

dwelling itself would result in a limited adverse impact and whilst the garden for No 50 would be reduced it would not be unacceptably small. However it was noted that the access would have a far greater impact, particularly on 48a - the increased traffic and use of drive penetrating deeply into the rear space of frontage dwellings would have an adverse impact on neighbours and in particular No 48a and also residents of No 50 itself.

3 Proposal

- 3.1 Demolition of existing outbuildings and conservatory, construction of 1No. 3 bed detached bungalow with associated car port, revised drive and landscaping.
- 3.2 It is proposed to take access from the existing eastern side drive and extend this to serve a rear dwelling. The drive is shown as tapering away from the shared side boundary by up to 1m where adjacent No 48a to allow for a landscaped buffer. The proposed dwelling would be single storey and contemporary in design with off-set dual mono-pitched roof with sedum covering. Elevations would be render with dark grey windows and fascias. Eaves height would be 2.5m with a maximum height of 3.4m. The maximum footprint would be 13m x 13m but with articulated main elevations.
- 3.3 The bungalow would be sited with a resultant 28m back to front separation from No 50 (once existing conservatory demolished) with rear garden depth of between 8.43 and 13.2m (and revised plans omitted the rear drainage ditch and trees from within the application site). Additionally the proposal includes a two sided double car port to be sited against the western boundary of the site, in front of the proposed dwelling. Two additional car parking spaces would be created on the frontage of the site to serve the existing dwelling.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
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)

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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

- 1) There is a foul water public sewer shown on GIS within 3m of the proposed building. A consultation should be carried out with Southern Water
- 2) Fire brigade access to the new building is inadequate. The drive is not wide enough for a fire appliance and the building is located so that all points within the building are not within 45m of the highway.

Crime Prevention

None received

Southern Water

Foul sewer crosses site; exact position of sewers must be determined before layout finalised; may be possible to divert sewer provided no loss of hydraulic capacity. If diverted must have 3m easement; no new tree planting within 3m; no soakaways within 5m; and all infrastructure protected during construction. Alternatively site layout could be amended.

If consent granted request condition re measures to protect sewer; also Informative for connection.

Engineering Services

Rear boundary is an old ditch line - need to confirm on site that water is no longer following this relict route otherwise there could be problems created by disturbing surrounding ground.

Highways Engineer

The Highway Authority has no adverse comment with regard to this application subject to the provision of the dropped kerb required for the two new parking spaces in front of the original property and the parking and turning areas are conditioned to be constructed and retained

Portsmouth Water Company

No further comments to make on the application from a groundwater protection perspective due to the low perceived risk to groundwater of the site area.

Public Spaces

None received

Traffic Management

No adverse comments to make on this application.

Waste Services Manager

Only concern is that provision will not be made for a suitable location for the properties to present their wheeled bins as close to highway boundary for waste collection

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: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: **4** in total: **3** letters of objection were received to the original plans:

Re-consultation was carried out on the amended plans and **1 further** letter received

Comment	Officer Comment
Original boundary line to rear incorrect as shown stepped from rear boundary line of 35A; marked copy of what is considered to be correct legal boundary line and conveyance plan included; Rear garden would be shorter than currently shown and LPA needs to review whether length of garden complies with Design SPD. D&A indicates line of conifer trees on northern boundary provides effective screening - but trees in poor condition and lower branches dead or dying and not effective screening making bungalow conspicuous with loss of privacy; Request conditions re 1.8m close boarded fence on rear boundary; trees remain; and conifers subject to tree maintenance works	amended plans sought & received omitting ditch see considerations below noted boundary condition could be imposed
There is planning history connected to this property when application to erect a dwelling in a similar position to that proposed now was refused even after appeal many years ago. Unfortunately, it is not listed on the Havant planning porthole as it does not go back that far. With regard to the present Application number APP/17/01121 we have the following comments:- 1. Silvester Road according to the Planning, Design and Access Statement is stated to be 'not a busy road'. This is certainly an understatement as it is well known to be a 'rat run' and on occasion is monitored for speeding. 2. The Statement also comments on flood risk i.e. flood zone one. There is/was an overflow ditch which ran from the top of Silvester Road/London Road through the rear gardens, but as the Council will no doubt reiterate this has been filled in and built on over the years resulting from the bottom of	Noted - historic record 89/53303 found & scrutinised - see above Noted Ditch to rear of this site infact still present & clear; appears to be obstructed beyond application site.

