
Site Address:	Land adjacent to 60 Gladys Avenue, Cowplain, Waterlooville, PO8 8HS		
Proposal:	1No. 1 bed chalet bungalow and new crossover to parking area.		
Application No:	APP/17/00068	Expiry Date:	14/03/2017
Applicant:	Mr Gander		
Agent:	Mr Critchley	Case Officer:	David Eaves
	Martin Critchley, Architect		
Ward:	Cowplain		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site fronts Gladys Avenue and lies to the rear of 17 Lovedean Lane and to the north of 60 Gladys Avenue. The land measures approximately 15m x 15.5m when scaled from the site plan with the site area given as 232.5sqm in the Design and Access Statement. 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 the time of my site visit that the site has been partly used as a storage area for waste materials.

The surrounding area is primarily residential in character with a mix of semi 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 Planning History

APP/16/00820 - Erection of detached 1No.2 bed bungalow., REF,11/10/2016 - 4 reasons incongruous development/cramped, Unneighbourly, Over-intensive/unacceptable amenity space, lack of contributions.

APP/15/00718

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

Refused 19th August 2015 : 5 reasons: 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 bungalow and detached single garage with new access from Gladys Avenue

This was a revised scheme lowering the roof profile of the bungalow & windows

Refused 03/04/2013 4 reasons: overly dense; overbearing excessive building bulk; inadequate amenity for future occupiers; lack of contributions

APP/10/00499

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

Refused 29/11/2010 4 reasons: overly dense; overbearing excessive building bulk; inadequate amenity for future occupiers; lack of contributions

17 Lovedean Lane:

10/56133/001

Raise ridge to form first floor accommodation, attached garage, rear conservatory and associated car parking. Permit 2010

3 Proposal

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

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

The plans show no specific issue which will affect the building regulations. There are no public sewers within 3m of the proposed building.

Crime Prevention -Minor Apps

No comments received

Engineering/Drainage, Havant Council

Same drainage comments as for previous applications at this address.

Previous Comments:

The assertion in the Drainage Strategy Report that the ground supports infiltration is questionable given the results of soakage tests on nearby development sites which showed low rates. A soakage test should therefore be undertaken to verify the surface water drainage proposal. In the event of this not being successful, positive drainage will be required.

In reality the result is likely to show that a mix of both infiltration and positive drainage, perhaps by means of a high level overflow into the existing system, will be required.

Officer Comment:

If the application had been considered acceptable in other regards planning conditions would have been imposed to seek an alternative surface water drainage scheme.

Development Engineer (Highways)

The Highway Authority have no adverse comment to this application.

Portsmouth Water Company

No further comments or concerns in regards to application

Waste Services Manager

No concerns over waste collection regarding planning application

6 Community Involvement

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

Number of neighbour notification letters sent: 16

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 7 Objections 9 names + petition with 12 names (some have written in separately).

Objections:

Character of Area

Bungalow with only one bedroom entirely out of character for road and area
Cannot follow building line - looks out of place.

Overdevelopment

Plenty of houses being built in area - no need to squeeze houses into gardens where never intended.

Non-compliance HBLP(CS) 2011 policy CS16 Conflict with HBLP and NPPF.

Does not respect local context and street pattern and scale and proportions of surrounding buildings.

Out of character to detriment of local environment.

Plot size very small - out of character with size and extent of the other existing plots within Lovedean Lane and Gladys Avenue.

Properties in Gladys Road and Lovedean Lane are typically characterised by large plots, with large spacing between respective properties.

Would effectively box in 17 Lovedean Lane. A loss of privacy, our visual amenities and being overlooked.

Conflict with Borough Design Guide SPD - garden depth

Impact on outlook.

Inaccurate drawings/site plans - Site dimensions listed as 232.5sqm - at best site 225sqm.

Over-dense and overly intensive use of site.

Piece of land to front not within site.

Request Council conduct own measurements when considering proposed development.

Appearance of 'granny annex' out of keeping.

Overdevelopment

Impact on Neighbours Amenities

Overbearing and unnatural imposition on the houses on Lovedean Lane - dominate outlook of those houses.

Fence height to No.17 not 2m as shown but 1.8m.

Does not afford adequate privacy for ourselves or adjacent residential properties, particularly with regard to our right to the quiet enjoyment of garden amenities.

Responsibilities of the Council under Human Rights Act, Protocol 1, Article 1 which states a person has the right peaceful enjoyment of all their possessions which includes the home and other land.

Believe development would have a dominating impact on us and our right to the quiet enjoyment of our property.

Article 8 of Human Rights Act states that a person has the substantive right to respect for their private and family life.

Development max. 8.5m from back of our property (Kitchen and master bedroom) primary living areas.

More imposing than previously rejected applications.

Development will be extremely imposing and absolutely dominate visual aspect and severely impair light ingress via overshadowing.

Overlooking between properties.

Proposed building even higher and more overbearing than last application.

Living space at the rear of our property compromised

Creates shadow and light ingress

Properties overlook each other.

