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|-----------------|-----------------------------------------------------------------------------------------------------|---------------|------------------|
| Site Address:   | Land adjacent to 48 Station Road, Hayling Island, PO11 0EQ                                          |               |                  |
| Proposal:       | Erection of 1No. 2 bed single storey dwelling with associated parking and access from Station Road. |               |                  |
| Application No: | APP/17/01184                                                                                        | Expiry Date:  | 01/01/2018       |
| Applicant:      | Mrs Wrixon                                                                                          |               |                  |
| Agent:          | Mr Chan                                                                                             | Case Officer: | Rachael McMurray |
|                 | PWP Architects                                                                                      |               |                  |
| Ward:           | Hayling West                                                                                        |               |                  |

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

The application site comprises an irregularly shaped plot, located on the east side of a private access road off the northern side of Station Road. The road serves a number of properties and also provides a degree of private parking. The application site was formerly part of the residential curtilage of an adjoining dwelling to the north (48 Station Road), which was constructed at an angle to the private road, resulting in the irregular shapes of these two parcels of land.

The site is bounded by other residential properties to the north, south and east. The area is predominantly of a mixed residential character, although the rear part of the West Town Hotel lies opposite the site and the main West Town Centre, where there are further commercial properties along the principal Station Road frontage, is immediately south of the site. The site is currently vacant and is enclosed with a combination of fencing and walling.

## **2 Planning History**

APP/15/00037 - Proposed 1No. 3 bed dwelling - REF,22/04/2015  
APP/16/00252 - Proposed 1No. 3 bed dwelling. (Resubmission) - REF,11/05/2016  
APP/16/00844 - Erection of 1No. 3 bed detached single storey house (revised application) - WD,01/11/2016

An appeal (REF - APP/X/1735/W/15/3132354) was lodged against the decision to refuse planning application APP/15/00037. This was dismissed by the Planning Inspector (PI) on grounds of the impact the proposal would have on No. 48 Station Road. The principle of development on the site as a residential plot was however found to be acceptable by the Inspector as stated in paragraph 10 of the appeal decision:

*'The proposal would provide a single storey house of innovative design that seeks to make the most of this small and irregularly shaped plot'*

## **3 Proposal**

Erection of 1No. 2 bed single storey dwelling with associated parking (2no. spaces) and access from Station Road. The building would be contemporary in style with two

interjecting mono pitch roofs. It would be 85sqm in floor area.

#### **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)                                                   |
| CS17 | (Concentration and Distribution of Development within the Urban Areas)  |
| CS21 | (Developer Requirements)                                                |
| CS9  | (Housing)                                                               |
| DM13 | (Car and Cycle Parking on Residential Development)                      |
| DM8  | (Conservation, Protection and Enhancement of Existing Natural Features) |

Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| AL1  | (Presumption in Favour of Sustainable Development)                                        |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

#### **5 Statutory and Non Statutory Consultations**

##### **Arboriculturalist**

No objection.

##### **Building Control, Havant Borough Council**

The study will require a window suitable for means of escape. This room would be considered an inner room as there is no door separating the kitchen from the hallway.

Officer Note - the applicant has been made aware.

##### **Developer Services, Southern Water**

The exact position of sewers must be determined on site by the applicant.

No new development or tree planting should be located within 3m either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5m of a public sewer.

The following informative should be attached to any consent:

'A formal application for connection to the public sewerage system is required in order service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire.

##### **Highways Engineer, Development Engineer**

The Highway Authority has no adverse comments to this application

## 6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 6 letters of objection were received from 4no. addresses. A summary of the points raised are listed below:

