

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**42 Maralyn Avenue
Waterlooville
PO7 7LP**

**Local Planning Authority Reference:-APP/17/01140
Planning Inspectorate Reference:-
APP/X1735/W/18/3204314**



APPEAL BY MR POLLARD AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF 1 NO. 2 BEDROOM END OF TERRACE DWELLING AT 42 MARALYN AVENUE, WATERLOOVILLE, PO7 7LP

Planning Inspectorate Reference: APP/X1735/W/18/3204314

LPA Ref: APP/17/01140

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 42 Maralyn Avenue lies within an existing built up area in the north western part of the Borough of Havant. The application site itself features a modern two storey end of terraced property, situated on the corner of Maralyn Avenue and Elmwood Avenue. It has a brown tiled pitched roof and elevations of red multibrick and pebble dash render. The site is level and there is open vehicular access to the front with a shingle drive and grass, with a dwarf wall to the south eastern and part of the front boundary and open to the north western boundary. The rear garden is mainly laid to lawn enclosed by hedging and a 1.6 metre high trellis.
- 1.2 The adjoining two storey terraced property is to the south east, the side aspect of a detached bungalow is to the north west, the side aspect of a two storey semi-detached property in Elmwood Avenue is to the rear and modern two storey terraced properties are opposite. The area is of medium density with modern two storey terraced and semi-detached properties and detached bungalows of a similar and different age, styles and design.

2.0 RECENT RELEVANT PLANNING HISTORY

- 2.1 A pre-application enquiry was received on 30 March 2017 regarding the construction of a two storey end of terrace dwelling with a rear dormer, providing three bedrooms. Following a site meeting it was advised that a new dwelling could not be satisfactorily accommodated within the site for the following reasons:

The proposed dwelling is situated in a prominent corner location and would be approximately 1.2 metres narrower than the existing properties in the terrace, and within close proximity of the side boundary with Elmwood Avenue which currently benefits from mature hedge screening. The scheme would have a significant impact on the existing spatial setting, conflicting with the established pattern of development. It would eliminate the sense of openness on the corner of the two streets almost abutting the boundary with the highway and appear overbearing, resulting in a harmful impact on the visual amenity of the streetscene. The proposed dwelling would be narrower than the attached neighbour and would differ slightly in terms of fenestration layout and apertures. It is therefore considered that the scheme would be contrary to Policy CS16 of the Local Plan.

- 2.2 The agent was subsequently advised that there was scope to extend the existing dwelling house with an appropriately sized single or two storey extension to the side, subject to consideration of the relevant development control criteria.

3.0 THE APPLICATION

- 3.1 The application the subject of this appeal was validated on 25 October 2017 and sought permission for 'Erection of 1 no. 2 bedroom end of terrace dwelling'.
- 3.2 Consultations were carried out in relation to the development and the Planning Inspectorate has been provided with copies of Consultation Responses received. In addition, a representation letter in relation to the scheme was received and this has also been forwarded to the Planning Inspectorate.
- 3.3 The application was determined under powers delegated to the Head of Planning and was refused on 18 December 2017 for the following reason:
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. 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.

4.0 PLANNING POLICY UPDATE

- 4.1 Since the decision date of 24 January 2018, there have been updates to the NPPF; the Council's Draft Local Plan; and the ('Definitive') Solent Recreation Mitigation Strategy was adopted on 1st April 2018. The consequence of these updates is as follows:

NPPF - 2018

- 4.2 The NPPF was updated on 24 July 2018 and with respect to this proposed development and appeal, continues to have a presumption in favour of sustainable development. Chapter 12 on Achieving well designed places makes high quality buildings a fundamental target with good design that is acceptable to communities a key aspect of sustainable development. Paragraph 127 notes that decisions should ensure that developments "*....add to the overall quality of the area.....are sympathetic to local character...including the surrounding built environment.....establish 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;....and optimise the potential of the site...*" Furthermore paragraph 128 encourages early discussion between applicants and the LPA about design and emerging schemes to clarify expectations and reconcile issues. This reinforces Chapter 4 on Pre-application engagement and front loading that also encourages pre-application discussions.
- 4.3 Paragraph 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 the revised Solent Recreation Mitigation Strategy, which will be detailed below.
- 4.4 It is considered that the new NPPF continues to place an emphasis on achieving good design and the key consideration in the determination of this appeal is design. Therefore, the new NPPF continues to be relevant and the LPA are confident that the decision to refuse planning permission was made in accordance with the design guidance contained within the updated NPPF.

