

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Land Adjacent to 60 Gladys Avenue, Cowplain,
Waterlooville PO8 8HS**

**Local Planning Authority Reference:
APP/17/00651**

**Planning Inspectorate Reference:
APP/X1735/W/18/3196359**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MRS B GANDER AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR

Planning Inspectorate Reference: APP/X1735/W/18/3196359

LPA REF: APP/17/00651

- 1.1 The application site fronts Gladys Avenue and lies to the rear of 17 Lovedean Lane and to the north of 60 Gladys Avenue in Cowplain. The Location is shown on the submitted block plan Drawing No. 17/1000/B01. The land boundaries measure as follows:

North 15.3m
South 15.38m
East 16.3m
West 15m

This provides a site area of approximately 239.44sqm.

- 1.2 The site is fully enclosed by fencing and is separated from the adjoining residential gardens. The site has been cleared and the land slopes down to the south and east such that the adjacent bungalow, No 60 Gladys Avenue is on lower ground. It was noted at previous site visits that the site had been partly used as a storage area for waste materials, however, during the case officers site visit in relation to the planning application the site had mainly been cleared although there were two small boats and a small amount of waste material on site. There was evidence of a bonfire having taken place. There is a large shed outbuilding in the south-west corner of the site.
- 1.3 The surrounding area is primarily residential in character with a mix of semi-detached and detached properties. 17 Lovedean Lane comprises a detached cream painted render 2 storey dwelling having a rear garden depth/separation to the application site of between approximately 12.5m to 9.2m. No 15 Lovedean Lane is a two storey semi-detached dwelling having a long rear two storey projection; the curtilage of No 15 extends the length of the application site. On the western side of the Gladys Ave/Lovedean Lane junction lies a nursing home. Gladys Avenue is primarily characterised by bungalows and No 60 has a drive and garage on its northern boundary abutting the application site.

2.0 RECENT RELEVANT PLANNING HISTORY

APP/17/00068 - 1No. 1 bed chalet bungalow and new crossover to parking area., Refused, 14th March /2017

4 reasons for refusal (in summary) - incongruous development cramped over intensive, unneighbourly, inadequate amenity space and impact on privacy living conditions for future occupant, lack of contributions. – Applicant Mr Gander

APP/16/00820 - Erection of detached 1No.2 bed bungalow.,
Refused 11th October 2016 - 4 reasons for refusal (in summary) incongruous development/cramped, Unneighbourly, Over-intensive/unacceptable amenity space, lack of contributions. – Applicant Mr Gander

APP/15/00718 - Construction of 1No. 2 bed detached bungalow with vehicular and pedestrian access onto Gladys Avenue.

Refused 19th August 2015: 5 reasons for refusal (in summary): over dense/character, overbearing excessive building bulk, inadequate amenities for future occupiers, lack of cycle storage, lack of contributions.

APP/13/00133 - Construction of 1No. 2 bed detached bungalow and single detached garage with new access from Gladys Avenue

This was a revised scheme lowering the roof profile of the bungalow & windows
Refused 3rd April 2013 4 reasons for refusal (in summary): overly dense; overbearing excessive building bulk; inadequate amenity for future occupiers; lack of contributions.

APP/10/00499 - Construction of 1No. 2 bed detached bungalow and single garage with new access from Gladys Avenue

Refused 29th November 2010 4 reasons for refusal: overly dense; overbearing excessive building bulk; inadequate amenity for future occupiers; lack of contributions.

Copies of the relevant Decision Notices are attached at **APPENDIX A**

3.0 THE APPLICATION

- 3.1 The application the subject of this appeal was valid from the 16th June 2017 and sought *Demolition of existing outbuilding and erection of 1No. 2 bedroom bungalow.*
- 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, letters of objection and support in relation to the scheme were received and these have also been forwarded to the Planning Inspectorate.
- 3.3 The application was determined on the 22nd September 2017 and the application was refused for the following reasons:

1st Reason

The proposed development would by reason of its siting, proximity to boundaries, mass, bulk and changes in levels have an overbearing impact on 15 and 17 Lovedean Lane. The proposal would detract from and dominate the previously spacious setting and outlook from these properties and introduce an unacceptable relationship between dwellings to the harm of the residential amenities of the occupants. The rear private gardens of No. 15 and 17 and their rear rooms would also be in close proximity to the limited private amenity space of the proposed dwelling and this is likely to lead to loss of privacy and disturbance from noise and activity. The proposal is therefore considered to result in an unacceptable relationship to adjoining residents and is contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

2nd Reason

The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory private amenity space for future occupiers. The amenity space would be overlooked by 17 and 15 Lovedean Lane to the harm of the occupants privacy. Furthermore, the proposals to set the dwelling into the slope, the boundary treatments and landscaping proposals combined with the restricted nature of the site would result in the proposed dwelling having a poor outlook and restricted light. The north facing living area and bedroom windows would be directly overlooked further harming the residential amenities of future residents. As such the proposal would be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

3rd Reason

The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

4.0 PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

4.2 The NPPF sets out in paragraph 7 the three dimensions to sustainable development: economic, social and environmental. The roles should not be taken in isolation because they are mutually dependent. In relation to the proposed development whilst the development would provide a new dwelling which has recognised benefits from an economic and social perspective, this particular development is not considered to constitute a development of the right type and in the right place as required in the economic role and would create issues in terms of impacts on future residents and neighbours which would be inconsistent with the social role. The environmental role is also considered to not be met at this stage in particular in relation to the third reason for refusal.

4.3 Paragraph 9 states (amongst other matters):

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes.*

As set out in Part 6 the proposed development is not considered to achieve better design in terms of layout and relationship to adjoining properties; it is not considered

to provide a suitable living environment for future residents nor provide a high quality home. The impact on the Solent SPA is considered in relation to the third reason for refusal.

