

DELEGATED OFFICER REPORT

Site Address:	Land to the rear of 8 Highfield Parade, Waterloo, PO7 7QH		
Proposal:	Construction of two bedroom detached dwelling with soft and hard landscaping, parking and amended commercial refuse store.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00866	Expiry Date:	22/01/2025
Applicant:	Mr Ware		
Agent:	Mr Flint	Case Officer:	Tina Pickup
	Chris Flint Ass Ltd		
Ward:	Waterloo		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to part of the adopted grass verge and part of the existing commercial parking and refuse area, at the rear of the parade of shops at 8 Highfield Parade, where it fronts Meadway. The Highfield Parade shops comprise 2 No two storey blocks fronting Highfield Avenue and Burnside respectively, with a three storey link corner development. Each block contains four ground floor retail units with residential flats above. The ground floor of the central link building has been converted to 2 flats under APP/17/00510. To the rear is a large service and parking yard which is accessed by an informal one-way system with entrance from Meadway and exit from Burnside. This service yard also contains a row of 8 flat roofed garages located against the eastern boundary. It is understood that each garage is owned/used by a retail unit.
- 1.2 The wider area is characterised by residential development, typically two storey semi detached dwellings. Most of these are set back from the highway with relatively open landscaped front gardens, and a strong building line. The presence of the grass verges and mature trees to the west at the Meadway/Princes Drive junction creates an open and spacious character for the immediate area.
- 1.3 The actual red lined application site has a frontage to Meadway of some 21m, which is longer than the existing grassed verge frontage as the site includes part of the bell mouth of the existing vehicular access from Meadway (which would be narrowed as a result of this proposed development). Since part of the application site includes highway land, Notice has been served on HCC. The north eastern corner of the red lined application site currently forms the refuse collection area for the existing shops, in the area immediately adjacent the southern garage.
- 1.4 The southern boundary line of the site abuts the tarmacked footpath that runs between adjacent grass verges, which is all part of the adopted highway. Within the application parcel of land, there is currently a boundary wall that runs parallel with Meadway, set back 3.2m. There are two large shrubs/trees within the frontage grass verge. The red lined application site also includes a separate parcel of land that measures 4m x 5m at the northern end of the garages.

- 1.5 The planning history of the site is notable, and includes two refusals for similar development on similar sites - see APP/18/00822 (two storey dwelling) and APP/19/00019 (bungalow). The latter was also dismissed at appeal. Circumstances have not materially changed in the area since then.

2 Relevant Planning History

APP/18/00681 - Construction of 1No. dwelling on land to rear of 8 Highfield Parade fronting Meadway with associated refuse and cycle storage, landscaping and parking with provision of new refuse store for commercial use. Withdrawn 27/07/2018

APP/18/00822 - Construction of new dwelling on land to rear of 8 Highfield Parade fronting Meadway with associated refuse and cycle storage, landscaping and parking with provision of new refuse store for commercial use. (Resubmission), Refused 24/10/2018 for 5 reasons: overdevelopment/out of character; unsatisfactory living conditions for future occupiers; inadequate parking provision; lack of SRMS contribution; opportunity for crime

APP/19/00019 - Erection of 1No. 1bed dwelling with associated refuse and cycle storage, landscaping and parking with provision of new refuse store for commercial use. Refused 29/03/2019 for 5 reasons: incongruous prominent siting out of character; unsatisfactory living conditions for future occupiers; displaced parking therefore inadequate parking provision; narrowing of access harmful to highway safety; opportunity for crime

Appeal Dismissed 25/09/2019 - Inspector noted bungalow and its siting at odds with prevailing type, character, position and appearance and would be conspicuous and incongruous; small plot and cramped thus harmful to the character of the area; Inspector also noted the close proximity to the commercial service area likely to cause unacceptable noise and disturbance, harmful to living conditions of future occupiers; re the parking the Inspector noted loss of off-street parking spaces does not amount to provision of one on-site space and loss of off-street parking has the potential to affect on street parking provision, increasing pressures in the locality; however he considered no evidence to indicate highway safety concerns; the Inspector did however agree that design would make future occupiers vulnerable to anti-social behaviour and fear of crime.

3 Proposal

- 3.1 Construction of two bedroom detached dwelling with soft and hard landscaping, parking and amended commercial refuse store.
- 3.2 This application proposes a detached two storey dwelling to be constructed of a mix of brick and render beneath a pitched roof. The dwelling would measure a maximum of 6.9m x 6.7m with height to eaves of 4.8m and to ridge of 7.3m. It would be located towards the north east corner of the site, virtually abutting the northern boundary, and about 0.5m from the eastern boundary. This would result in a set back of between 1m and 3m from the front, southern boundary of the site. The area to the west would comprise the garden and one on site parking space, accessed directly from Meadway. The garden would have a depth of between about 5.8m and 10m.