Draft Local Plan

- 4.5 With respect to the Local Plan, the Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the [Havant Borough Local Plan 2036](#) (HBLP 2036) between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, the Draft Local Plan, it is of relevance in setting out the Council's direction of travel.
- 4.6 The Council's [Draft Havant Borough Local Plan 2036 Consultation Summary](#) indicates that consultation on a Pre-Submission Local Plan will take place in early 2019. With respect to this appeal the draft Design Policy E6 reiterates the Council's commitment to achieving high quality design that respects its context and new draft policy E7 seeks High Quality Design specifically for New Homes and sets out spatial criteria. These draft policies are copied in full in **Appendix B**.

'Definitive' Solent Recreation Mitigation Strategy

- 4.7 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 covers this issue and allows for a financial contribution to be made towards mitigation measures. At the time when this planning decision was made in January 2018 the Council was using the 'Interim' Solent Recreation Mitigation Strategy which was based on a financial contribution per dwelling (£181 + £9 monitoring + £20 admin) and hence £210 was secured with the appropriate Deed. This satisfied the then Strategy.
- 4.8 However, on 1st April 2018, the ('Definitive') Solent Recreation Mitigation Strategy replaced the 'Interim' and the 'Definitive' Strategy now applies to new residential development (this was as approved by Havant Borough Councils Cabinet on the 7th February 2018.) The updated Strategy uses a sliding scale to calculate the SRMS 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 two-bedroom dwelling would require a contribution of £487 plus 5% monitoring fee of £24.35 and Administration Fee of £20 such that the total contribution required would be £531.35.
- 4.9 Therefore, an updated Unilateral Undertaking has been sent to the agents requesting the uplift amount of £341.35 to ensure the appeal is determined in accordance with the current Definitive Strategy to enable full compliance with policy DM24.
- 4.10 It should also be noted that 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.
- 4.11 In this case, the development 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 Interim Solent Recreation Mitigation Project (now Definitive 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).
- 4.12 As a result of the above judgement and consequent update in case law, an Appropriate Assessment is also now necessary in accordance with Regulation 63 of the Habitats Regulations. Natural England are a statutory consultee on the Appropriate Assessment stage and the LPA have consulted Natural England on this appeal. The response will be forwarded to the Inspectorate

once received. As the Inspectorate are now the competent determining authority in relation to this appeal, it will be necessary for the Inspectorate to determine whether this is satisfactory to address the new case law.

- 4.13 However, it is the opinion of the LPA that without the completion of the revised unilateral undertaking and uplift financial contribution in line with the requirements of the current Definitive Solent Recreation Mitigation Strategy, then all mitigation measures have not been adequately secured. Unless this revised unilateral undertaking and uplift contribution are made before the Inspector determines this appeal, then the proposal with the shortfall contribution would be contrary to both the Definitive Solent Recreation Mitigation Strategy and policy DM24 and this could constitute a new reason for refusal if the Inspector is minded to dismiss this appeal.

Havant Borough Local Plan 2011

- 4.14 The relevant policy in the adopted local plan comprises Policy CS16 which relates to High Quality Design. The relevant parts of this policy advise that planning permission will be granted where it 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 identifies and responds positively to existing features of local character within or close to the proposed development site. Also, that it uses the characteristic of the locality to help inform the design of the new development including heights, massing, existing building lines, plot widths and depths, materials and proportions of windows and doors. Also, that the development does not cause unacceptable harm to the amenity of neighbours.
- 4.15 The Havant Borough Design Guide for New Dwellings and Extensions was adopted as a supplementary planning document in 2011. This is relevant to this appeal in that it advises at para 5.03 that it is important that applications for new development should be of a design which engages with the streets public realm. Also at para 5.33 where it advises that infill development should look to the immediate site context for reference and respect the layout and character of the surrounding area.

5.0 REPRESENTATIONS

- 5.1 During the consideration of the planning application the subject of this appeal 1 representation was received from 1 address raising concerns with respect to surface water, foul drainage and parking. This representation has been forwarded to the Planning Inspectorate and is summarised in the Officers Report also submitted to the Planning Inspectorate.