- 4.4 Paragraph 11 confirms that Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.5 Paragraph 14 confirms the presumption in favour of sustainable development.
- 4.6 Paragraph 17 sets out Core planning principles and amongst other matters states plan making and decision taking should:
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- 4.7 The Development Plan for Havant Comprises Havant Borough Local Plan (Core Strategy) 2011 and Havant Borough Local Plan (Allocations) 2014. The following policies are considered relevant to the consideration of this appeal:

Havant Borough Local Plan (Core Strategy) 2011

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

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

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

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

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

- 4.9 **Policy CS11** is relevant to the 3rd Reason for Refusal and relates to Protecting and Enhancing the Special Environment of Havant Borough. The policy states (amongst other matters):

Planning permission will be granted for development that:

2. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.

3. Has particular regard to the following hierarchy of nature conservation designations within the borough (as identified on the Proposals Map):

(i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International].

(ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National].

(iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].

11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

4.10 **Policy CS21** relates to Developer Requirements and states amongst other matters:

Development will be permitted if on-site and/or off-site infrastructure requirements are met.

Where the necessary contributions are not agreed by the developer, planning permission will be refused.

This sets the general requirements for developer contributions and this is more specifically addressed in relation to the 3rd reason for refusal in policy DM24 of the Allocations Plan.

Havant Borough Local Plan (Allocations) 2014

4.11 **Policy DM24** relates the Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development and states:

Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in-combination effect of net additional dwellings. This mitigation can be provided through:

a) A financial contribution.

b) A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations.

c) A combination of measures in (a) and (b) above.

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures.

This sets out the policy requirements in relation to the 3rd reason for refusal.

4.12 The Planning Inspectorate have previously been forwarded copies of the relevant planning policies.

4.13 In addition to the Development Plan the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 is relevant to the consideration of this appeal.

4.14 The Borough Design Guide SPD supplements Policy CS16 of the Havant Borough Core Strategy and aims to raise the standard of design across the borough. The document was adopted by the council on 14 December 2011 and is a material

consideration in the determination of planning applications.

- 4.15 Specific guidance in relation to Residential Development is provided in Part 5. Paragraph 5.03 states:

It is important that applications for new development consider the impact of the development on existing residents. The design of new development needs to balance the needs for the new home to have reasonable levels of privacy, whilst ensuring that the development and its residents engage with the street and public realm.

This is particularly relevant to the first reason for refusal and the detailed relationships with neighboring properties.

- 4.16 Paragraph 5.05 relates to separation distances and states (amongst other matters):

In order to maintain a reasonable relationship between new dwellings and neighbouring properties, the following minimum distances should apply:

- *Where windows of the new development and an existing dwelling occur back-to-back there should be a minimum of 20 metres separation*
- *Where a new dwelling or the development is more than two storeys in height an additional four metres per storey should be added to the separation distance e.g. a separation distance of 24 metres is required between the new three storey building and existing two storey dwelling*
- *Garden length should normally allow 10 metres between the dwelling and the boundary.*

In this case the relationship between adjacent properties would not meet these requirements with the distance between No.17 Lovedean Lane and the new dwelling failing to meet the required distance for windows facing each other. In this case it should be noted that this is a two storey to single storey relationship. Garden depths are also not achieved in the proposed layout.

- 4.17 Paragraph 5.13 relates to private amenity space for houses stating:

As stated, the garden of a two storey home should be a minimum of 10 metres in length to provide appropriate daylight and to minimise overlooking, with an additional 4 metres for every storey added. Clearly there may be exceptions to this rule, depending on the local context, for example in urban areas there may be a historic pattern of development that dictates otherwise, such as three storey townhouse served by small courtyards of 10 metres rather than large gardens of 14 metres plus.

The property proposed is located between 1.725m and 2.15m of the rear boundary and the main private amenity to the north side of the property has a width of approximately 6m. Further consideration of the amenity space, its privacy and distances to adjacent properties is provided in part 6 of this statement.

5.0 REPRESENTATIONS

- 5.1 During the consideration of the planning application the subject of this appeal 5 representations with 7 names were received objecting to the application. 3 representations in support of the application with 4 names were also received. These representations have been forwarded to the Planning Inspectorate and are summarised in the Officers Report also submitted to the Planning Inspectorate.

6.0 PLANNING CONSIDERATIONS

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

1st Reason – (Impact on Neighbouring Properties/Residents)

- 6.2 The main impacts relate to 15 and 17 Lovedean Lane and to 60 Gladys Avenue.
- 6.3 In relation to No.15, as the land falls in an easterly direction this property is situated at a lower level, below the application site. The proposed chalet bungalow would be sited between 1.725m and 2.15m from the common boundary, with the north eastern corner of the proposed bungalow roof approximately 8.6m from the south western corner of No 15. It is considered that given the levels and the proximity of the development to No. 15, that both the glazed rear part of No.15 and its rear garden area would be significantly impacted by the proposed development.
- 6.4 The development would be clearly apparent above the existing or new fence proposed. Sections show that the dwelling, whilst set into the slope on the Gladys Avenue side, would be at existing ground level to the rear with FFL set above the existing ground level. This would result in an eaves level of 2.5m and a ridge height of 4.164m. Even if the fence proposed is 2m high on the application site both the wall and the roof would be dominant in views from No.15, with the impact accentuated by No.15's lower ground levels. It is also worth noting that a fence of 2m height on the application site would be higher when viewed from the garden of No.15 due to changes in levels, and this would itself impact on the amenities of the neighbouring property. Hedge planting is suggested at 2m height along the eastern boundary, however if maintained at 2m height as shown this would have no impact in terms of screening from the east and if allowed to grow higher would itself be likely to negatively impact light into the application site and to the adjoining property. It is noted that concerns have been raised in relation to the suitability of the planting by the Councils Landscape Officer and although revised details could be reserved by condition, the restricted site area makes significant landscaping difficult to achieve.
- 6.5 This close proximity to the garden and dwelling at 15 Lovedean Lane, with the new bungalow extending along much of the length of its rear garden, would significantly adversely impact the outlook and amenities of occupiers of that property. Furthermore, since the principal proposed amenity space adjoins the rear garden of 15 Lovedean Lane, the increased activity and noise from the proposed dwelling on the site concentrated into this small space close to neighbours at No.15 would inevitably result in reduced tranquillity and privacy.
- 6.6 In respect to the impact on No 17, the proximity of the bungalow to the shared

