

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

26A BIRCH TREE DRIVE, EMSWORTH, PO10 7RT

**Local Planning Authority Reference:
APP/12/01118**

**Planning Inspectorate Reference:
APP/X1735/A/13/2191205/NWF**



**26A BIRCH TREE DRIVE, EMSWORTH, PO10 7RT
CONSTRUCTION OF 1 No. 1 BED DETACHED CHALET STYLE BUNGALOW WITH
PARKING AND LANDSCAPING AND UTILISING EXISTING ACCESS FROM BIRCH
TREE DRIVE. (REVISED APPLICATION).**

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1 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 No.26a Birch Tree Drive comprises a detached chalet bungalow situated on a plot of some 0.05 ha on the south side of the road. A row of flat roofed garages lies on the opposite side of the road. Birch Tree Drive rises gently from south to north and over the plot width the rise is approximately 0.8m.
- 1.2 The southern boundary is bordered by a pedestrian footpath called 'Woodruffe Walk' which provides pedestrian access to the side boundary leading to the rear of the appeal property and back door. The main garden area lies to the northern side, and the rear western garden is approximately only 2m deep. Located within the northern garden area is a detached pitched roofed garage which has separate direct access with dropped kerb onto Birch Tree Drive. It is screened by timber gates. A second access with dropped kerb is located slightly south of this leading directly to the front door and gravelled driveway of the existing dwelling. The adjacent land to the north is formed by the rear gardens of No. 1 & 2 Birch Tree Close and to the west is the rear garden to No.3 Woodruffe Walk.

2 PLANNING HISTORY

APP/12/00814 Construction of 1No. 1 bed detached chalet style bungalow with parking and landscaping and utilising existing access to Birch Tree Drive. Refused 24/09/12

Various extensions and alterations to the existing dwelling.

3 APPLICATION

- 3.1 The development the subject of the appeal proposes the demolition of the existing garage and the construction of 1No. 1 bed detached chalet style bungalow utilising one of the existing accesses to Birch Tree Drive.
- 3.2 The new dwelling would be positioned 4m away from the northern side boundary and approximately 3.7m from the eastern rear boundary. The conservatory to the existing dwelling is to be removed and replaced with a new single storey extension allowing for a brickwork gable wall facing the proposed dwelling. New windows are

proposed to the rear ground floor elevation of the existing dwelling to allow natural daylight into the internal spaces allowing for an east/west aspect to the internal living area.

3.3 The main ground floor aspects of the proposed dwelling also face east west. A flat roof dormer which addresses the street elevation only is proposed to serve the first floor bedroom. Obscure glazed roof windows are include within the roof slope to the eastern elevation to provide natural light into the bathroom and landing .

3.4 The application the subject of this appeal was refused on the 19 December 2012 for the following reasons:

- 1 Development of the site in the manner proposed would amount to over-development, in that it would give rise to unsatisfactory plot sizes and to a cramped and congested layout which would be detrimental to the visual amenities and character of the area. The proposal is therefore 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 would constitute an undesirable over-intensive use of site which would not provide satisfactory living conditions for the occupants for the existing and proposed house and would have an adverse effect on the amenities of occupiers of adjoining properties. The proposal is therefore 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 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. It is therefore contrary to policies CS21 and DM12 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Guidance 13.

3.5 A Section 106 in respect to The Hampshire County Council Transport Contribution of £1980 was forwarded to the applicant's agent on the 24 May 2012. The agent has confirmed that his client is willing to enter into such agreement. The completed agreement is awaited and this would address the third refusal reason.

4 POLICY CONSIDERATIONS

4.1 The application has been determined against The National Planning Policy Framework and local planning policy. With regards to local planning policy, the application was determined against the relevant policies from the Havant Borough Core Strategy 2011, which was adopted on 1 March 2011 and forms part of the Local Development Framework. The relevant Core Strategy policies included; CS16 (High Quality Design), CS21 (Developer Contributions) and DM12 (Mitigating the Impacts of Travel).

4.2 Policy CS16 (High Quality Design), advises that development proposals would only be permitted where it can be demonstrated that they respect the local context and use characteristics of the locality to help inform the design of new development. Development proposals should avoid causing detrimental impact on the neighbouring and proposed properties.

4.3 Policy CS21 relates to developer requirements for on site and off site infrastructure in the Borough. It advises that where new or improved infrastructure is essential for planning permission to be granted, the council will require the on-site or off site provision and/or contributions through planning obligations, agreements or tariffs in accordance with the relevant legislation for off-site provision.

4.4 Policy DM12 relates to mitigating the impact of travel. It advises that new developments will be required to mitigate their travel impact, including the environmental impacts of travel (such as noise, air and visual pollution) and impacts on amenity, health and climate change. This includes ensuring that adequate provision is made for integrated and improved transport infrastructure or appropriate mitigation measures, through direct improvements and S106 contributions in accordance with the Hampshire County Council Transport Contributions Policy.

4.5 The Havant Core Strategy can be found at <http://www.havant.gov.uk/havant-11597>

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and as such Planning Policy Guidance 13 and Planning Policy Statement 1 have been deleted. The NPPF refers to Promoting Sustainable Transport. Paragraph 29 states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

4.6 In respect to design para. 56 of the NPPF the advises:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.7 It continues in paragraph 61

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.8 And paragraph states :

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.0 **REPRESENTATIONS**

5.1 The application which is the subject of this appeal was published in accordance with the Council's adopted publicity procedures, and 8 neighbour notification letters were sent. In addition a site notice was posted. One letter of comment was received by

the Planning Authority regarding the planning application. A Copy of the representation reply has previously been forwarded to The Planning Inspectorate.

