
Site Address: 129 Havant Road, Hayling Island, PO11 0LE
Proposal: Part conversion part extension of large single storey rear garage to form a chalet style two storey annex with dormers
Application No: APP/21/00768 Expiry Date: 16/09/2021
Applicant: Mrs B Hackett
Agent: Mr I Murray Case Officer: Joseph Toole
Ward: Hayling West

Recommendation: **GRANT PERMISSION**

1 Site Description

129 Havant Road, Hayling Island, is a detached bungalow located to the south side of Havant Road. The property comprises of stone and concrete roof tiles. Vehicular access is from Havant Road with parking down the side. The property has a large area to the back, abutting a paddock.

The property is located within a residential area with fields to the back. There is a Grade II listed building adjacent to the site at No. 131 Havant Road.

2 Planning History

No relevant planning history.

3 Proposal

Part conversion part extension of large single storey rear garage to form a chalet style two storey annex with dormers

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)

Havant Borough Local Plan (Allocations) July 2014

Submission Version Havant Local Plan

E1* (High quality design)
E13 (Historic environment and heritage asset)
E15 (Protected species)
H6* (Residential annexes)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Brenda Linger

No Comment.

Councillor Clare Satchwell - Hayling East

No Comment.

Councillor I Scott Hayling West

No Comment.

County Ecologist

The application is not accompanied by any ecological information and I have therefore carried out my own nonexhaustive desk-based assessment using the application documents, online sources and GIS mapping. The small scale construction activity arising from the proposals has the potential to impact sites listed in the Solent Waders & Brent Goose Strategy (SWBGS): these sites form supporting habitat for the nearby Solent Special Protection Areas (SPA). SWBGS sites H53C and H53D, are situated 120m west and adjacent to the site. It is well-established that novel construction noise can result in disturbance of bird species up to distances of 2-300m. With respect to SWBGS sites there is potential for disturbance impacts only during the overwintering season which extends between 1 October and 31 March.

In common with similar applications nearby, where Natural England requested further information to be provided. Havant Borough Council, as the 'competent authority' with respect to the Habitats Regulations, should screen this proposal for potential likely significant effect on SPA supporting habitat. I would recommend that a Construction Environment Management Plan (CEMP) is produced, which shall include an assessment of the likely impacts and details of measures to avoid/minimise noise and visual disturbance.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

County Ecologist (2)

The submitted Construction Environment Management Plan (CEMP) shows that the proposed works will not entail any percussive noise and will be carried out between April and September. Where works do take place within the overwintering bird season, hoarding will be positioned at the southern site boundary.

Given the limited likelihood of noise and visual disturbance I am satisfied that these

measures are sufficient.

If you are minded to grant permission, can I suggest that the measures detailed within the CEMP are secured by condition.

Development shall proceed in strict accordance with the ecological avoidance and mitigation measures detailed within the submitted Construction Environment Management Plan unless otherwise agreed in writing by the Local Planning Authority. Reason: to protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Developer Services, Southern Water

Please find the attached extract from Southern Water records showing the approximate position of a public sewers within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No new development or new tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructures should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

For further advice, please contact Southern Water, Southern House, Yeoman Road,

Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

Langstone Harbour Board

The Board's Planning Sub Committee has considered this application and has **no objections** to the proposals.

Natural England Government Team

Please find our further comments regarding the above application, this advice supersedes the previous response sent on the 13th August.

Deterioration of the water environment and Solent recreational disturbance
This application is for an annexe which will only be used as ancillary accommodation for the existing dwelling. Provided you are confident this can be secured, we agree that nitrogen neutrality and Solent recreation mitigation are not applicable in this instance as the proposals do not represent a net increase in residential dwellings.

Solent SPAs functionally linked land

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

The proposals have the potential to affect SPA functional land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. The sites affected are; H53C which is to the west of the site and is classed as Primary Support Area; and H53D which is adjacent to the site which is classed as a Candidate site.

As a result, Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the adjacent Chichester and Langstone Harbours SPA, Ramsar and the SPA's functional land mentioned above.

The CEMP should address the following impacts:

- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into designated sites

- Waste disposal.

The CEMP should ensure there is no percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

This detail should be included in an Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

Natural England - 24/01/2022

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites and functionally linked land, Natural England does not object to the granting of this permission subject to the advice given below.

Your Habitats Regulations Assessment, dated 06 January 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

The proposals have the potential to affect SPA functionally linked land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. Please see the Solent Wader and Brent Goose Strategy (SWBGS) for more information.