boundary would result in the outlook from No 17 being affected - the building to building separation would only be approximately 14m from the nearest point of No.17 and 18m to the rest of No.17. This would result in a loss of the previously spacious setting and outlook, to the detriment of the amenity of the occupiers of No 17. Again, the principal proposed private amenity space and parking area for the dwelling would be set adjacent to the rear garden of No.17 reducing the tranquillity and privacy of both amenity areas.

2nd Reason (Undesirable over-intensive use which would not provide a satisfactory living environment for new dwelling)

- 6.7 The application site whilst relatively wide has a restricted depth when compared with adjacent plots. The proposal is seeking a two bedroom bungalow. The site also slopes significantly from North-West to South East. The size and shape of the plot together with site levels result in the development having restricted amenity areas, close relationship with adjacent dwellings, restricted light to the building and restricted space around the proposed dwelling. This leads to concern over the quality of environment that would be created for occupiers of the proposed dwelling.
- 6.8 The main amenity area for the proposed dwelling would be located to the northern side of the bungalow, having an average depth of approximately 9.3m and width of approximately 6m. This area is considered very limited. The amenity area would not meet the minimum required in the adopted Borough Design Guide 2010 SPD which states at para 5.13 garden depths should be "10 metres in length". The proposed amenity space only has a depth of 9.3m, and the nature of the available space would not reflect the more spacious garden sizes of the surrounding area.
- 6.9 Furthermore, in terms of its use by future occupiers, the area would be directly and intrusively overlooked from 15 and 17 Lovedean Lane. Being two storey dwellings, these would have views into the site affecting the enjoyment of the limited garden for future occupiers. The first floor windows in particular of Nos 15 and 17, with a Juliet balcony full depth window to No. 15, and the first floor bedroom of No.17, would also provide views into living room and bedroom windows in the proposed bungalow, causing harm to the amenities of the occupiers. Given relative levels there are also likely to be views from the lower floor windows of No.17 and from the rear raised patio area of No.15 across the application site. Whilst some tree planting is indicated on the submitted site layout plan in an attempt to address this concern, this is not considered sufficient to overcome the concerns raised given the direct proximity of Nos 15 and 17 to the application site.
- 6.10 The proposed dwelling would be set into the slope and there is a proposal for planting to the northern and eastern sides of the site. The restricted site area, the change in levels, proposed planting and boundary treatments all result in an oppressive setting for the dwelling with reduced outlook and light to windows. This would further reduce amenity for occupiers of the proposed dwelling.

3rd Reason (Developer Contribution to mitigate impacts on Solent SPA)

- 6.11 The development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy

DM24 of the Allocations Plan which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures.

- 6.12 From 1 April 2018, the ('Definitive') Solent Recreation Mitigation Strategy SRMS applies to new residential development as approved by Havant Borough Councils Cabinet on the 7th February 2018. The Strategy uses a sliding scale to calculate the SRMP contribution for new residential development built within 5.6km of the coastline. As such, the contribution is now calculated based on the number of bedrooms per individual dwelling. In this case, the 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 is £531.35.
- 6.13 It should be noted that any decisions (including at appeal) made after the 1st April 2018 are liable to pay the new sliding scale contribution.
- 6.14 It is noted that the appellants Statement of Case makes reference in paragraph 4.5 to a draft unilateral undertaking and that a completed UU will be submitted before the appeal site visit. This contribution will need to reflect the revised charging schedule set out above and not the pre 1st April contribution. A revised draft agreement will be forwarded to the agent for completion in order to seek to address the third reason for refusal.
- 6.15 The development would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on the 1st August 2013. Therefore should permission be granted on appeal, this scheme will be liable to pay the Councils CIL upon commencement of the development. It is noted that the applicant is claiming self build exemption and this would need to be pursued with the CIL Regulations.

7.0 COMMENTS ON APPELLANTS STATEMENT OF CASE

- 7.1 The Councils 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 Paragraphs 3.3-3.13
Concerns have been raised in relation to the processing of this and previous planning applications. Many of the issues raised have been previously responded to by the Council. It is considered that the determination of the application the subject of this appeal has been given due and detailed consideration as evidenced by the detailed officer report. The Council also provided pre-application advice in relation to previous proposals. It is not considered that the Council has acted outside the approach advocated by the NPPF. There are, however, clear concerns evidenced by the number of planning applications for dwellings at the site and subsequent refusals that the applicants have failed to demonstrate to the satisfaction of the Local Planning Authority that an acceptable form of residential development on the site can be achieved.
- 7.3 Paragraph 3.17
The Local Planning Authority have considered the proposed development and representations made by third parties on their planning merits.
- 7.4 Paragraph 7.5-7.6
As stated in paragraph 6.14 the contribution needs to be increased in line with the

requirements of the ('Definitive') Solent Recreation Mitigation Strategy. In relation to the Administration and Monitoring Fees, the following comments are provided:

Havant Borough Council as an organisation has an established basis for the charging of monitoring contributions this is attached at **APPENDIX B**.