6.0 PLANNING CONSIDERATIONS

- 6.1 The planning application was refused for one reason and this is considered below:

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 of both Maralyn Avenue and Elmwood Avenue. 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.

- 6.2 The proposal is for the construction of a 2-bedroom end of terrace dwelling, situated in the eastern side garden of 42 Maralyn Avenue. The application was submitted following pre-application advice, and whilst minor changes were made in the form of the removal of the rear dormer it was considered the changes were not significant enough for the proposal not to appear cramped and have a harmful impact on the visual amenity of the street scene.
- 6.3 The character of the area is one of medium density, with low key residential development of two storey terraced, and semi-detached properties and detached bungalows set within modest plots. There have been no examples of infill developments within the immediate vicinity.

- 6.4 The proposed dwelling would be situated at the end of a terrace of six properties and would be approximately 2 metres narrower than the host dwelling. It would also have a ground floor front projection spanning the width of the property, unlike the other properties in the terrace. Subsequently it is considered to be a substandard design to the existing terrace with the differences appearing more noticeable on a dwelling which would be so highly prominent on the corner location. This would therefore contribute to the dwelling appearing more contrived and cramped in comparison to the existing dwellings.
- 6.5 When taking into consideration the siting of the proposed dwelling, it would be incongruous and appear cramped in the street scene, which would result in the development having an adverse impact on the spatial character and setting of the street scene. It is noted that the application does not have any scaled street scenes or perspective drawings showing how the building would appear in the context of neighbouring properties and perspectives, suggesting there is no evidence available which would allay the concerns above, and indicates that the relationship between the buildings and their context has not been fully considered.
- 6.6 Taking these factors together, it is considered that the development would appear out of keeping with the character of the area. As a result, the development would fail to achieve a successful transition within the established pattern of development, spatial characteristics and setting of the street scene. It is considered that the proposed development would mark a perceptible change to the existing characteristics of this prominent site, which plays a significant role in the character of the area, introducing a more intensely developed built form that would jar with the prevailing sense of openness on this corner section of Maralyn Avenue where it meets Elmwood Avenue.
- 6.7 It is therefore considered that the proposed design does not relate sympathetically either to the local area or surrounding properties and would appear cramped, resulting in the scheme having an adverse impact on the character and appearance of the area. In weighing the balance to be struck between achieving additional housing on a site within the urban area, and protecting the environmental qualities of that area, it is considered that the harm that would be caused to the character and appearance of the area would outweigh the benefits of providing a new dwelling. The proposal is therefore contrary to Policy CS16 of the adopted Havant Borough Local Plan (Core Strategy) 2011, and the relevant paragraphs of the Havant Borough Council Borough Design Guide 2011 which states that the design of new development needs to ensure engagement with the street and public realm.

7.0 COMMENTS ON THE GROUNDS OF APPEAL

- 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 *'Whilst the local authority can currently show a satisfactory five year housing supply as required in the NPPF this will only be achievable by the inclusion of a number of unidentified windfall sites in existing built up areas such as with this proposal.'*
- 7.3 The Council is able to demonstrate a five year supply (as at 1 April 2018) with a 5% buffer. It is anticipated that a 5% buffer will continue to apply with the implementation of the Housing Delivery Test in November 2018.
- 7.4 Paragraph 70 of the NPPF (2018) confirms that an allowance may be made for windfall sites as part of anticipated supply provided there is compelling evidence they will provide a reliable source of supply. Analysis of historic windfall delivery rates can be found in the Council's [Windfall/Unidentified Housing Development](#) paper. Proposed allocations have only been included in the supply where they meet the definition of 'deliverable' in Annex 2 of the NPPF (2018) in terms of there being clear evidence that housing completions will begin on site within five years.
- 7.5 *'The council's pre-app advice stated that a two storey side extension could be acceptable and whilst the proposal is for a new dwelling the design being set back off the front building line with a ridge height set down from the host property's ridge height means that the development is in the same form that a two storey extension would be.'*

- 7.6 Whilst a two storey side extension could be acceptable within the site with a similar width to the proposed dwelling, paragraph 5.37 of the Havant Borough Council Design Guide states that side extensions remain subservient to the main building so it can be read which part of the building is the original and which is the later addition. Two storey side extensions should be set back behind the main building line. The ridge height of the extension can also be reduced to below the height of the main ridge so that the extension does not dominate the main frontage.
- 7.7 The resulting relationship of a two storey side extension with the existing dwelling would not be comparable or appropriate for a new dwelling of a similar design due to the constraints of the site.
- 7.8 Furthermore, paragraph 5.33 of the Havant Borough Council Design Guide states that infill development should look to the immediate site context for reference and respect the layout and character of the surrounding area, looking to immediate neighbouring properties in the first instance. It is considered the difference in the width between the proposed dwelling and the existing terrace is significant and would therefore not meet these requirements.