gardens in and around 50 Silvester Road becoming very waterlogged during the winter and heavy rains, and it was not that many years ago that the Council wrote to residents stating that they were unable to take any action. Would you please note that our objections/concerns as follows:- A. The siting of the car port and drive on the following points:- 1) The timber framed car port on the boundary as shown gives no protection to our garden if there is a vehicular accident; 2) there is also no fire protection; and 3) the impact of fumes and noise from those vehicles upon our amenities In view of the above we take the view that there is no place for vehicles to be accessing back gardens. B. The parking area to existing property number 50 should be limited to the front of the house only and does not encroach beyond the front of the present building. C. We reference to point 2 above and our concerns it is hoped that building control will ensure that there is adequate drainage via a soakaway for surface water from the dwelling, drive and car port and the soil infiltration rate is determined. If planning is approved we hope our concerns will be taken into consideration and addressed as well as the construction being undertaken in a considerate manner with regard to working times, dust control and road cleaning. Since the introduction of double yellow lines and the building of a care home, parking has become very limited during the day and parking of construction traffic in Silvester Road should be restricted.	Noted - see considerations below Noted Could be conditioned Building Regs matters Environmental Health matters and Informative's could be added
Object to following points: 1. proposed bungalow will be in a 'goldfish bowl' - both overlooked and having direct views into our bedrooms, impacting privacy	see considerations below

2. dispute view that Silvester Road is not a busy road	noted
3. lack of drainage in area, original ditch to rear, with waterlogged gardens - will be exacerbated by additional dwelling	noted
4. fire brigade access inadequate so how would neighbouring properties stand if a fire from bungalow spread? extra insurance by developers or council?	Building Regs matter
5. extra building potentially means twice the noise	See considerations below
6. no precedent for an extra property in the middle of existing rear gardens	see character of area considerations
7. main concern is vehicular access - the drive will pass alongside not only our lounge and kitchen but also our conservatory where we eat and socialise; aswell as rear bedrooms and garden. Unacceptable intrusion, potential for vehicle noise, smells & fumes at any time of day or night, would have a significant impact on our daily lives. Fire brigade access could impact on the vehicle parking/turning/carport	noted - see amenity considerations below
If permission granted would request comments re vehicular access to be taken on board; an appropriate line of native, light canopy trees eg silver birch, are planted to restrict views; restriction on additional building/outbuildings on the site for future; adequate drainage installed; any building works carried out with consideration to neighbours eg noise and working hours and no construction vehicles parked on double yellow lines at front	noted
On Amended Plans	
In addition to original objections - specification of porous drive material does not address drainage problem sufficiently; tree line for screening does not extend far enough	Noted

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) Residential amenities of proposed dwelling
- (v) Highway matters
- (vi) Drainage
- (vii) Developer contributions / CIL

(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 NPPF notes that "Housing applications should be considered in the context of the presumption in favour of sustainable development" but also suggests resisting inappropriate development of residential gardens if, for example, harm would be caused to the local area. Therefore it is the specific impact on the local area of the development of this residential garden that must be considered.

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

7.3 In terms of the pattern of development in the vicinity of the site, Silvester Road is mainly characterised by original linear residential properties fronting the highway, but over time there has been the provision of some new dwellings without their own street frontages, subdivision of plots and other examples of backland development. Such developments include a backland at No 20; more comprehensive development at Glenwood Gardens; and No 39 Kings Road to the rear which is set back within its site. Therefore the area has become more mixed and densely developed. The application site itself already has many outbuildings in the rear garden, including a substantial glasshouse.

7.4 The proposed low profile bungalow set in a backland position would replace the many outbuildings on the site and would not fundamentally alter or increase the developed site coverage. There is an existing side drive serving an old garage and side parking area, so the visual change to the appearance of the Silvester Road frontage would be limited - the rear dwelling would be largely obscured from view. Therefore it is considered that the principle of a backland development on this site would not be at variance to the existing pattern of development on and in the vicinity of the site and limited visual harm to the street scene would result.