With particular reference to the Interim Solent Recreation Mitigation Strategy and more recently for decisions on or after the 1 April, the Solent Recreation Mitigation Strategy; this has been agreed between a partnership of fifteen Solent local authorities, Natural England, the RSPB, Hampshire and Isle of Wight Wildlife Trust and Chichester Harbour Conservancy. Since the implementation of the interim strategy in 2013 it has been accepted practice across the participating authorities, to minimise costs to the customer that an administration fee of £20 for the creation and handling of the unilateral undertaking will be charged (rather than more substantial legal fees being incurred through the employment of council and third party solicitors) and a monitoring fee charged, a modest 5% of the substantive contribution. The council have to notify land charges, keep the legal agreement safe, report on the funds received and keep them until the development commences at which time the substantive amount is passed to the relevant bankers. In the event of a permission not being implemented all funds excepting the £20 administration fee are offered back to the applicant.

7.5 Paragraph 7.11

The position of the amenity area and its proximity to adjoining properties are considered above, it is noted that the occupation of the property (outside of any Self Build CIL requirements that may be claimed) would not be restricted.

7.6 Paragraph 7.18

The full quote from paragraph 5.06 of the Borough Design Guide states:

Some overlooking of gardens from the upper floors of dwellings will be unavoidable in most urban and suburban housing layouts. However, the design should aim to mitigate these effects as far as possible by carefully designing the internal floor layout to concentrate habitable rooms away from adjacent properties where overlooking could be an issue. The council could also impose a planning condition as part of a planning consent, requiring obscurely glazed first floor bathroom or secondary windows to protect residential amenity. Furthermore walls and fences or the use of soft landscaping could help screen views. The type and species of planting used should be appropriate for its context.

In this case the overlooking is direct to garden and habitable rooms of the new dwelling and in the view of the Local Planning Authority cannot be effectively mitigated due to the nature of the site and ground levels and proximity between dwellings.

7.7 Paragraphs 7.21-7.22

The condition of the land is essentially down to good management by the owner. There is considered to be no justification for the land to be allowed to result in harm to the amenities of the area or adjoining residents.

7.8 Paragraph 7.38

The changes to internal layout and windows are not part of the determined scheme and the implications of the changes in terms of the amenities of future residents has not been assessed in detail. It is considered however that the loss of a wall window to a bedroom and the limited outlook and light to the larger

bedroom and living/kitchen area would be unlikely to provide an appropriate living environment. This is exacerbated by the position of fencing and levels changes. The impact of rooflights (no detail) on the relationship between adjoining properties is also untested and has not been subject to publicity.

7.9 Paragraph 7.39

In relation to the amenity area to the west of the proposed building, it is noted that the existing fence is to be replaced by a low fence 0.5m high. This is to improve light into the front of the building which is set below the adjacent roadside ground level. This area of land is therefore open to public view and does not provide a private garden area. It should also be noted that the land is sloping as shown on the proposed section drawings.

7.10 Paragraphs 7.1-7.19

Examples of other developments at 8 London Road, Widley and 44a Gladys Avenue, Cowplain are provided.

An important aspect to the consideration of any planning application is that the proposal should be treated on its own merits. Whilst it is appropriate for the Council to analyse applications in a consistent manner, it is important to recognise that each site has its own defining characteristics for example in relation to topography, neighbouring relationships and landscaping. The Inspector should it be considered appropriate is welcome to visit the developments listed.

At the time of the applications consideration the Development Manager emailed the applicant on the 17th August in relation to the two cases setting out the considerations as below:

Dear Mrs Gander

I refer to the above mentioned planning application and thank you for arranging to meet with David Eaves and myself last Thursday – it was very useful for me to be able to understand the site context at first hand.

Whilst consideration of your current application is ongoing, I wanted to bring you up to date with my analysis of the two other sites you cited in your email of 20 June 2017; namely, 44 Gladys Avenue and 12 London Road. I have now had the opportunity to review the applications and decisions associated with each, have inspected the sites in question, and have given consideration to whether they set a direct precedent for the development being proposed for the land adjacent 60 Gladys Avenue.

05/68999/005 – 44 Gladys Avenue

In the case of 44 Gladys Avenue and Planning Permission 05/68999/005, the properties approved here are sited behind the original building line of Gladys Avenue, being served by a separate access drive. In terms of their position in the street scene they form a distinct and recessed built frontage. Plot sizes vary but the smallest plot (No.44a) is of the order of 292sqm. Significantly, all of the plots lie considerably further from adjacent properties in the original built frontages of Gladys Avenue and Kendal Close, with intervening screening, than is the case with the current application site and adjoining properties – a minimum back-to-back

distance of 17m is achieved between No.44b and No.7 Kendal Close, with an angled relationship between the two. Other property separations are greater.

Taken together, the role of the dwellings in the street scene, their plot sizes, the degree of separation from adjacent dwellings, and the existence of some natural screening all serve to set this development apart from the current application in terms of its context and impact and therefore in my view it does not provide a direct precedent for your current application.

APP/17/00179 – 8 London Road

I have looked carefully at the permission recently granted for a bungalow in the rear garden of 8 London Road, Widley. I note that it does share a number of similarities to the current application at land adjacent 60 Gladys Avenue – it will form a new infill plot that constitutes the first plot in an established street scene; it features a similar road frontage; a similar (slightly smaller) plot size; and will result in garden depths shallower than those recommended in the Council's Borough Design Guide Supplementary Planning Documents. I note the Google Earth photographs that you forwarded to me under separate cover and I can understand why, with this 'bird's eye' overview, you might query whether my officers have displayed consistency in approving the scheme at 8 London Road when successive schemes on your own application site have not been successful.