8.0 CONCLUSIONS

- 8.1 *In conclusion the LPA consider that the proposal for the erection of a 2 bedroom end of terrace dwelling would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout, scale or design, conflicting with the established pattern of development and spatial characteristics of the vicinity.* The proposed size of the new dwelling would create a cramped, incongruous feature and have an adverse impact on the setting and spatial characteristics of the street scene.
- 8.2 The proposed development is therefore 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 SPD 2011. The Inspector is therefore respectfully requested to dismiss this appeal.

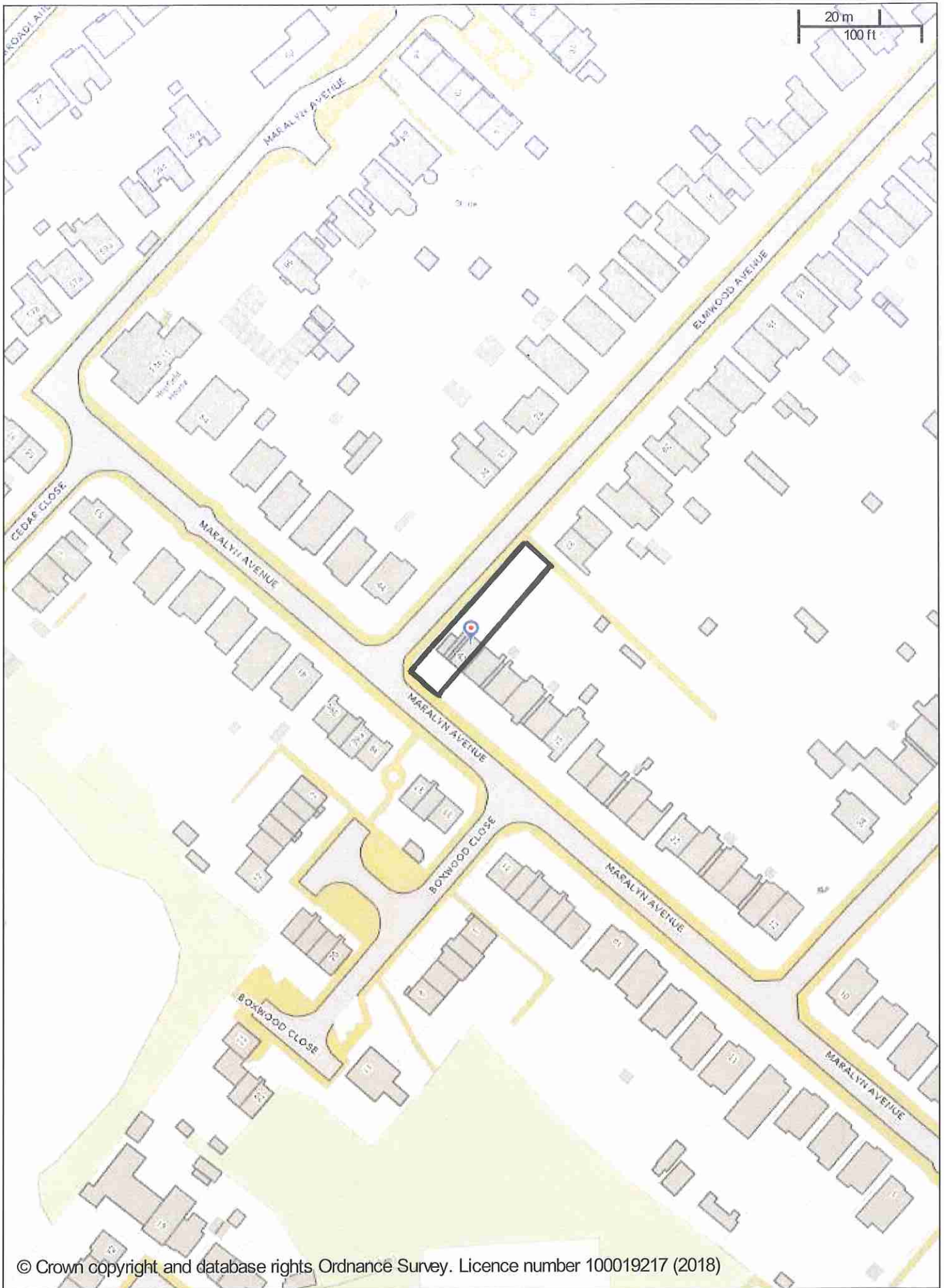
APPENDICES

- Appendix A Borough Map and Location Plan
Appendix B Relevant policies from Draft Havant Borough Council Local Plan

Borough of Havant



- Main Retail/Commercial/Office Areas
- Urban Areas
- Industrial Areas
- Open Space/Recreation
- Borough Boundary



© Crown copyright and database rights, Ordnance Survey. Licence number 100019217 (2018)

- iii. Identifies and positively responds to existing natural and built features including listed buildings, conservation areas and other heritage assets within or close to the development;
 - iv. Makes a positive contribution to the overall appearance of the street scene and wider area by use of good quality materials of appropriate scale, profile, finish, colour and proven weathering ability;
 - v. Produces a positive relationship with and between existing and proposed buildings, streets and spaces;
 - vi. Avoids over-dominance and not cause unacceptable harm to the amenity of neighbours through overshadowing, massing, the loss of privacy, outlook, overlooking, and through odour, noise or disturbance; and
 - vii. Plans for adverts, signage, lighting and other security features to be fit for purpose, fully integrated with the design, and do not adversely affect the visual amenity of the street scene or the amenity of neighbours.
- d. In addition, all non-householder development which will create new floorspace is expected to:
- i. Ensure the layout is appropriate in density, scale, and appearance and sufficiently flexible to respond to changing uses, lifestyles and demography;
 - ii. A setting for any new buildings is provided which is in keeping with the surrounding area
 - iii. Reduce opportunities for crime and anti-social behaviour and contribute to the creation of safe and inclusive communities;
 - iv. Consider new technologies and construction methods as part of building design, taking into account sustainability and resource efficiency;
 - v. Integrate with existing local landscape features and characteristics of the area protecting and enhancing local wildlife, biodiversity and ecology;
 - vi. Be well connected to and integrate with the local area by linking to existing pedestrian and cycle routes and encourages people to use public transport where possible;
 - vii. Ensure that it does not undermine the development potential of adjacent sites;
 - viii. Maximise opportunities for mixed uses and the co-location of facilities, particularly in town and district centres in accordance with the design principles set out by Policies KS4 and KS5;
 - ix. Promote and encourage healthy lifestyles and neighbourhoods in line with Policy E1.
 - x. Incorporate safe, secure and convenient provision for cycle storage and refuse and recycling facilities which is integrated within the overall design in line with Policy IN3;
 - xi. Ensure safe and convenient access for all in the public realm, including the elderly, the disabled and less able; and
 - xii. Integrate and design affordable housing in a way that is indistinguishable from market housing.

How the policy works

5.62 The criteria set out under section c of the Policy E6 apply to all types of development including (but not limited to) the following householder and other minor developments and external alterations to existing buildings:

- Extensions
- Garages, car ports, outbuildings, sheds and greenhouses
- Boundary walls, fences or gates
- Porches
- Satellite dishes/radio aerials
- Dormer windows or other alterations to the roof