Impact on our small south facing garden

Roof height and roof light impacts

Loss of light

Noise

Smell

Drainage

Proposed drainage strategy flawed.

Area stated for run-off rate calculation incorrect.

Clear increase in surface water run off - without attenuation storage and a controlled release into surface drainage area infrastructure, this contravenes requirements of policy CS15.

Soakaway increases flood risk due to levels to 15, 13 & 11 Lovedean Lane - contrary

to CS15

Increase to flood risk.

No site investigation of suitability of soakaway undertaken

Concerns in relation to floor levels and foul drainage requirements increasing overlooking contrary to CS16.

Engineering/Drainage comment compounds our comments and concerns.

Existing surface water flow problem.

Progressive worsening of grounds ability to cope with significant rainfall at front and rear of our property.

Situation worsens towards 11 and 9.

EA flood map -significant area of water retention diagonally across the properties along Lovedean Lane.

Increase overland water flow to our properties.

Just over 1.5 years ago we had to invest in better drainage at front of our property to reduce flood risk/water ingress into property.

Previous foul sewerage problems

High water table

Insist all water run off from house be connected to Southern Water main drainage.

Flooding to insider of our property experienced

Other Matters

Previous refusals.

Area should be returned to garden.

Land has become unsightly mess and used as dumping ground

Trees and shrubs previously removed

Concern over late submission of supporting representations

Officer Comment Representations will be considered until application is determined.

The garden becoming a mess is not a reason to build on it

Support:

Character of Area

Gladys Avenue is mix of properties from bungalows through chalet bungalows to medium and large two-storey houses built from 1930's to recent years which all contribute to the eclectic nature and character of street scene.

Proposed chalet bungalow of design sympathetic to nearby chalet bungalows.

Blends into visual amenity of evolving street scene.

No longer want to live along side a derelict plot which has blighted the Avenue for several years.

Reduced mass and bulk of property - greatly enhances appearance and puts it into context with nearby dwellings contributing to street scene.

Change in roof style ensures graduated transition between neighbouring properties.

Sustainable build of attractive dwelling which solves issues relating to reasons for refusal of previous applications.

Site eyesore

Not an incongruous feature in street scene

Not cramped/over intensive form of development

Under utilised land

Impact on Neighbours

Plot derelict for many years with huge shed and brambles higher than fencing separating plot from neighbours. So view cannot have been considered spacious outlook.

Design ensures that development will not impair view or overshadow 15 and 17

Lovedean Lane.

Revised positioning and size of dwelling, together with re-positioning of the driveway to the north, substantially increases the distance between proposed dwelling and No.15 and 17 Lovedean Lane.

Improved privacy and reducing disturbance to neighbouring properties.

Higher fencing and planting also contribute to resolving issues.

Not cause loss of privacy and disturbance to Lovedean Lane residents

Amenities of New Dwelling

Increase in amenity space of proposed dwelling

Improved amenity space of occupants

Not overlooked by neighbouring properties

Rooms of the dwelling do not suffer poor outlook and restricted light.

Significant improvements

More visual and amenity and amenity space to occupants

Privacy secured for occupants and neighbours - increased distances and strategic landscaping.

Provides suitable amenity space for occupants

Drainage

Planning permission not refused on drainage grounds

Drainage issues can be solved

Other matters

Owner intends the dwelling as a home for himself and young son.

Bungalow self-build project

Self build project (encouraged by Government policy)

Complies with policy

Need for housing

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 on neighbouring properties/future occupants amenities
- (iii) Impact upon residential amenity
- (iv) Highway considerations
- (v) Drainage
- (vi) Developer Contributions

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable, and the addition of a new dwelling in such a location would make a modest contribution to the Council's overall housing requirements. The acceptability of the site in detail also needs to be considered, however, in the context of the usual development management criteria to establish whether the proposal would represent a sustainable form of development.

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

Developing garden areas can have a detrimental impact on the character of an area and the amenities of occupants, and decisions should be informed by the quality of a scheme in relation to its context. The street is characterised by detached and semi detached dwellings generally set back from the road by distances in excess of 5m.

By comparison, the proposed chalet bungalow would have a significantly shorter plot than the existing properties in Gladys Ave, and would sit substantially closer to the road with only a 3.7m set back whereas No. 60 Gladys Ave is set back approximately 7.2m. Whilst the side wall of No.17 Lovedean Lane sits closer to Gladys Ave and is only set back by 1.6m this property is situated on a corner plot and reads as fronting Lovedean Lane. The application indicates that the development would be at a lower level than the pavement, nevertheless, the proposed chalet bungalow due to its significantly forward position compared to the other bungalows on the east side of Gladys Avenue, would appear visually incongruous and cramped in the street scene.