Having now visited your application site, however, I would advise that there are also some important differences in the sites which point to the need for your latest application to be considered on its own merits. On our site visit last week the levels differences across the current application site were noted, and these have a distinct bearing on how the proposed bungalow would be experienced by neighbouring properties – with No.15 Lovedean Lane in particular lying at a lower level than the application site. In the case of 8 London Road the levels work in the alternative, with ground levels of adjoining properties generally higher than the site – and thus the potential visual impact of the approved bungalow is reduced.

In terms of the boundary treatments between the sites in question and their respective neighbours, again this varies. In the case of your current application there is no natural screening available to mitigate the visual impact of the new bungalow. In the case of 8 London Road, a substantial and dense boundary hedge is in place along the northern boundary of the site to a height of 2.5m which is noted on the approved plans; taken together with the falling levels, this serves to lend the approved dwelling a very subservient character in relation to both the existing dwelling at No.8 and adjoining properties.

A further important difference lies in the character of the adjoining properties to each site, in terms of the impact they will have on living conditions for future occupants. In the case of 8 London Road its immediate neighbours to the north are a bungalow and chalet bungalow

respectively, with no clear glazed windows overlooking the approved dwelling and its amenity space. The situation is rather different at Gladys Avenue, whereby the current application site lies adjacent to two, two-storey dwellings to the north and both of which directly overlook the site from close quarters.

I would therefore conclude that, having regard to all of these factors, it would not be appropriate for the planning permission at 8 London Road to be taken as a precedent for your current application. In reaching this conclusion I have also discussed your concerns with Daphney Haywood, the case officer who dealt with the London Road scheme and who, coincidentally, was also the case officer for one of the earlier Gladys Avenue applications – she was able to concur that the distinctions I have drawn between the two sites were representative of her own views of the sites as well.

In the circumstances, we will continue to analyse the issues surrounding the current application APP/17/00650 on their own merits, and with the benefit of the visit that David Eaves and I made last week. We will look to reach a decision on the application as soon as we are able following the expiry of the necessary publicity measures associated with the revised plans and levels information that your agent Peter Galloway submitted last week.

Yours sincerely

Steve Weaver
Development Manager
Planning Services

- 7.11 Whilst it is recognised that a rear window has recently been added to No.8 London Road this does not have the same relationship to facing windows in the new dwelling and the other assessed differences remain as above. It is not considered that the cases sited are directly comparable to the application the subject of this appeal.

8.0 CONCLUSION

- 8.1 In conclusion, it is considered that the proposed development would have an overbearing impact on No's 15 and 17 Lovedean Lane. Furthermore, it would detract from and dominate the previous spacious setting and outlook from these properties introducing an unacceptable relationship between dwellings to the harm of the residential amenities of the occupants. The rear private gardens of No.15 and 17 and their rear rooms would also be in close proximity to the limited private amenity of the space of the proposed dwelling and this is likely to lead to loss of privacy and disturbance from noise and activity. The proposal is therefore considered to conflict with local and national policy.

In addition, the development is considered to constitute an undesirable over-intensive use of the site which would not provide satisfactory private amenity space for future occupiers. The amenity space would be overlooked by 17 and 15

Lovedean Lane to the harm of the occupants privacy. The proposals to set the dwelling into the slope, the boundary treatments and landscaping proposals and the restricted nature of the site would result in the dwelling having a poor outlook and restricted light. The north facing living area and bedroom windows would be directly overlooked further harming the residential amenities of future residents, contrary to local and national policies.

Finally, without completion of the appropriate binding arrangements to secure a contribution towards the Solent recreation Mitigation Project the development would be contrary to the Council's Policy on contributions towards measures of mitigation against increasing recreational pressure on the Solent SPA. This would conflict with local and national policies.