7.5 As such the proposed development is considered to respect its local context in principle, and in this regard comply with Policy CS16. It is not considered to have a significant adverse impact on the character and appearance of the area to justify a reason for refusal on this aspect alone.

(iii) Impact upon residential amenity

7.6 The site is surrounded by residential development and notably No 48a to the east is set further back, within just 1m of the shared boundary and has a well used habitable conservatory across its rear elevation. The existing side drive and garage serving No 50 is sited such that it only partly overlaps with the rear of No 48a's main dwelling with only a marginal overlap with the conservatory. Therefore the existing comings and goings to this garage are limited to the frontage of the site and do not encroach and impact on the use of the conservatory or adjacent rear garden areas.

7.7 The proposal would demolish the garage and outbuildings and extend the side drive past the conservatory of No 48a to serve the dwelling at the rear. The separation

from the flank wall of No 50 to the shared eastern boundary is only 3m maximum (only 2.6m where the chimney breast projects). Whilst an attempt has been made to pull the drive away from the eastern boundary as soon as possible to achieve some landscape buffering, overall the narrowness of the drive and its proximity to the habitable rooms and conservatory at 48a are considered to result in a harmful impact. The proposed garage and turning area would be sited adjacent the private garden areas of both No 48a and No 52 and the noise and disturbance from vehicle movements would also be intrusive to these amenity areas. The use of the narrow drive to serve an additional dwelling would introduce noise and disturbance from cars and pedestrians that would be detrimental to the quiet enjoyment of what is currently a private rear conservatory and adjacent gardens.

7.8 No 50 itself also currently has a rear conservatory and similarly the proposed drive would pass immediately adjacent this structure, being harmful to its use - however, because this is within the control of the applicant it is proposed to demolish this conservatory to avoid this conflict and harm to amenity of future occupiers of No 50.

7.9 It is noted that in dismissing the 1989 appeal, it was the increased traffic and use of the drive penetrating deeply into the rear space of the frontage dwellings that was concluded to have an adverse impact on neighbours and in particular No 48a and also residents of No 50 itself. That scheme proposed a rear dwelling with double garage, plus a double garage at the rear to serve No 50 - therefore that 1989 layout would have had the vehicle movements associated with 2 dwellings using the side drive and rear turning area.

7.10 This current proposal instead provides frontage parking for No 50 and it would only be the occupiers and visitors to the proposed rear dwelling that would utilise the side drive. Notwithstanding this reduced usage compared to the 1989 appeal, it is considered that the narrowness of the drive and proximity to the eastern boundary, together with the turning area adjacent private gardens, would mean that the vehicle movements and comings and goings would introduce a significant level of noise and disturbance not previously experienced by neighbours. Considering the well used habitable room provided in the conservatory of 48a is located just 1m from the shared boundary, then the impact of traffic passing within such close proximity would result in noise and disturbance detrimental to the amenity of neighbouring residents at 48a. This harm to the amenity of neighbours would be contrary to clause 1. e) of Policy CS16.

7.11 The agent has been advised of this concern and has countered with another example of backland development recently permitted in Silvester Road - APP/17/00530. This related to the construction of 2 bungalows behind 78-80 Silvester Road and these were accessed between two frontage dwellings, both of which were within the red line and applicant's control. Accordingly, although the access had a relatively narrow pinch point as it passed the frontage dwellings, these were to be re-configured as part of the proposal. The fact that the frontage dwellings were part of the proposal meant that any impact from the use of the access was not on a third party neighbour. This is a material difference to the current scheme and the two proposals are not considered comparable and does not set a precedent.

(iv) Residential amenities of proposed dwelling

7.12 The proposed 3 bed bungalow would be a low profiled contemporary design with sedum roof. The rear ditch and line of mature trees have now been excluded from the application site. The proposed siting would result in a rear garden depth of between 13.2m and 8.43m from the rear boundary, with a back to back separation of some 37m to No 37 Kings Road. Garden depths should be 10m and back to back separations are recommended to be a minimum of 20m in the Borough Design Guide SPD. The proposal would meet these with the rear garden area providing a sufficiently useable private area.