6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the relevant policies of the Havant Core Strategy 2011 which forms part of the Local Development Framework and the reasons for refusal given in the Decision Notice dated 19 December 2012, it is considered that the main issues for consideration are set out below.

- 6.2 (i) Impact on visual amenities and the character of the area
(ii) Effect on proposed and existing properties
(iii) Lack of Transport Contribution

(i) Impact on visual amenities and the character of the area

6.3 The appeal site lies within a primarily residential area comprising dwellings of mixed size and character. The appeal property itself has been altered over the years, however, it is still apparent that it was constructed as one of a frontage of similar bungalows giving this part of Birch Tree Drive its particular identity. As such it is one of a number of dwellings on this side of the road with similar built frontages in the order of 10 to 12m. The proposed dwelling due to its restricted built frontage of only 6m would be at variance with the established street-scene and would not respond to the local context. The proposal would therefore appear at odds with the existing pattern of development and be an incongruous addition to the street-scene. It would result in a contrived form of development, which does not respond to and respect the local context as such it would be contrary to NPPF and to Policy CS16 of the Core Strategy.

6.4 The main garden for the existing property currently lies to the side, and the proposal to develop this area with a detached dwelling would result in restricted plot sizes and garden areas for both the existing and the proposed property. In the case of the proposed dwelling the garden would comprise a 4m strip, and in the case of the existing property the amenity area would be sited mainly to the front adjacent the parking area. Most of the plot would be developed to provide living accommodation and parking. This would result in very dense form of development with very limited amenity space or open space and little opportunity for planting. The development would appear cramped and contrived to such an extent that it would be detrimental to the appearance and the character of the area. The proposal comprises an over-development with unsatisfactory plot sizes and a cramped and congested layout which would be detrimental to the character and appearance of the locality and contrary to Policy CS16 of the Havant Borough Core Strategy 2011 states that new development should respond to, draws inspiration from and respects local context.

(ii) Effect on proposed and existing properties

6.6 The proposed dwelling would be served by a small garden area to the rear, and that for the existing dwelling would comprise a narrow strip to the south, and a further small area to the front alongside the parking area. These poorly related and small areas are not considered to provide an appropriate level of private amenity space especially for the existing 4 bedroom dwelling. This cramped lay out would be detrimental to the existing property and the proposed property providing substandard amenity provision.

- 6.7 The proposed development, whilst designed to prevent overlooking of the property to the rear at 3 Woodruff Walk, will nevertheless have an adverse impact from the close proximity of the new dwelling to boundary. This proximity, of less than 4m and the small size of the amenity area for the new dwelling means that any activities will be concentrated in the small amenity area immediately adjoining the garden to No3 Woodruff Walk. The occupiers of that property would be subject to noise and potential nuisance to the detriment of their amenities and contrary to Policy CS16 which states that development should not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.
- 6.10 Therefore, having regard to these considerations the proposed development is considered to be unacceptable as it would provide inadequate amenity areas for the proposed and existing dwelling and adversely impact the existing dwelling at 3 Woodruff Walk and as such the proposal would be contrary to policy CS16 of the Core Strategy.

(ii) Lack of a Transport Contribution

A contribution of £1980 is required towards the Hampshire County Council Transport Policy. The agent was advised prior to a decision being reached that a contribution was required. As such a reason for refusal was included on the decision which relates to the lack of a contribution towards the costs of necessary improvements to transport and a resultant conflict with the objectives of Policy CS21 of the Core Strategy 2011 which forms part of the Havant Borough Local Development Framework.

The private car is the dominant mode of transport in Hampshire and accounts for 70% of all journeys to work. Traffic on the network increases every year, by 1% on local roads and by 2% on motorways. As traffic increases, journeys take longer and become less reliable. Congestion on the network is a key problem, and is identified by businesses in the county as a key constraint on competition and economic growth. The Hampshire County Council Transport Policy seeks to address this by seeking contributions which would provide and facilitate transport including alternative means of transport.

The requirement for a contribution towards highway improvements is considered relevant to planning because it relates to the Government's and the Council's sustainability agenda, and in particular, to encourage patterns of development which reduce the need to travel by private car.

The contribution is necessary to make the development acceptable because the cumulative effect of allowing residential development in an area which already suffers from high levels of congestion and poor accessibility to services is to exacerbate an existing problem. Whilst it is accepted that the impact of the development could be minimal the combined impact of development can create the need for infrastructure and that it is reasonable to pool developers' contributions in order to secure necessary improvements

The contribution is directly related to the proposed development because it would contribute towards the provision of facilities in the local area. The occupiers of the development would be able to benefit from these.

The contribution is considered to be reasonable in all other respects.

7.0 COMMENT ON THE GROUNDS OF APPEAL

- 7.1 The grounds of appeal draw comparisons between the appeal site and 2 The Greenway, however, the context for 2 The Greenway is very different in that it fronts onto a pedestrian area, the built frontage is similar to the properties to either side and garaging is provided off site allowing for a more spacious setting. Therefore it is considered that this development should not be taken as setting a precedent.

8.0 CONCLUSION

- 8.1 The site lies within the urban area, and, whilst the principle of residential development may be acceptable in this location, there are significant concerns regarding the impact on the character and appearance of the area and the adverse effect on amenities of the neighbouring property and those for the proposed dwelling.
- 8.2 The Inspector is therefore respectfully requested to dismiss this appeal. Should, however, the Inspector be minded to allow the appeal and grant permission for the proposal, the Council would request that the planning conditions set out in Appendix (B) are attached to any permission.

APPENDICES

- (A) Site location plan
(B) Without Prejudice suggested conditions