The proposal would result in the development of a much smaller and shallower plot than those in its immediate context. In consideration of this point it is important that the local character and context is respected with the spacing and character of a development comparable to or sympathetic with that of the surrounding area. In this case it is considered that the combination of the much reduced spacings on this plot compared with its surroundings and the much greater density, indicate that the development has a more heavily built up character that does not respect the context of the area. Policy CS16 requires development to respect its local context with the characteristics of the area (including building lines, plot widths and depths) used to inform the design. The proposal clearly does not comply with this policy in that there is a clear conflict with the adjacent building lines and depths. Furthermore, the limited space about the proposed dwelling means the limited opportunity for planting, and restricted external amenity space would result in the proposal having an adverse impact on the character of the area and the street scene.

The agent in relation to the most recent refusal of planning permission provided examples of other development at 44 Gladys Avenue, however this was part of a more comprehensive cul-de-sac development. It is considered that this individual infill plot raises different considerations to that proposal. It is also noted that this development precedes the Council's Design Guide SPD's adoption in 2011.

(iii) Impact on neighbouring properties/future occupants amenities

The main impact relates to 15 and 17 Lovedean Lane and 60 Gladys Avenue.

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 approximately 1.6m from the common boundary with the north eastern corner of the proposed bungalow approximately 10.4m from the south western corner of No 15. The glazed rear part of No.15 would be impacted by the proposed development. The full extent of development would be clearly apparent above the existing fence. This close proximity to the garden and dwelling at 15 Lovedean Lane, extending along virtually the full length of its rear garden, would adversely impact the outlook and amenities of occupiers of that property. Furthermore since the 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 tranquility and privacy.

In respect to the impact on No 17, the proximity of the chalet bungalow to the shared boundary would result in the outlook from No 17 being affected - the building to building separation would only be approximately 16m to the single storey part of the new dwelling and to 19m to the two storey element. 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. The proposed private amenity space for the dwelling would be set adjacent to the rear garden of No,17 reducing the tranquility and privacy of both amenity areas.

In relation to the relationship with No. 60 Gladys avenue, this property is a bungalow with a garage set closest to the application site. The forward projection of the new dwelling would be rather dominant when viewed from the frontage of No.60, however, given the set off of the front window beyond the garage it is not considered that this relationship would be unacceptable.

The main amenity area for the proposed dwelling would be located to the northern side of the chalet bungalow, having a maximum depth of approx 9m and width of approx 7.2m. This area is considered very limited. The amenity area would not meet the minimum required in the adopted Borough Design Guide 2010 which states at para 5.13 garden depths should be "10 metres in length". The proposed amenity space only has a depth of 9m. The nature of the available space does not reflect the more spacious garden sizes of the surrounding area. Furthermore, in terms of its use by future occupiers, the area would be directly overlooked from 17 and 15 Lovedean Lane. Being two storey dwellings these would have views into the site affecting the enjoyment of the limited rear garden for future occupiers.

The proposed dwelling would be set into the slope and there is a proposal for a front wall along Gladys avenue. It is noted on the front elevation that the line of the front wall (positioned approximately 3.3m from the front lounge window) would result in these rooms having an oppressive outlook and reduced light. The rear dining and kitchen windows would face a fence and landscaping close to the rear elevation. The side kitchen window and door would be overlooked by 15 and 17 Lovedean Lane. This would further reduce light and amenity for occupiers of the proposed dwelling.

(iv) Highway considerations

The submitted plans indicate 2 parking spaces which exceeds current standards and the Development engineer does not rise objection to the proposals.

(v) Drainage

Had all other matters been found to be acceptable then the detailed matters of the surface water and foul drainage concerns raised by residents would have been addressed and further details requested or conditioned.

(vi) Developer Contributions

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 (plus indexing) on new

floorspace (measured as gross internal area) in Waterlooville.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the dwelling has been calculated by the agent as 71.5 sqm which generates a total CIL liability of approximately £5720. It is noted that the applicant is claiming self build exemption.

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 which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures. This is set at £176 per dwelling to the Solent Recreation Mitigation Project. For the proposed dwelling, plus admin and monitoring fee, a payment of £204.80 is due. This payment has not been pursued at this stage given the other concerns in relation to the application. The proposal therefore fails to accord with Policies CS11, CS21 (Developer Contributions) and DM24 .

Since the application is recommended for refusal the absence of the SRMP financial contributions can form a further reason for refusal, and in the event of an appeal, both this contribution and the CIL payment can be subsequently made to address these issues.

8 Conclusion

The proposed dwelling would make a modest contribution to the Council's overall housing targets in an established urban area. When considered in detail, however, it is clear that the proposal would result in a contrived and cramped form of development, out of character with the appearance of the area and street scene, contrary to Policy CS16 and the Borough Design Guide 2011. The proposed chalet bungalow would have an over dominant impact upon the outlook of the neighbouring properties at both 17 and 15 Lovedean Lane, to the detriment of their residential amenity, also contrary to Policy CS16. It would also not provide appropriate residential amenities for future residents. The alterations to the previously approved scheme are not considered sufficient of an amendment to overcome the more fundamental objections to this development. Furthermore, the appropriate financial contribution has not been received.

The benefits to be derived in economic terms from the development are therefore considered to be outweighed by the environmental disbenefits of the proposal, and the recommendation is therefore refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/17/00068 for the following reasons:

- 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.
- 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.