- 3.3 The red lined application site also includes the provision of a replacement commercial refuse area for the adjacent shops at the northern end of the existing garages. This would comprise a 3.8m x 3.4m timber structure with double opening doors beneath a pitched roof, having a maximum height of 3.6m.

4 Policy Considerations

National Planning Policy Framework, December 2024
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Building Control

None received

Crime Prevention

None received

Ecologist

Thank you for consulting me on this application. The application is not accompanied by any ecological information. The application site comprises predominantly hard surfacing of minimal/no ecological value, although the proposal includes the loss of an area of grassland with shrubs/small trees at the southern end.

Based on my review of the submitted information, the proposal will be eligible for mandatory Biodiversity Net Gain, and I would strongly advise the applicant to engage the expertise of a professional with BNG experience to ensure that any statutory BNG requirements can be met. The area of grassland with shrubs/small trees at the southern edge of the site is to be removed and appears to exceed the 25m² threshold for claiming the de minimis BNG exemption. This habitat would not have a biodiversity value of less than zero. It would therefore not be in accordance with Provision 4 (3)(a) of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Further information is required.

NPPF, Circular 06/2005 and Natural England Standing Advice, 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 Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration. This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

Environment Agency

None received

Hampshire Highways

The Highway Authority are satisfied that the development can be served by a safe access arrangement and the increase in traffic from a single dwelling would not result in a detrimental impact on the operation and safety of the local highway network.

However, the proposed layout includes an area of land to the back of the verge and footway which is grassed with two trees and the Highway Authority would confirm that this verge area is within the Extent of Highway. The Highway Authority have no wish to Extinguish the Highway Rights to make this area of highway asset available for development or accept the loss of the two established trees which are under the control of the Highway Authority.

The Highway Authority have a duty to protect land dedicated as highway for the benefit of the public and therefore would object to any stopping up order proposals due to the loss of the highway assets.

Having regards to the above comments the Highway Authority would recommend – Refusal.

However, should the Planning Authority be minded to approve the application due to wider planning balance considerations the applicant should be aware that if a stopping up order is successful the loss of the highway trees would be subject to payment to the highway authority for the loss of the asset in accordance with our TG19 policy.

Natural England

Further Information Required to determine impacts on designated sites
- potential to have harmful effect on SSSIs, SACs, SPAs and Ramsar sites and appropriate assessment required

Norse South East

None received

Portsmouth Water Company

no concerns regarding impacts to groundwater quality given the small nature of the development and that the site is situated on a substantial amount of clay which provides some protection for the underlying aquifer.

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: 27

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
The proposed plan is not in keeping with the existing properties in the road, nor the alignment of the houses, the shop at the end of Meadway is in line with the side of 1 Meadway, the proposed house would be sitting much further forward than the rest of the properties in the road. My understanding is we are under covenant and not permitted to build out to the pathways or over our gardens with high fences, gates and walls the proposed plan looks to build a fence right up to the pathway over existing council land. The council have been maintaining the land up to the existing wall for the last 20+ years.	Noted - see section 7 Private covenants not a planning matter; application must be determined having regard to the character of the area and other relevant matters

I believe the fence around the car parking space/driveway of the proposed house would be dangerous corner for pedestrians to navigate with the view blocked by the fence, the position of the driveway on the new house would leave a very small entrance for any emergency vehicles to access the rear of the flats, let alone the lorries making deliveries to the shop units.	Noted - see section 7, but HCC raise no objection
I am concerned that the new property and fencing will impair our view when driving, which could lead to accidents.	Access would still be wide enough for emergency vehicles
The 2 trees plants on the land were commemorative trees, as much as the plan includes planting a new tree, I believe there would not be enough room to plant a new tree in what will be a tiny front garden, nor will anything prevent this replacement tree from being removed in the future.	Noted - but HCC raise no objection
Significant loss of sunshine to side of property resulting in need to heat house more, especially in the winter.	Noted - see section 7 below
	Noted - but not a valid consideration

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity including living conditions for future occupiers
- (iv) Parking and Highway safety
- (v) Crime and anti-social behaviour
- (vi) Biodiversity Net Gain (BNG)
- (vii) CIL
- (viii) Compliance with Habitats Regulations

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The Council's Five-Year Housing Land Supply, Updated at March 2023, indicates the Borough's housing land supply position as 1.81 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc. It is accepted that the proposal would result in a net gain of one 2 bed dwelling within the main urban area of Waterloo, which is a sustainable location, and would make more effective use of the land, and the proposal would make a very modest contribution to housing supply. These benefits of the proposal must be afforded weight in the overall planning balance.
- 7.3 Current policies AL2 and CS17 direct development towards the built up urban areas, and encourage making the most effective use of land; and policy CS9 supports housing that achieves a suitable density that respects the surrounding landscape, character and built form. Policy CS16 seeks High Quality Design that respects its local context, and policy CS11 protects the Borough's landscapes and policy DM8 protects local habitats and trees. These policies align with the NPPF, December 2024, and should therefore be afforded weight in the determination of the application, as detailed below.