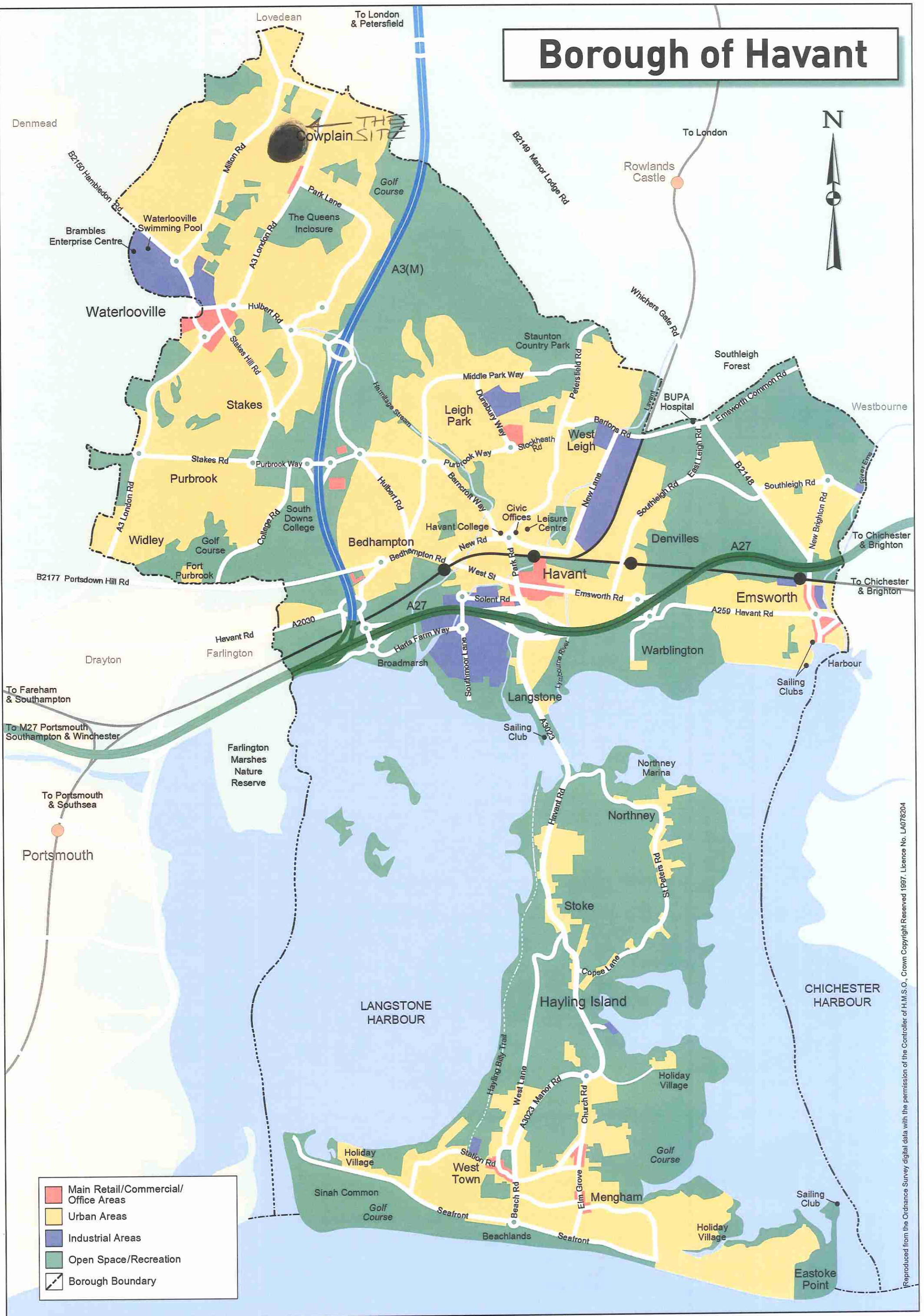
In accordance with guidance should this appeal be allowed a list of recommended conditions is provided separately on a without prejudice basis.

The Inspector is respectfully requested to Dismiss this appeal.

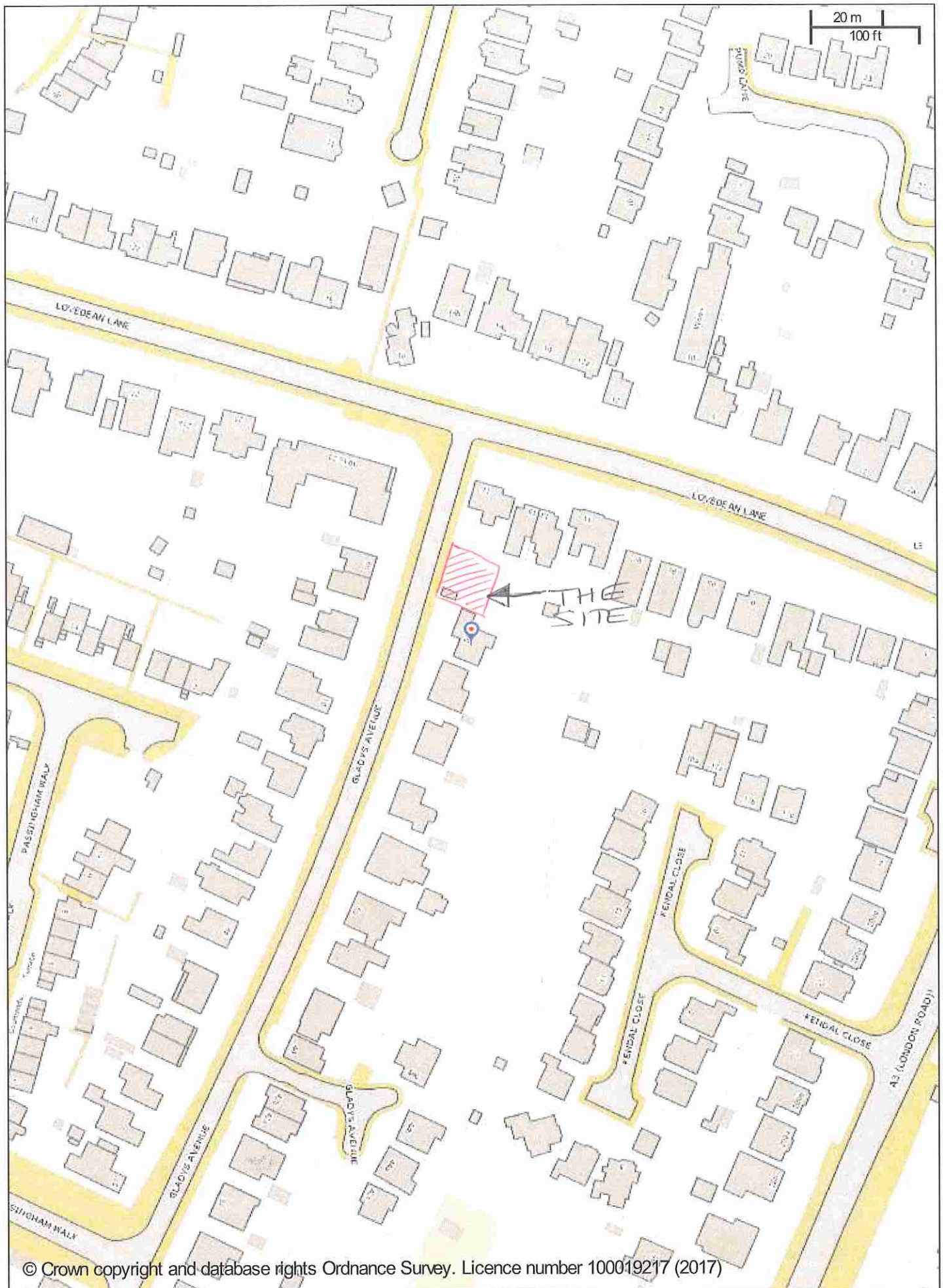
APPENDICES

- (A) Planning History copies of Planning Decisions
- (B) Monitoring Fees

Borough of Havant



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To:
Mr Douglas
Jeffrey Douglas Chartered Architect
114 Havant Road
Hayling Island
Hants
PO11 0LJ