| <b>Comment</b>                                                                                                               | <b>Officer Comment</b>                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Garden grabbing - the site does not fall within the definition of previously developed land.                                 | The curtilages of buildings in built up areas are included within the definition of 'previously developed land'. Although the site does not currently form part of a garden, it was previously part of the garden of No. 48 Station Road. |
| Overdevelopment of the plot.                                                                                                 | Please see Section 7 - Planning Considerations.                                                                                                                                                                                           |
| No measurements are provided on the plans.                                                                                   | The plans are to scale.                                                                                                                                                                                                                   |
| Development will result in noise, fumes and smell.                                                                           | Please see Section 7 - Planning Considerations.                                                                                                                                                                                           |
| Additional traffic along with impact on health and education services should be considered.                                  | Please see Section 7 - Planning Considerations.                                                                                                                                                                                           |
| Adverse impact on character and appearance of the area.                                                                      | Please see Section 7 - Planning Considerations.                                                                                                                                                                                           |
| The development is not in accordance with the Council's Design Guide SPD.                                                    | Please see Section 7 - Planning Considerations.                                                                                                                                                                                           |
| The development would be overlooked.                                                                                         | Any future occupiers would be aware of the degree of overlooking present.                                                                                                                                                                 |
| Existing trees outside of the site would be at threat of felling.                                                            | No objections have been raised by the Council's Tree Officer.                                                                                                                                                                             |
| Development is too close to neighbouring boundaries.                                                                         | Please see Section 7 - Planning Considerations.                                                                                                                                                                                           |
| There should be a separation distance of 20m between dwellings of two stories or less as per the Council's Design Guide SPD. | Please see Section 7 - Planning Considerations.                                                                                                                                                                                           |
| Where a dwelling faces a blank gable, 10m separation distance is required. The proposal would not meet this test.            | Please see Section 7 - Planning Considerations.                                                                                                                                                                                           |
| The proposal would face onto a gable end containing lots of windows and would block light into habitable rooms.              | The impact on neighbouring properties is further discussed in Section 7.                                                                                                                                                                  |
| All views from the amenity areas of No. 48 would be of a solid brick wall.                                                   | The impact on neighbouring properties is further discussed in Section 7.                                                                                                                                                                  |
| The garden should be 10m in length. It                                                                                       | The suitability of the properties amenity                                                                                                                                                                                                 |

|                                                                                                                    |                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| does not meet this test.                                                                                           | space is considered in Section 7.                                                                                                                         |
| Development would result in overshadowing and loss of light to the ground floor of No. 48.                         | The impact on neighbouring properties is further discussed in Section 7.                                                                                  |
| Neighbours would suffer from light pollution, particularly from the parking area and frontage which is poorly lit. | Potential pollution caused by external lighting would be subject to environmental health legislation and an informative would be attached to any consent. |
| The application does not contain any ecology or arboricultural reports.                                            | This was not a validation requirement.                                                                                                                    |
| There is no information on what species of tree would be planted along the shared boundary with No. 48.            | This information would be secured via a planning condition. Details of this would be provided and agreed prior to any development on the site.            |
| The 45 degree line shown on the plans has not been taken from the side facing windows in No. 48.                   | The impact on neighbouring properties is further discussed in Section 7.                                                                                  |
| The position of the proposed building in the appeal is the same position as the current proposal.                  | The current application proposes a building with a different and smaller footprint.                                                                       |
| Daylight is protected in buildings over 20ys old. The building would affect the south facing windows in No. 48.    | The impact on neighbouring properties is further discussed in Section 7.                                                                                  |

## 7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking
- (v) Other matters

### (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. The provision of a new dwelling would assist the the Council's requirement for providing new homes across the Borough under Core Strategy Policy CS9.

7.3 The principle of development on this site has been accepted through a previous appeal decision (APP/X/1735/W/15/3132354), following the refusal of APP/15/00037. Whilst concerns were raised with the impact on the immediate neighbour at No. 48 Station Road, the Planning Inspector (PI) concluded that the proposal would be acceptable in terms of its impact on the character and appearance of the area and proposed parking arrangement.

7.4 Since this appeal decision, a further two applications have been submitted. One which was refused and one which was withdrawn. Both these applications had issues with regards to the impact on No. 48 Station Road, as opposed to the principle of residential development on the site.