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

- 7.4 The character of the area includes evenly spaced two storey dwellings, mainly semi detached, set on generous plots and back from the highway with relatively open frontages including driveways, and grassed highway verges, creating a spacious setting with a strong building line. The pattern of development in the area generally comprises standard linear development with traditional two storey dwellings constructed of dark red brick with some contrasting render sections, all having private rear gardens of at least 15m+ in length.
- 7.5 Whilst it is acknowledged that the outward appearance and scale of the proposed 2 storey dwelling would largely reflect the design of the nearby dwellings with similar traditional appearance and mix of materials, the proposed siting and small plot size is considered at variance with the established character of the area. The proposed dwelling would be sited at least 4m in front of number 1 Meadway and with only a set back of between 1m and 3m from the pavement. It would also be sited close to its eastern side and northern rear boundary, with a small side garden, measuring between just 5.8m and 10m, rather than a large rear garden. This cramped siting and positioning would be at odds with the prevailing position and appearance of properties in the immediate locality.

- 7.6 It is considered that the forward and cramped siting would make the development dominant and incongruous in street scene terms, out of keeping with the more spacious and set back character of the area. This would be significantly harmful to the character and appearance of the surrounding area. The plot size is also much smaller than the surrounding development which features more generous plots. Furthermore the plans indicate the front garden to be enclosed with railings and the side main garden would need to be enclosed by at least 1.7m high fencing to provide privacy for future occupiers. But this boundary fencing, immediately adjacent the back edge of the pavement, would be at odds with the open plan character of the area, and be visually intrusive as well as overly dominant and enclosing to users of the pavement.
- 7.7 Paragraph 135 of the NPPF, December 2024, seeks to ensure that developments add to the overall quality of an area and are sympathetic to local character, with an emphasis on the design quality of development at paragraphs 137 to 139. Policy CS16, in seeking High Quality Design, states in 1. c) that all development should demonstrate that its design *"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;"*. It is considered that the proposed development does not respect local context as the forward siting and cramped nature of this small plot, with small side garden, is not characteristic of the surrounding pattern of more spacious linear development, contrary to both policy CS16 and the NPPF.
- 7.8 The third party representation also notes the loss of the two trees in the highway verge which were planted as memorial trees. Whilst their loss would contribute to the overall adverse impact on the visual appearance of the area as a result of the proposed development, they are not trees that are worthy of individual protection. Their loss would not be an arboricultural reason for refusal, although they would contribute to the biodiversity of the area - see BNG below.

(iii) Impact upon residential amenity including living conditions for future occupiers

- 7.9 The forward siting of the proposed dwelling relative to No 1 Meadway results in an incongruous relationship, but it is noted that the 45 degree code is not breached in plan form. The adopted Borough Design Guide SPD, at paragraph 5.43 and 5.44 uses both a plan and section 45 degree code as a method of assessing the potential impact on light and outlook. A section has not been provided in this instance, and being a two storey dwelling the height may impact the light and outlook available to number 1. The proposed siting, being forward by at least 4m, could result in a jarring relationship with resultant sense of enclosure and overbearing effect on the occupiers of number 1 Meadway.
- 7.10 Policy CS16 at clause 1.e) requires development not to *"cause unacceptable harm to the amenity of neighbors through smell, the loss of privacy, outlook, noise and overlooking."* It is considered that the forward siting of a two storey dwelling, having a gable end with ridge height of 7.3m, just 4m south-west of number 1 Meadway, would result in a loss of outlook and afternoon light to number 1 Meadway, contrary to policy CS16.

7.11 In terms of impacts on future occupiers, the layout is fundamentally the same as APP/19/00019 that was dismissed at appeal, in that the garden area would be adjacent the vehicular access way to the commercial service yard, and the parking service yard itself. As a commercial area the activity of delivery vehicles, including large lorries, occurs throughout the day and would result in noise, vibration, disturbance and fumes. Policy DM18 of the Allocations Plan seeks to protect the amenity of future occupiers from negative affects from projected levels of air, noise, vibration, light, water or other pollution. It is considered that the location of this site, would not provide a satisfactory surrounding level of amenity for future occupiers. The commercial service yard would represent an incompatible use likely to generate noise and disturbance harmful to the amenity of future occupiers.

7.12 With respect to this issue, the previous Appeal Inspector stated:
"Taking into account the close proximity of the proposed dwelling to the commercial service area and the main vehicular entrance from Meadway for larger delivery vehicles, the general manoeuvring of delivery vehicles and lorries within the service area would be likely to cause unacceptable noise and disturbance to occupiers of the proposed dwelling. For these reasons, I conclude that the development would have a harmful effect upon the living conditions of future occupiers of the proposed dwelling in terms of noise and disturbance."
Since the same relationship would result, and circumstances have not changed, then there is no reason for a different conclusion.