- Conversions and changes of use
 - Shopfronts
 - Signage
 - Lighting
- 5.63 The Council recognises it is important to ensure that new signs do not result in a cluttered appearance on an individual building or on the wider street scene. Signs must also be of an appropriate size and scale for the building and its surroundings. Security shutters and other features can also create significant visual intrusions in the street scene. It is important that proposals are fit-for-purpose and are fully integrated within the design.
- 5.64 Illumination, particularly in or adjacent to conservation areas, heritage assets and in or adjacent to or visible from Chichester Harbour AONB, can detract from the overall appearance of a building or area. Signage in or close to the AONB should also have regard to the Policy E11 and the Chichester Harbour AONB SPD (July 2017).
- 5.65 In addition to section c, the criteria set out under section d are relevant to developments which include the creation of one dwelling or more and any new commercial floorspace. It is recognised that the criteria in section d are a guide and development will not be expected to fulfil requirements which are not relevant to the scheme in question.
- 5.66 Constructive pre-application advice is a valuable tool in guiding and progressing development proposals, prior to their submission. The Council's procedure for pre-application advice is set out under the planning pre-application advice guidance note which can be found on the Council's web site. For major proposals, developers will also be expected to engage with Councillors, key stakeholders and the public on major proposals through the Council's Development Consultation Forums. Where appropriate, the local planning authority will also consult the Design Review Panel on development proposals.
- 5.67 At pre-application stage, consideration will be given to the site's opportunities and constraints in light of the policies in the Adopted Local Plan; identifying any aspects which may need to be resolved, and relevant material planning considerations and constraints. Advice will be provided on planning obligations and the appropriate documents which would need to be submitted.
- 5.68 The Borough Design Guide Supplementary Planning Document (SPD)²⁷ complements Policy E6 and provides detailed guidance to raise the standard of design across the Borough. The SPD sets out what developers are expected to deliver in terms of the design of new development, and how the distinctive character and qualities of the Borough could be enhanced through development. Designated Conservation Areas within the Borough also have Character Appraisals and Management Plans, which provide detailed information on these areas which should be given regard when proposing development in line with Policy E9 (Heritage).
- 5.69 The Council is supportive of new technologies and construction methods integrated as part of new development, including Passivhaus design principles in line with Policy E8 (Low Carbon Design). The sustainability and resource efficiency will be considered in the overall design and layout of schemes, including ensuring that where appropriate schemes maximise solar gain and minimise the need for energy heating.

²⁷ The Council intends to consult on a revised Design SPD alongside the Pre-Submission HBLP2036.

E7 | High Quality New Homes

- 5.70 This policy would replace and update Policies CS16 (High Quality Design) and CS9 (Housing) of the Core Strategy.

Why this policy is needed

- 5.71 The NPPF highlights that high quality design and a good standard of amenity should be sought through new development. This policy sets out the quality standards that new housing in the Borough are expected to achieve and how the needs of different groups will be met.
- 5.72 National policy also recognises that local planning authorities should create a high quality built environment and address barriers to improving health and wellbeing. This policy therefore builds on Policy E1 (Health and Wellbeing) to provide opportunities for people to live healthier lives. It requires new homes to have appropriate space for occupants to enable them to have a good quality of life and healthy lifestyle.

E7 | High Quality New Homes

Planning permission will be granted for new homes that meet the following criteria:

- a. Sufficient private and/or communal outdoor amenity space is provided proportionate to the number of bedrooms;
- b. New homes are designed to meet appropriate internal space standards²⁸ in order to provide sufficient private and/or communal space for basic daily activities and needs;
- c. Developments of 10 houses or more (gross) meet enhanced accessibility and adaptability standards on 30% of the proposed dwellings across all tenure types to ensure that new homes are suitable for a wide range of occupants²⁹; and
- d. Developments of 50 homes or more (gross) meet wheelchair accessibility standards³⁰ on 2% of the total proposed dwellings as part of the affordable housing provision.

How the policy works

- 5.73 All new homes should benefit from outdoor amenity space of a sufficient size and quality. The updated Borough Design Guide Supplementary Planning Document (SPD)³¹ will set out further guidance on the type and form of outdoor amenity space that should be provided alongside new homes. It should be designed to ensure there is no undue loss of privacy or overlooking of adjoining and neighbouring properties in line with Policy E6 (High Quality Design) and Policy E20 (Amenity and Pollution).
- 5.74 Building to appropriate space standards will ensure new homes provide sufficient space for basic daily activities and needs. The Council will therefore require all residential development to meet the nationally described space standard (or any subsequent Government standard) for bedrooms, storage, and internal areas, and associated technical requirements. The Council's starting point will be for all new homes, including housing conversions, to meet the appropriate space standards,

²⁸ Appropriate space standards are achieved by meeting the nationally described space standard, or any subsequent Government standard.

²⁹ Enhanced accessibility and adaptability standards are achieved by meeting M4(2) of the Building Regulations 2015, or any subsequent Government standard.

