlooking to the rear windows and garden of the new property impacting on privacy.

8.0 CONCLUSION

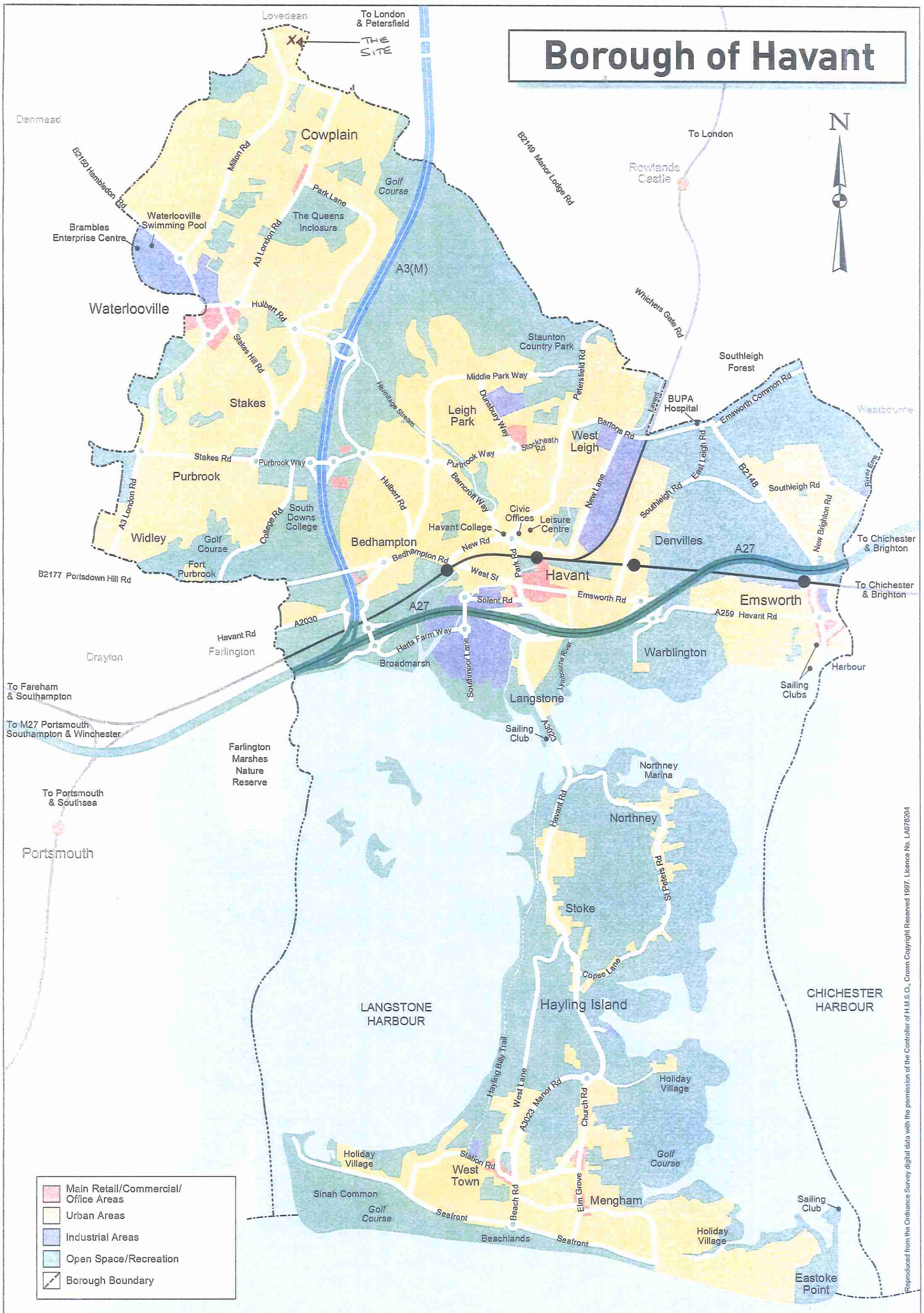
- 8.1 Whilst it is accepted that the proposal would make a modest contribution to the Council's Housing requirements, in this case the Local Planning Authority (LPA) consider that the development would not constitute sustainable development due to the nature of the development proposed and its relationship to adjoining development.
- 8.2 The proposals would result in a cramped form of development accessed via a restricted narrow access between properties and dominated to the front by hardstanding, turning, parking and car port areas. Given the layout, there is limited opportunity to soften this appearance by soft landscaping and it has not been demonstrated to the satisfaction of the LPA that existing trees close to the boundary of the site would not be harmed by the development.
- 8.3 In relation to impacts on residential amenity, there are two principle concerns. The first relates from the access and its use on the occupants No's 55 and 57 Frogmore Lane resulting from the very tight relationship between the access and the side of these properties. The second issue relates to the relationship between the existing two storey properties in Yoells Crescent and the new bungalows as a result of overlooking and loss of privacy to rear facing rooms and private garden areas. It is considered that these relationships are unneighbourly as set out above.