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

- 7.5 Concerns have been raised that the proposal would not be in keeping with the character and appearance of the area and result in an overdevelopment of the plot. Development to the north of Station Road includes houses, shops and flats and therefore the established character is mixed in terms of the nature of development. The application site is not visible from the main streetscene and is only accessible from the access road which also serves No. 48. The proposal would comprise a single storey dwelling with on site parking located to the front, with private amenity space on the southern side and to the east (rear) of the dwelling.
- 7.6 The application site is a fairly irregular shape, being tapered towards the west (front). The proposal has been designed to accord with this, whilst trying to maximise amenity space. It would also be subservient to surrounding buildings due to its single storey height. Unlike previous applications, this scheme has a more traditional site layout with the main amenity space being located to the rear, rather than the side of the property.
- 7.7 Whilst planning application APP/15/00037 was refused by the Council for reasons relating to the overdevelopment of the plot, the appeal decision did not agree with this whereby the PI concluded that *'the proposal would provide a single storey house of innovative design that seeks to make the most of this small and irregularly shaped plot,. Surrounding development is a mix of styles and types of dwellings, with no prevailing style of development.* Overall it is considered that the current proposal would not result in harm to the character and appearance of the area but is designed carefully to make the most of the application site with an innovative design.
- 7.8 It is considered that any additional reliance on public health services, the road network and education system emanating from the development would be minimal from one, 2no. bed dwelling.

(iii) Impact upon the residential amenity

- 7.9 Concern has been raised that the proposed dwelling does not meet the advice laid out in the Council's 'Design Guide for Extensions and New Dwellings' adopted in 2011 with regards to back to back and side to side distances, right to light and the 45 degree test. Section 5.1 relates to the general principles for new residential developments and advises that applications for new development considers the impact of the development on existing residents. 5.2 of the guide relates to residential infill and backland development which is the case for this proposal, which could be classed as backland (although this has a narrow frontage to the access road). This guidance advises that backland development can be difficult to design because it is commonly located in residential areas, which can create issues of scale, access, overlooking and separation distances. The proposed development should not dominate in terms of mass or height, the street or public frontage or buildings on the frontage. In this case, the single storey nature of the development is an important aspect in reducing the scale of the building.
- 7.10 A concern has been raised that the proposal would not have a back to back distance of 20m with the properties in West Lane, as advised in the Design Guide. This distance is advised so as to limit overlooking and a loss of privacy. The back to back distance on this proposal would be 13.8m at the closest point, which falls short of the guidance provided. However, in this case the proposed dwelling is set at an angle to the properties fronting West Lane reducing the direct impacts. Furthermore, any future occupier would be aware of the potential for overlooking from the properties to the rear.
- 7.11 The Design Guide advises that the garden lengths should normally allow 10m between the dwelling and the boundary. Whilst part of the garden is only 3.8m in length, other parts of the garden are over 10m in depth. There is space either side of the building for access and the width of the garden is over 18m. Overall is considered that there would

be adequate amenity space for a dwelling of this size without resulting in a cramped and congested layout.

- 7.12 With regards to daylight, section 5.08 of the Design Guide advises that new developments should not result in the loss of light to existing buildings. No. 48 has windows along the south facing, side elevation including three windows at ground floor, serving the internal lounge areas. There is currently a 1.8m high fence which separates the two plots which runs adjacent to the south/side elevation of No. 48 and which is positioned 1.6m from the south elevation of No. 48.
- 7.13 Acceptable daylight to interiors can be provided once there is a 25 degree vertical angle from a point 2m above the ground on the facing external facade. Following concerns raised, the agent provided a plan (Drwg No. 1203 A) showing the daylight test carried out, as per the advice set out in the Design Guide. The new dwelling would be located 1.4m from the shared boundary giving a total separation distance of 3m. The submitted plans shows that none of the proposed building would be within the horizontal >25 degrees, therefore allowing potential for good daylight to No. 48. This is mainly achieved as the height of the part of the building closest to the boundary fence would only be 2.2m.
- 7.14 Following the submission of this plan, the owner of No. 48 retained their concerns with regards to the impact on the side facing windows and how the proposed building would restrict the light available to these windows. Evidence was submitted to show that the existing boundary fence already casts shadows on the windows and that the proposed building would exacerbate this impact.
- 7.15 However, the new building would be located a further 1.4m back from the fence and would only be marginally higher than the fence at the closest point (2.2m) before the roof slopes upwards (but away from the boundary). The plan (Drwg No. 1203 A) submitted shows that the dwelling is unlikely to result in any unacceptable light restriction to the windows (further to what already occurs as a result of the boundary fence) due to its restricted height. Therefore on balance, it is considered that the impact of the new dwelling would not result in an impact so great that it would warrant a refusal of the application on these grounds.
- 7.15 Concern has been raised that the proposal does not meet the Design Guide advice for where a dwelling faces a blank gable, a 10m separation distance is required. This guidance at section 5.05 of the document, relates to back to side distances whereby if a new dwelling faces onto the side of a dwelling which has a blank wall, a 10m separation distance is required as there would be less of opportunity for overlooking than if it faced onto a non blank wall. This advice is therefore not applicable to the type of development proposed which comprises a new dwelling, adjacent to an existing property.
- 7.16 The ground floor plan shows planting along the shared boundary with No. 48, Concern has been raised that no information is available to with regards to what type of trees would be planted and how these could impact No. 48. It is normal practice that these details are secured in a condition relating to soft landscaping and this has to be agreed by the Local Planning Authority before any development can take commence on site. The consideration of such details when submitted would include how the plant species could impact on the neighbouring property.
- 7.17 The south facing flank wall of No. 50 Station Road to the north of No. 48 is considered to have an adverse impact on the No. 48 as it extends past the rear building line of No. 48 and forms an overbearing wall of two-storey height. Concern has been raised that the presence of a further dwelling to the south of No. 48 could make all aspects from the downstairs windows of No. 48, that of brick walls. However, No. 50 and No. 48 are angled towards each other at the rear which magnifies the visual impact of the boundary