We note that a Construction Environment Management Plan (CEMP) has been provided as requested following your previous correspondence with Natural England. We advise that strict adherence to the CEMP, particularly regarding the timing of works, be secured as a planning condition.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Conservation Officer

Background

The application site is located on Havant Road in Hayling Island. It is currently a detached garage located at the end of a long access driveway.

There is a Grade II listed building adjacent to the site at No. 131 Havant Road.

Proposal: .

The proposal is for the conversion of the outbuilding into a two-storey, chalet annexe.

Assessment: .

The proposal would increase the height of the structure however it would be adjacent to a similar height structure which lies within the curtilage of the adjacent listed building. The presence of this building would obscure the view of the enlarged garage to / from the listed building. The application site is also physically separated by the boundary fence.

Overall it is considered that the proposal would not result in harm to the significance of the adjacent listed building.

Conclusion .

No objection

Portsmouth Water

Please find attached the plan(s) showing the approximate position of water mains at the requested location.

Service connections are not shown but it should be assumed that all premises are supplied from the water distribution network. Other connections not related to properties, such as field supplies, may also exist so we would suggest a visual/CAT scan/Ground Radar survey is undertaken prior to any hand or mechanical excavation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. This documentation is available at <http://www.hse.gov.uk/pubns/priced/hsg47.pdf>

Copies of guidance notes: Working near distribution apparatus and Guidance for working near or over a Trunk Water Main are enclosed. Please read carefully as the conditions will apply to any work you undertake in the vicinity of Portsmouth Water assets.

It is important to ensure that a copy of the above guidance is provided to those undertaking any work which may affect our apparatus.

Please note Portsmouth water has no responsibility for any underground drainage or sewerage infrastructure. Enquiries regarding these assets should be directed to the relevant authority/company.

6 Community Involvement

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

Number of neighbour notification letters sent: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Red line concern extending beyond the residential curtilage of the property	Please see Section 7.
Proposed development description incorrect	This has been amended.
Could result in being converted into a residential property	The application is for the creation of an annexe therefore this is what has to be assessed.
Does not meet the Nationally Described Space Standards	As it would be an annexe this does not need to be met.
No functional link to the main dwellinghouse	Please see Section 7.
Poor design	
Loss of light	
Appear overbearing	
Feel overlooked	

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) Appropriateness of design and impact on the character of the area
- (iii) Impact on Listed Building
- (iv) Effect on neighbouring properties
- (v) Drainage
- (vi) Ecology
- (vii) CIL

(i) Principle of development

7.2 The majority of the proposed development would be within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

7.3 Concerns were raised regarding the legitimacy of the red line area shown on the Location Plan. Details were provided by the applicant's agent stating the red line is correct

and falls within the deed area of the property. It is also correct according to OS mapping. Therefore, it is considered the strip of land to the west is part of the domestic curtilage of the property and thus deemed acceptable.

(ii) Appropriateness of design and impact on the character of the area

- 7.4 The proposed development would involve the part conversion part extension of a large single storey rear garage to form a chalet style two storey annex with dormers. The proposed annex would be used as a garden room on the ground floor with two bedrooms and a bathroom on the first floor. The proposed annex would provide additional accommodation for family members and family visiting. Within the Emerging Local Plan Policy H6 provides for residential annexes. Planning permission will be granted relating to existing residential properties where the following is met:

a. The annexe has a functional connection with the host dwelling;

The proposed annex here would have a functional link to the main house in the form of having meals served in the house as there would be no kitchen units.

b. The annexe is, and will remain, ancillary to the host dwelling;

The existing bungalow is a three bedroom property and the proposed annex would be two bedroom, thus it is considered to be ancillary to the host dwelling. A condition will be provided for the proposed annexe to remain ancillary to the host dwelling.

c. Sufficient private amenity space remains to serve both the host dwelling and the annexe following the development

There is sufficient private amenity space to serve both.

d. There is no boundary demarcation or sub-division of curtilage areas between the host dwelling and annex

There is no demarcation of the boundaries between the buildings.

Therefore, it is considered to meet the criteria set out within Policy H6 of the Emerging Local Plan.

- 7.5 The proposed annex would have white render and timber cladding. This is considered to be in keeping with the context of the area.

- 7.6 The annex would be located to the rear of the property therefore it is considered to have a limited impact upon the character of the area. Furthermore, the proposed annex would be partly screened by the existing outbuilding to the south and would be located within an area where there are a number of buildings, therefore not considered to have a negative impact on the countryside to the south.