For: Principle Properties Limited

THE TOWN AND COUNTRY PLANNING ACT 1990
Refusal of Planning Permission

Application Number: APP/10/00499

Site Address: 17 Lovedean Lane, Waterlooville, PO8 8HH

Proposal: Construction of 1No. 2 bed bungalow and detached single garage with new access from Gladys Avenue.

Further to your application received on 03 August 2010 which was valid from 05 October 2010 Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reasons for the Council's decision to refuse planning permission are:

- 1 The size and depth of the plot would not allow for development of a standard compatible with the existing surrounding development. As such the proposal would be an incongruous feature within the street scene and an overly dense form of development to the detriment of the visual amenities and character of the area and contrary to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statements 1 and 3.
- 2 The proposed development by reason of its siting and mass, would be overbearing and result in an excessive building bulk adjacent to 15 Lovedean Lane, detrimental to the visual outlook, privacy and amenities of the occupier of that property. As such the proposal would be contrary to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1 and 3.
- 3 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory amenity provision for the occupants and would have an adverse effect on the amenities of occupiers of adjoining properties. As such the proposal would be contrary to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statements 1 and 3.

- 4 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which, in accordance with Planning Policy Guidance 13, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. The proposal is therefore contrary to Policies T10 and IMP1 of the Havant Borough District Wide Local Plan 1996-2011.

In coming to its decision the Council considered plans and other documents submitted with your application and the saved policies of the Havant Borough District Wide Local Plan 1996-2011, forming part of the Havant Borough Local Development Framework.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pes.

Julia Potter
Executive Head of Planning and Built
Environment

29 November 2010



Havant
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Public Service Plaza
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Havant
Hampshire PO9 2AX

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F 023 9248 0263
DX 50005 Havant

www.havant.gov.uk

To:
Mr Douglas
Jeffrey Douglas Chartered Architect
114 Havant Road
Hayling Island
PO11 0LJ

For: Principle Properties Limited

**The Town and Country Planning (Development Management Procedure) (England) Order
2010
Refusal of Planning Permission**

Application Number: APP/13/00133

Site Address: Land to rear of 17 Lovedean Lane, Waterlooville, PO8 8HH

Proposal: Construction of 1No. 2 bed detached bungalow and single detached garage with new access from Gladys Avenue.

Further to your application received on 08 February 2013, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reasons for the Council's decision to refuse planning permission are:

- 1 The size and depth of the plot would not allow for development of a standard compatible with the existing surrounding development. As such the proposal would be an incongruous feature within the street scene and an overly dense form of development to the detriment of the visual amenities and character of the area and contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework.
- 2 The proposed development by reason of its siting and mass, would be overbearing and result in an excessive building bulk adjacent to 15 Lovedean Lane, detrimental to the visual outlook, privacy and amenities of the occupier of that property. As such the proposal would be contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework.
- 3 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory amenity provision for the occupants and would have an adverse effect on the amenities of occupiers of adjoining properties. As such the proposal would be contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework.
- 4 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to policy CS21 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework.

Our Ref: APP/13/00133

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.



Mr Chris Murray
Service Manager (Planning Development)

03 April 2013



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To:
Mr Douglas
Jeffrey Douglas Chartered Architect
60a Sinah Lane
Hayling Island
PO11 0HH

For: Principle Properties Ltd.

**The Town and Country Planning (Development Management Procedure) (England) Order
2015
Refusal of Planning Permission**

Application Number: APP/15/00718

Site Address: Land to rear of 17 Lovedean Lane, Waterloo, PO8 8HH

Proposal: Construction of 1No. 2 bed detached bungalow with vehicular and pedestrian access onto Gladys Avenue.

Further to your application received on 25 June 2015, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reasons for the Council's decision to refuse planning permission is/are:

- 1 The size and depth of the plot would not allow for development of a standard compatible with the existing surrounding development. As such the proposal would be an incongruous feature within the street scene and an overly dense form of development to the detriment of the visual amenities and character of the area and contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework.
- 2 The proposed development by reason of its siting and mass, in such close proximity to No 15 Lovedean Lane, would be overbearing and result in an excessive building bulk adjacent to 15 Lovedean Lane, detrimental to the visual outlook, privacy and amenities of the occupier of that property. Furthermore the proximity of the development to No 17 Lovedean Lane would result in the loss of the previously spacious setting and outlook, to the detriment of the occupiers of that property. As such the proposal would be contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework, the adopted Havant Borough Council Borough Design Guide Supplementary Planning Document 2011, and the National Planning Policy Framework.
- 3 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory amenity provision for future occupiers being a substandard contrived area and being overlooked by 15 and 13 Lovedean Lane. The use of this amenity space would also have an adverse effect on the amenities of occupiers of the adjacent property at 15 Lovedean Lane. As such the proposal would be contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework, the adopted Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.