wall. The proposed dwelling would sit at the same orientation as No. 48 and therefore, would be within the 45 degree line of sight. The sections of the proposed building which have a greater roof height are staggered away and back from the shared boundary with No. 48 and therefore also meet the 45 degree test. This minimises the visual impact of the dwelling to an level which is deemed acceptable in planning terms.

- 7.18 With regards to the concerns raised about noise, smells and fumes as a result of the development, it is considered that any impacts arising from one, small additional dwelling would be modest and limited. Light pollution is controlled by environmental health regulations and the application would be made aware of this through a planning informative on a decision notice. Parking provision is being provided at the front of the site, not immediately adjacent to a shared rear garden boundary fence so it considered that vehicular disturbance would be minimal.

(iv) Parking

- 7.19 The proposed scheme includes two, on-site parking spaces which meets the requirement of the Council's parking standards for a dwelling of this size.

(v) Other matters

- 7.17 The proposal would require a contribution towards the Solent Recreation Mitigation Project. The relevant contribution and paperwork have been secured. It is also CIL liable for £11,459.82.

## 8 Conclusion

The concerns of the neighbouring properties, and in particular, No. 48 including loss of light and overshadowing to windows, impact on visual amenity, concern over proposed planting and proximity of building are acknowledged and carefully considered as part of the assessment of this planning application. However, it is considered that there are benefits of the scheme including its contribution to the Borough's housing stock. Furthermore, the scheme has been carefully designed to minimise its impact such as the inclusion of a low eaves closest to the shared boundary fence, staggering back the higher parts of the building away from the shared boundary line, avoiding any overlooking windows, positioning the amenity space to the rear of the building in a more traditional style, providing the parking at the front of the site to avoid vehicular disturbance in the back garden areas. Therefore on balance, the proposal is considered to be a form of sustainable development which is in accordance with the relevant Local Plan policies and the National Planning policy Framework.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/01184 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:

Design Statement  
Location Plan - DN 1000 C  
Block Plan - DN 1001 C  
Site Layout Plan - DN 1002 C  
Ground Floor Plan - DN 1003 D  
East and West elevations - DN 1202 D  
South elevations - DN 1201 D  
North elevation s- DN 1200 D  
Roof Plan - DN 1004 D

**Reason:** - To ensure provision of a satisfactory development.

- 3 No development shall take place until details of existing and finished floor and site levels relative to previously 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:** 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.

- 4 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, specifically including any planting along the boundary with No. 48 Station Road, 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 2012.

- 5 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local

Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 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.

- 7 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.

- 8 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 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.

- 9 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration (including to the roof), means of enclosure, outbuildings, or additional windows or doors shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

**Reason:** To safeguard the occupiers of neighbouring property and the character of the area having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 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.

**Reason:** In the interests of the amenities of the locality and having due regard to policies CS11, CS16, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.