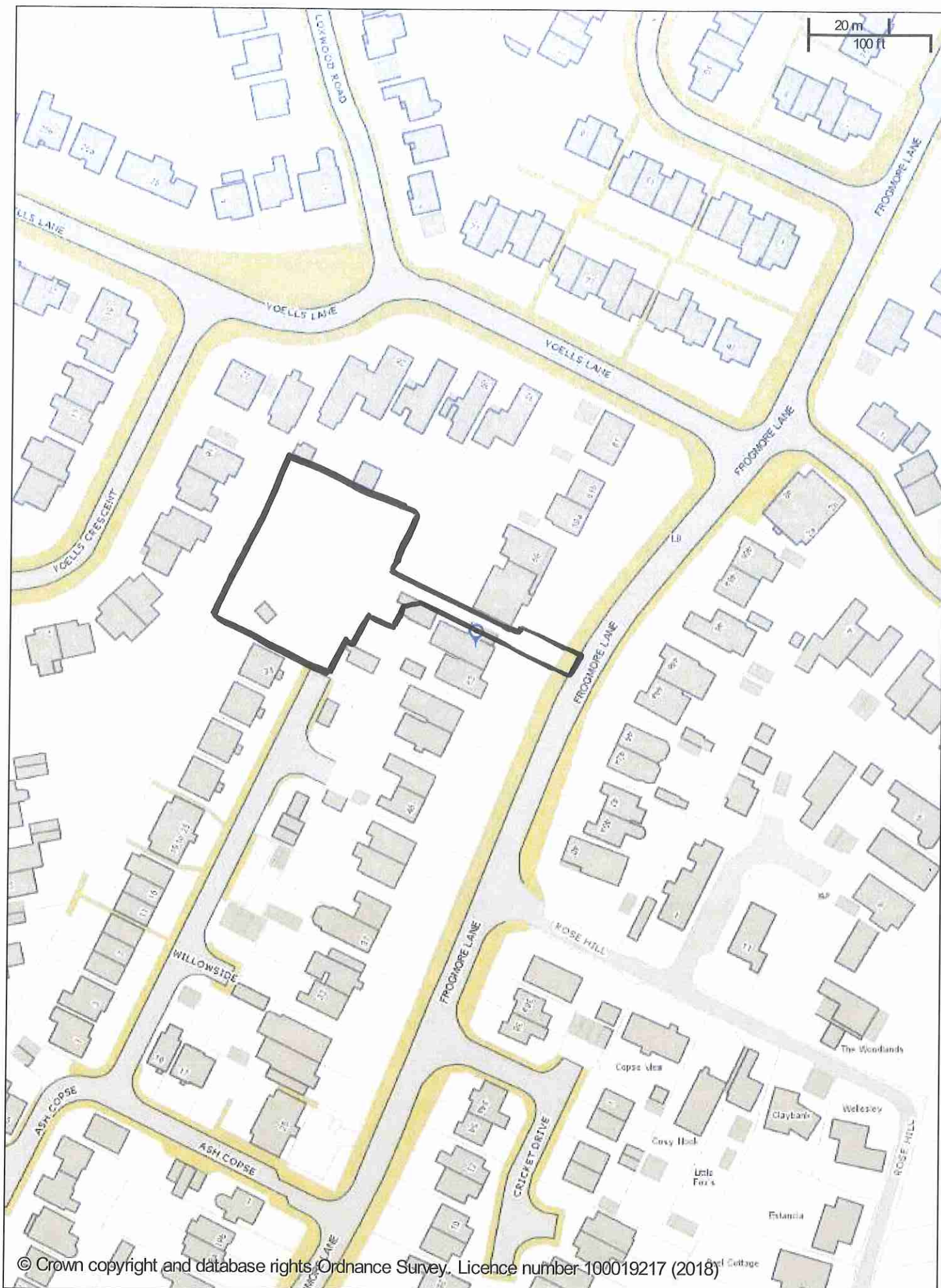
- 8.4 In accordance with guidance should this appeal be allowed a list of recommended conditions is provided separately on a without prejudice basis.
- 8.5 The Inspector is respectfully requested to dismiss this appeal.

