
Site Address:	35 Lovedean Lane, Waterloooville, PO8 8HJ		
Proposal:	Change of use of existing one bedroom annex to an independent two bedroom dwelling with associated curtilage and separate vehicular access. Retention of 35 Lovedean Lane on reduced curtilage.		
Application No:	APP/18/00602	Expiry Date:	30/10/2018
Applicant:	Mr Willis		
Agent:	Mr Andrews	Case Officer:	Rachael McMurray
	SDA Planning Ltd		
Ward:	Cowplain		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is located on Lovedean Lane in Waterloooville. It comprises a semi-detached, two-storey cottage style dwelling of brick and tile construction. It has a driveway located to the side of the dwelling which extends to the bottom of the rear garden, which is of a generous size. It is mainly enclosed by 1.8m high wooden fencing. There is an existing detached chalet style annexe at the bottom of the garden which was approved and implemented in 2007.

There are a number of mature trees and in particular, three protected oak trees along the shared boundary with No. 33 Lovedean Lane. This property has recently been demolished to make way for a small development of 4no new dwellings.

To the rear of the site is a footpath serving the rear of porperties in Passingham Walk. There are a number of mature trees along this rear boundary.

2 Planning History

03/53507/001 - Two storey side extension to the east and detached double garage to rear with garden store and hobby room over incorporating windows to the north elevation., WD,12/06/2003

06/53507/002 - Two storey side and rear extension., REF,24/01/2007

06/53507/003 - Detached double garage. Studio space within roof area., WD,19/03/2007

07/53507/004 - Two storey side extension and single storey rear extension. (Revised application)., PERM,13/08/2007

07/53507/005 - Detached double garage and studio space within roof area. , PERM,18/09/2007

APP/10/00572 - Single storey rear extension. First floor side extension above existing. Porch to side., PERM,30/11/2010

APP/11/00214 - Crown reduce by no more than 2.0 metres overall, crown thin by no more than 15% mainly via the removal of deadwood and rubbing branches and crown raise to no higher than 3.5 metres above ground level to 4No. Oak trees, subject to TPO 1893., PERM,23/06/2011

3 Proposal

Change of use of existing one bedroom annex to an independent two bedroom dwelling with associated curtilage and separate vehicular access. Retention of 35 Lovedean Lane on reduced curtilage.

The separate vehicular access would be from the new development at No. 33 Lovedean Lane, which has an access road that extends to the rear of the site to serve two of the four properties approved. This access would extend into the application site in between two of the protected boundary trees.

The change of use would include a new dormer window at the rear of the dwelling however, this would not contain any glazing.

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)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No objection, subject to the application subject to works being undertaken strictly in accordance with the submitted Arboricultural Implications Assessment and Method Statement dated 4th September 2018 referenced 181066 - AIA and Tree Protection Plan referenced ECO5.

Engineering/Drainage

No response provided.

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment to this application

Natural England Government Team

Appropriate Assessment

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

Other Advice

Ancient Woodland and Veteran Trees:

Natural England notes that this proposal is within close proximity to ancient woodland. You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications.

Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

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: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1 no. objection has been received which is summarised below.

Comment	Officer Comment
An insurance claim has been made for subsidence as a result of trees within the application site.	Not a planning consideration.
A streetlamp in the foot path at the rear of the site is not working and has been reported to the Council.	This is noted but is not a planning consideration.
A further window will be added to the annexe and once the tree issue is resolved and they are removed, this window will result in a direct overlooking.	Please see Section 7 - Planning Considerations.

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) Highway considerations
- (v) Impact on trees
- (vi) Impact on ecology
- (vii) Developer contributions

(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.

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

7.3 The building is already in situ and has been for over 10 years. The impact of a backland style of development has therefore already been established within the context of the locality. Given the generous scale of the rear gardens, it was considered that this did not compromise the character of the area at the time of the 2007 approval. No major physical alterations are proposed with the change of the annexe to a single dwelling and therefore it is considered that the impact on the character and appearance of the area would be limited.

7.4 The existing garden at No. 35 is very generous and even with the subdivision of amenity space to serve two properties, these gardens areas would still be generous in size to serve 2-3 bedroom dwellings, with adequate space for parking provision and access.

(iii) Impact upon residential amenity

7.5 Concern has been raised by the neighbouring property to the rear of the dwelling that if boundary trees are to be removed, then a loss of privacy would occur from the rear facing window. However, whilst a dormer window is proposed in the rear facing roof elevation, this does not contain any glazing and a restrictive condition could be placed on any permission to prevent any glazing or any further windows to be restricted. It is considered that this would overcome the issue of loss of privacy in this regard.

(iv) Highways considerations

7.6 The Council's Development Engineer has raised no objections to the application. The development will be accessed using the newly developed access at No. 33 Lovedean Lane which is currently being implemented. Both the new dwelling and existing property has sufficient parking on site to meet the standards in the adopted parking SPD.

(v) Impact on trees

7.7 The access to the new dwelling will be run through the space between two protected oak trees. An arboricultural impact assessment has been submitted with the

application which has been considered by the Council's Tree Officer. They have advised that there is no objection, subject to works being undertaken strictly in accordance with the submitted Arboricultural Implications Assessment and Method Statement dated 4th September 2018 referenced 181066 - AIA and Tree Protection Plan referenced ECO5.

(vi) Impact on ecology

- 7.8 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.
- 7.9 This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has confirmed their part in a legal agreement to secure the mitigation package. The necessary payment has already been secured. 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.

(vi) Developer contributions

- 7.10 The application is not CIL liable because no additional floorspace is being created and the building was still in use on the date the application was submitted - 4/9/18.

8 Conclusion

It is considered that the conversion of the annexe into a dwelling would have minimal impact on the character of the area and neighbouring properties and could provide adequate parking and access arrangements. It is therefore considered to be a sustainable form of development and is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00602 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 - DN: 421/02/01
Proposed floor plans and roof plan - DN: 421/02/04
Proposed elevations - DN: 421/02/05
Reason: - To ensure provision of a satisfactory development.
- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no building alteration to the roof including the insertion of any glazing or windows, shall be carried out without the prior approval of the Local Planning Authority.
Reason: In the interests of the amenities of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The development shall be carried out strictly in accordance with the submitted Arboricultural Implications Assessment and Method Statement dated 4th September 2018 referenced 181066 - AIA and Tree Protection Plan referenced ECO5.
Reason: In the interests of the amenities of the area and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.