Our Ref: APP/15/00718

- 4 The submitted details do not provide adequate provision for on site secure cycle storage in accordance with the Local Planning Authority's adopted standards. The provision of secure storage could add to the built form on the site to the detriment of the available amenity space for future occupiers. The proposal is therefore contrary to the adopted Residential Parking and Cycle Provision SPD, March 2010, Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The proposal, without the completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the Council's Policy on mitigating the impacts of development which, in accordance with approved Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 seeks to mitigate the impact of new residential development on the Solent Special Protection Area (SPA).

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs
- (3) The applicant is advised that if this application had been acceptable in all other respects, the scheme would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 1st August 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.
- (4) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- Your application was un-acceptable as submitted but no further assistance considered necessary.

Andrew Biltcliffe

Andrew Biltcliffe
Executive Planning Service Manager

19 August 2015



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

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F 023 9248 0263

www.havant.gov.uk

To:
Mr Critchley
Martin Critchley, Architect
The Old Brewery
15E South Street
Havant
PO9 1BU

For: Mr Gander

**The Town and Country Planning (Development Management Procedure) (England) Order
2015
Refusal of Planning Permission**

Application Number: APP/17/00068

Site Address: Land adjacent to 60 Gladys Avenue, Cowplain, Waterlooville, PO8 8HS

Proposal: 1No. 1 bed chalet bungalow and new crossover to parking area.

Further to your application received on 17 January 2017, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason(s) for the Council's decision to refuse planning permission are:

- 1 The size and depth of the plot would not allow for residential development of a standard that is compatible with the existing surrounding development. As such the proposal would be an incongruous feature within the street scene and would appear as a cramped and over intensive form of development to the harm of the visual amenities and character of the area and be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The proposed development would by reason of its siting, proximity to boundaries, mass, bulk and changes in levels have an overbearing impact on 15 and 17 Lovedean Lane. The proposal would detract from and dominate the previously spacious setting and outlook from these properties and introduce an unacceptable relationship between dwellings to the harm of the residential amenities of the occupants. The rear private gardens of No. 15 and 17 and their rear rooms would also be in close proximity to the limited private amenity space of the proposed dwelling and this is likely to lead to loss of privacy and disturbance from noise and activity. The proposal is therefore considered to result in an unacceptable relationship to adjoining residents and is contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

Our Ref: APP/17/00068

- 3 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory private amenity space for future occupiers. The amenity space would be overlooked by 17 and 15 Lovedean Lane to the harm of the occupants privacy. Furthermore, the proposals to set the dwelling into the slope and the frontage boundary treatment would result in the front lounge within the proposed dwelling having a poor outlook and restricted light. The rear kitchen/dining area windows would also face a fence and landscaping area within close proximity and the side kitchen door and window would be directly overlooked further harming the residential amenities of future residents. As such the proposal would be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 4 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs
- (1) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit,
- Your application was considered unacceptable.

- (2) The applicant is advised that if this application had been acceptable in all other respects, the scheme would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 1st August 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

14 March 2017



Havant
BOROUGH COUNCIL

Public Service Plaza
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T 023 9247 4174
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www.havant.gov.uk

To:
Mr Tutton
Robert Tutton Town Planning Consultants Ltd
23 Romsey Avenue
Fareham
PO16 9TR

For: Mr Gander

**The Town and Country Planning (Development Management Procedure) (England) Order
2015
Refusal of Planning Permission**

Application Number: APP/16/00820

Site Address: Land adjacent to 60 Gladys Avenue, Cowplain, Waterlooville, PO8 8HS

Proposal: Erection of detached 1No.2 bed bungalow.

Further to your application received on 08 August 2016, which was valid from 16 August 2016, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reasons for the Council's decision to refuse planning permission are:

- 1 The size and depth of the plot would not allow for residential development of a standard that is compatible with the existing surrounding development. As such the proposal would be an incongruous feature within the street scene and would appear as a cramped and over intensive form of development to the harm of the visual amenities and character of the area and be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The proposed development would by reason of its siting, proximity to boundaries, mass, bulk and changes in levels have an overbearing impact on 15 and 17 Lovedean Lane. The proposal would detract from and dominate the previously spacious setting and outlook from these properties and introduce an unacceptable relationship between dwellings to the harm of the residential amenities of the occupants. The rear private gardens of No. 15 and 17 and their rear rooms would also be in close proximity to the limited private amenity space of the proposed dwelling and this is likely to lead to loss of privacy and disturbance from noise and activity. The proposals is therefore considered to result in an unacceptable relationship to adjoining residents and is contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

Our Ref: APP/16/00820

- 3 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory private amenity space for future occupiers. The amenity space and rear of the dwelling would be overlooked by 17, 15 and 13 Lovedean Lane to the harm of the occupants privacy. Furthermore, the proposals to set the dwelling further into the slope and the frontage boundary treatment would result in the front bedrooms within the proposed dwelling having a poor outlook and restricted light. As such the proposal would be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 4 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs
- (1) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit,
- Your application was considered unacceptable.

- (2) The applicant is advised that if this application had been acceptable in all other respects, the scheme would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 1st August 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

11 October 2016

	Prices 2018/2019 (effective 1/4/18)	VAT	Comments
S106 Monitoring Fees The Council charges a fee to monitor all planning obligations and this is decided at a cost per head of term contained within the obligation and is in addition to the legal charge for drafting and checking the obligation.	£693 per non-financial head of term	O	Monitoring fee capped at a maximum of £10,000 per application
	5% of cost per financial head of term	O	
Solent Recreation Mitigation Strategy	Sliding Scale calculated on the number of bedrooms per individual dwelling	O	Payment for management of Internationally protected Habitat. Contribution also includes 5% monitoring and £20 administration charge. Further details: www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy

O – Outside the scope