If permission was recommended a boundaries condition could be imposed to ensure an appropriate fence along the rear boundary to protect privacy where currently views are possible through the trunks of the ditch trees. Distances to side boundaries would be a minimum of 1m. Overall the siting and design of the proposed dwelling within the plot would result in an acceptable standard of development for future occupiers.

(v) Highway matters

7.13 Silvester Road is an unclassified road and as such the creation of the new access for the 2 frontage parking spaces does not need planning permission in its own right. The proposed rear dwelling would utilise the existing drive and dropped kerb. Due to the length of the side drive it is essential that on site turning is provided to enable vehicles to leave the site in a forward gear. This can be achieved. Adequate parking is also provided for both dwellings to meet the adopted Parking SPD 2016 and as such there is no highway safety objection to the proposal. The highway amenity impact from the use of the drive and turning area adjacent residential gardens is considered above.

(vi) Drainage

7.14 At the time of the site inspection (24/1/18) the historic ditch line running along the northern boundary of the site was clear and only pooled with very little water at its base. The neighbouring gardens were however boggy and wet indicating that the ditch line is blocked off site affecting surface water drainage. The amended plans have removed the ditch line from the red line application site and there would be no impact on the ditch from the proposed development. Adequate surface water drainage would be a Building Regulations matter if permission granted and the development implemented.

7.15 It is also noted that Southern Water have commented that a public foul sewer crosses the site and the likely position is on a west-east alignment approximately half way into the rear garden. It is further noted that Southern Water's advice indicates that no development or new tree planting should be located within 3m of the sewer. This could impact both the provision of the proposed garage and hinder the planting of the proposed landscape buffer shown for the eastern boundary. Currently the proposal is recommended for refusal, but should permission be granted on appeal then it would need to be confirmed that the proposed screening landscaping could realistically be achieved on site.

(vii) Developer contributions / CIL

7.16 The proposed additional dwelling is both CIL liable and subject to policy DM24 i.e. a financial contribution towards the mitigation of the impact on the SPA.

7.17 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre on new floorspace (measured as gross internal area), plus indexation in Waterlooville.

7.18 The amended CIL forms note a floorspace of 160sqm but a credit is given for all the existing outbuildings which amount to 116sqm. Therefore the additional floorspace is 44sqm giving a CIL liability of £4,745.71. The Draft Liability Notice has been sent to the applicants.

7.19 This development would also 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. This is currently set at £181 per dwelling, plus admin and monitoring fee, totalling £210 for the Solent Disturbance Mitigation Project. The appropriate Deed has been signed and the monies paid, making the proposal compliant with policy DM24.

8 Conclusion

- 8.1 It is considered that the proposed development would utilise a particularly narrow access of only between 2.6m and 3m wide, located hard up to the shared boundary. The extension of this drive into the rear garden area would pass the neighbouring habitable conservatory which is located within 1m of this shared boundary. The use of this access would result in noise and disturbance harmful to the amenity of the occupiers of No 48a aswell as introducing turning and maneuvering deeper into the site, harmful to the amenity of the occupiers of both No 50 and 48a. This harm is considered to outweigh any benefits from the delivery of an additional sustainable dwelling on the site. Accordingly the proposal is recommended for refusal as contrary to, in particular Policy CS16 of the Havant Borough Core Strategy, 2011.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/17/01121

(A) for the following reasons

- 1 The proposal would utilise a narrow access located within 1m of a habitable conservatory at No 48a and introduce parking and manoeuvring adjacent private garden areas. It is considered that the use of this drive and parking area with associated vehicle movements, and comings and goings would introduce noise and disturbance detrimental to the quiet residential amenity of the occupiers of both No 48a and 50 Silvester Road. The proposed landscape buffer may conflict with a Southern Water easement and not satisfactorily provide appropriate mitigation. The proposal is therefore considered to have an adverse effect on the amenity of occupiers of neighbouring properties, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.