APPENDICES

- (A) Borough Plan and Location Plan
(B) Copy of Further Arboricultural comments

Borough of Havant





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Land to rear of 51-57 Frogmore Lane Waterloooville
Scale: 1:1250
Printed on: 6/9/2018 at 10:58 AM

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TECHNOLOGY
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APP/17/01274 - land rear of 51-57 Frogmore Lane, Waterlooville

Bernie Harverson

Wed 28/03, 20:46

Eaves, David;

Gargett, Jamie

David,

I refer to our meeting today and as promised have reviewed the response from the Johnston Consultancy and also the new evidence submitted in the form of cross section drawings.

I would refer you back to my report of 5th December 2017 when I listed 5 bullet points under Conclusions – with regards to the first four bullet points the response from the Johnston Consultancy does not answer any of my concerns.

As far as the new cross section evidence is concerned it only goes to reiterate my concerns over retaining walls and footpaths and car ports and Plot 2 all being within the RPA of trees T1 & T2 and yet this is dismissed as not significant.

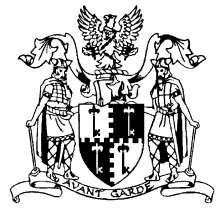
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Best regards,

Bernie Harverson

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LPA REF: APP/17/01274

LIST OF SUGGESTED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 No development shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.
Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and 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.

- 5 No development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 6 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The car parking, servicing, turning and other vehicular access arrangements shown on the approved plans 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.
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.
- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure or first floor windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
Reason: In the interests of the character and appearance of the development and the residential amenities of existing and future residents having due regard to policy CS16 of the Havant Borough Local Plan (core Strategy) 2011 and the National Planning Policy Framework.
- 9 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the implementation of all such hardsurfacing has been completed in full accordance with that specification. Specifications should include laying bond, edging or threshold detail/type and retaining structures or steps.
Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 10 No piling shall be utilised in relation to this development unless and until full details including method statements detailing the depth and type of piling to be undertaken and the methodology by which such works would be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme of works has been submitted to and approved in writing by the local planning authority. Any such piling shall thereafter be carried out in full accordance with the approved details.
Reason: The proposed development is located within a sensitive groundwater catchment (Source Protection Zone 1) and there are potential significant risks associated with groundworks in this area. Piling has the potential to impact on the drinking water source and this needs to be taken into account and mitigated in relation to this development having due regard to policies CS15 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 No deep bore soakaways shall be utilised in relation to this development unless and until full details and specifications have been submitted to and approved in writing by the Local Planning Authority. Any such deep bore soakaways shall thereafter be carried out in full accordance with the approved details.
Reason: The proposed development is located within a sensitive groundwater catchment (Source Protection Zone 1) and there are potential significant risks associated with groundworks in this area. Deep bore soakaways have the potential to impact on the drinking water source and this needs to be taken into account and mitigated in relation to this development having due regard to policies CS15 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 12 The development hereby permitted shall not be occupied unless and until amended details in relation to a bin storage collection point have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that adequate waste facilities are provided for the development having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 13 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.
Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 No development hereby permitted shall commence unless and until details in relation to a mitigation strategy for likely impacts on slow worms and other reptiles has been submitted to and approved in writing by the Local planning authority. These measures may include potential for on site habitat or relocation of populations. The development shall thereafter be carried out in accordance with the approved strategy.

Reason: To ensure the appropriate mitigation of impacts from the development having due regard to the Wildlife and Countryside Act and policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Ecological Assessment October 2017 with regard to nesting birds and the provision of bat boxes.

Reason: To ensure the appropriate mitigation of impacts from the development having due regard to the Wildlife and Countryside Act and policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Site Location and Block Plan Drawing No. 17-1208 PL 01

Overall Site Plan Site Survey Drawing No. 17-1208 PL 02

Overall Site Plan Drawing No. 17-1208 PL 03

Dwelling Floor Plans & Car Ports on Site Plan Drawing No. 17-1208 – PL 04 Rev A

Plots 1 and 2 Plans and Elevations Drawing No. 17-1208 – PL 05 Rev A

Plots 3 & 4 Plans & Elevations Drawing No. 17 – 1208 PL 06

Open Sided Car Ports (P1, P3 & P4) Plans and Elevations Drawing No. 17-1208 PL 07

Sectional Elevations 1-4 Drawing No. 17-1208 PL 08

Sectional Elevations 5-7 Drawing No. 17-1208 – PL09 Rev A

Visibility Splay and Vehicle Swept Path Analysis Drawing no. 2017/3954/001

Private Car and Fire Tender Vehicle Swept Path Analysis Drawing No. 2017/3954/002

Planning Design & Access Statement November 2017

Residential Transport Statement DRIF/17/3954s 28th November 2017

Ecological Assessment October 2017

Arboricultural Report November 2017 Revision 1

Arboricultural Appendices 1, 2, 3, 4

Reason: - To ensure provision of a satisfactory development.