³⁰ M4(3) of the Building Regulations 2015, or any subsequent Government standard.

³¹ The Council intends to consult on a revised Design SPD alongside the Pre-Submission HBLP2036.

unless it can be shown that the standards are not practicable. For example, an exception may be made where works needed to achieve the standards would adversely affect the significance of a heritage asset or would require impractical changes to a building earmarked for conversion.

- 5.75 The Council recognises that innovative housing solutions such as the emerging 'build for rent' sector have a role in addressing specific housing needs in the Borough. These types of housing models can involve the development of high density housing in town centre locations. To ensure good standard of living accommodation and to support the health and wellbeing of occupants, the same space standards will be required as mainstream housing. Where developers wish to deliver an alternative approach, this will need to be fully justified. Referring to, for example, good design practice and case studies, applicants must demonstrate how the proposed operating models can be successful in providing residents with a high quality of life.
- 5.76 Housing is for different groups including families, children, older people and disabled residents by offering functional and adaptable spaces. On major housing developments of 10 dwellings or more, 30% of new houses will be required to meet as a minimum Part M4(2) of the Building Regulation to ensure that new homes are suitable for a wide range of occupants, including older people for which there is an identified need. For the M4(2) standard, the policy makes particular reference to houses as it is understood this housing type is more suitable for the delivery of this requirement.
- 5.77 Wheelchair accessible homes must be provided as part of the affordable housing provision where the local authority is able to allocate or nominate a person to live in that dwelling. In the case where there is a locally identified need, 2% of the overall housing provision on larger housing developments (50 dwellings or more) should be designed to meet the wheelchair accessible homes standard. However, it is acknowledged that there may be site specific practical reasons where it may not be feasible to meet this requirement.
- 5.78 Material weight will be given to development proposals where a substantial proportion of homes meet the enhanced accessibility and adaptability standards. In such cases, 50% of the overall housing provision should meet the enhanced accessible and adaptable standards. This could include wheelchair accessible dwellings (over and above the 2% policy requirement) as part of the affordable housing provision where there are locally identified needs. Applicants are encouraged to explore how best to meet locally identified needs in consultation with the local authority accordingly.
- 5.79 New houses designed to the enhanced accessibility and adaptability standards should be proportionally distributed across all tenure types, evenly spread across the site, and integrated with the rest of the development in line with Policy E6 (High Quality Design). For major housing schemes, developers should submit a schedule of accommodation which identifies the specific standard under M4 of the Building Regulation each home in the proposed development will meet.
- 5.80 The accessibility and adaptability standards will usually be secured via a pre-commencement condition when granting planning permission. To ensure compliance with the specific standards, the local planning authority should be provided with plans certified for compliance and/or written confirmation from an appointed building control body that the specifications for each dwelling meet the relevant standard.

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)



APPEAL BY MR POLLARD AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF 1 NO. 2 BEDROOM END OF TERRACE DWELLING AT 42 MARALYN AVENUE, WATERLOOVILLE, PO7 7LP

Planning Inspectorate Reference: APP/X1735/W/18/3204314

LPA Ref: APP17/01140

SUGGESTED CONDITIONS

If the Inspector is minded to grant planning permission for the development, then the LPA would suggest 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 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 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 2018.
- 3 No development shall take place until finished floor levels for the proposed building relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of the amenities of the area having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework 2018.
- 4 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 2018.

- 5 No development hereby permitted shall be commenced until a 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 6 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 brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 7 The new dwelling shall not be occupied until space for the parking of vehicles and other vehicular access arrangements (including the provision of dropped kerbs) for the new dwelling have been provided within the site and surfaced with permeable materials in accordance with the details shown on approved drawing no. 01. Such areas shall thereafter be retained and used solely for those purposes.
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 2018.
- 8 No development hereby permitted shall commence until plans and particulars (including elevations of the front boundary wall) specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
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 2018.

- 9 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension or outbuilding permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To protect the amenity of the area and to secure satisfactory levels of private amenity space for future residents and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

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

Drg no. 01 Location plan
Drg no. 01 Block plan
Drg no. A101 Proposed elevations plan
Drg no. A102 Proposed floor and roof plans
Drg no. A103 Proposed perspective plan

Reason: To ensure provision of a satisfactory development