- 7.7 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy) and Policy E1 and H6 of the Submission Havant Borough Local Plan 2036. It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact on Listed Building

7.8 No.131 Havant Road to the west of the site is a grade II listed building. The Council's Conservation Officer was consulted on the application. It is claimed that No.131A Havant Road would obscure the view of the enlarged annex from the listed building. The application site is also physically separated by the boundary fence. Overall it is considered that the proposal would not result in harm to the significance of the adjacent listed building.

7.9 Therefore, it is considered to meet Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS11 of the HBLP (Core Strategy) and Policy E13 of the Submission Havant Borough Local Plan 2036.

(iv) Effect on neighbouring properties

7.10 On the east side of the proposed annex there would be a door and windows on the ground floor. These views would be screened by the trees and hedging along the shared boundary No.127 Havant Road. Thus, it is not considered to cause harmful overlooking. At first floor level there would be two dormer windows serving the bedrooms. They would face out onto a commercial storage area therefore it is not considered to cause a loss of privacy to the neighbouring occupiers. Due to the separation distance from the shared boundary and its pitched roof design it is not considered to appear overbearing or result in the harmful loss of light to No.127 Havant Road.

7.11 On the west side of the proposed annex there would be a set of doors on the ground floor. These views would be screened by the existing hedging along the shared boundary No.131A Havant Road, therefore not causing harmful overlooking. At first floor level there would be two windows within the dormer serving an en-suite and bathroom. These windows would be obscurely glazed and non opening below 1.7 metres in floor level. Therefore, it is not considered to cause harmful overlooking to the occupiers of No.131A Havant Road. A condition has been recommended for these windows to be obscurely glazed and retained as such. Due to the orientation of the proposed annex and its pitched roof design hipping away from the shared boundary with No.131A Havant Road it is not considered to appear overly overbearing or result in the harmful loss of light to the neighbouring property.

7.12 On the south side there would be window at first floor level. This would face out onto the fields therefore not considered to cause any form of harmful overlooking to surrounding properties.

7.13 On the north side there would be one window on the ground floor and one on the first floor. As these would face out onto the property's rear garden it is not considered to cause any form of harmful overlooking to surrounding properties.

7.14 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy) and Policy E1 of the Submission Havant Borough Local Plan 2036.

(v) Drainage

7.15 Southern Water were consulted on the application raising no objection. An informative has been added to the decision. Furthermore, Portsmouth Water were consulted on the application raising no objection. An informative has been added to the decision.

(vi) Ecology

- 7.16 The proposed development is located near Solent Waders & Brent Goose Strategy sites H53C and H53D, situated 120m west and adjacent to the site. It would also be located within 50 metres of breeding swifts nest site. Natural England and the County Ecologist commented on the application requesting a Construction Environmental Management Plan (CEMP) to be provided prior to approval. This needed to identify the steps and procedures that would be implemented to avoid or mitigate construction impacts on the adjacent Chichester and Langstone Harbours SPA, Ramsar and the SPA's functional land. A CEMP was provided and the County Ecologist raised no objection subject to a condition. A condition to this effect has been added to the application, meeting the requirements of Policy CS11 of the HBLP (Core Strategy) and Policy E15 of the Submission Havant Borough Local Plan 2036.
- 7.17 An Habitat Regulations Assessment and Appropriate Assessment was carried out which was deemed acceptable. Natural England concurred with assessment subject to strict adherence to the CEMP, particularly regarding the timing of works. As mentioned previously this is covered by a condition.

(vii) CIL

- 7.18 The proposed development would be seeking exemption from a CIL charge.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the character, neighbours, drainage and ecology of the area and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00768

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plan - A101
Proposed Floor Plans - A102
Proposed Elevations - A103
Proposed Sections - A104
Proposed Site Views - A105

Use of the proposed annex
Design and Access Statement
Construction Environment Management Plan dated 30th November 2021

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Local Plan 2036 and the National Planning Policy Framework.

- 4 The accommodation hereby permitted shall be occupied solely for purposes ancillary or incidental to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation.

Reason: The unit of accommodation is not a satisfactory position to be occupied separately from the main dwelling and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy H6 of the Submission Local Plan 2036 and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the annex building hereby permitted the windows in the first floor serving the en-suite and bathroom on the west elevation facing No.131A Havant Road shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and be non opening below 1.7 metres in floor level retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Development shall proceed in strict accordance with the ecological avoidance and mitigation measures detailed within the submitted Construction Environment Management Plan dated 30th November 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS11 of the Havant Borough Core Strategy March 201 and Policy E15 of the Submission Local Plan 2036.