(iv) Parking and Highway safety

7.13 The proposed dwelling would have 2 bedrooms. The adopted Parking SPD, 2016 stipulates that every new 2 or 3 bed dwelling should have a minimum of 2 on site parking spaces unless in one of the Borough's recognised accessible locations of Havant or Waterlooville town centre. Whilst the site is in close proximity to a bus route on Highfield Avenue, it is however not within a sufficiently accessible location to justify a relaxation of the parking requirement. There is only 1 parking space proposed within the red lined site area to serve the development, which represents a shortfall of 1 space. No supporting information or parking survey has been provided to justify this shortfall.

7.14 It is also noted that the existing service yard parking layout, albeit relatively informal with no markings on the ground, would be largely unaffected by the proposal. The southern-most space serving unit 8 would be re-orientated through 90 degrees, but the number of spaces in the service area would remain the same. The existing refuse area would be lost, but re-provided at the northern end of the row of garages, so no overall net loss.

7.15 Therefore the proposal as a whole results in the under provision of 1 space to serve the development, which would add pressure for on-street parking. Whilst it is noted that there are no parking restrictions in Meadway, nevertheless this under provision has not been justified in accordance with the Parking SPD paragraphs 4.28 to 4.33. The development could lead to increased demand for on-street parking, resulting in indiscriminate parking and competition amongst local residents, affecting highway amenity.

- 7.16 When considering the appeal for APP/19/00019, which resulted in displaced parking and therefore a similar increased demand for on-street parking, the Inspector noted:

"15. At the time of my site visit (around 9:30am) there were vehicles parked in front of the garages and outside the rear entrances to the commercial units. There were also vehicles parked within the on-street parking spaces in front of the shops at Highfield Parade and in Meadway. Whilst some space was available to park, I cannot be sure if this would be the case in the evening when some residents would return home in their private motor vehicles from their place of work.

16. Although only one third party representation was received by the Council in connection with this application, my attention has nonetheless been drawn to third party representations received by the Council in connection with a previous application(1) for a similar proposal at the site. Several of these indicate evidence of a local on-street parking issue in the vicinity of the site.

17. Taking into account the evidence, albeit limited, in regard to on-street parking issues, and my observations, I consider the proposal by virtue of the potential loss of existing off-street parking provision, would potentially adversely affect the on-street parking provision as a result of pressure and hence competition for parking spaces in the vicinity of the site. In the absence of any on-street car parking survey information from the appellant, I cannot reach a certain conclusion in respect of the effect of the development on on-street car parking in the locality.

(1) Planning Application Reference APP/18/00822"

- 7.17 It is considered that the circumstances are similar and that it has not been adequately demonstrated that the lack of on-site parking would not result in increased pressure for on-street parking to the detriment of highway amenity, contrary to policy DM13 and the adopted Parking SPD.
- 7.18 With respect to highway safety issues, it is also noted that the proposed development would result in the re-alignment and narrowing of the access into the rear service yard from Meadway. This would be reduced from a two-way entrance/exit to a single way entrance of approximately 3.2m wide at its narrowest point adjacent the re-orientated parking space for unit 8. All vehicles would therefore have to exit the site via the one-way system and Burnside.
- 7.19 It is considered that the re-orientated space might cause confusion to drivers accessing the service yard, and result in a conflict of movements when a car is trying to access or egress this parking space. Additionally the boundary fencing to the garden could impact visibility for both drivers and pedestrians. Notwithstanding these concerns, it is noted that HCC as Highway Authority have not raised any objection to highway safety and the previous Inspector, on a similar layout, noted a lack of evidence to indicate any highway safety concerns. Whilst the re-orientated parking space is new to this scheme, nevertheless there remains a lack of evidence of highway safety problems, which cannot therefore be substantiated into a separate reason for refusal.
- 7.20 It is also noted that part of the application site falls within the adopted highway and HCC as Highway Authority do not wish to Extinguish the Highway Rights to make this area of highway asset available for development, or accept the loss of the two established trees which are under the control of the Highway Authority. Should the proposal be found to be acceptable at appeal, then it would be necessary to extinguish the highway rights and undertake the highways works via a legal agreement (S247 of the T&CP Act or S116 of the Highways Act).

(v) Crime and anti-social behaviour

- 7.21 No crime prevention consultation response has been received to this application, but under APP/19/00019, the Crime Prevention Officer did raise two concerns about the then layout: firstly it was noted that it would be easy to step from the flat roof of the garages onto the roof of the adjacent bungalow; and secondly the replacement refuse store would provide access to the roofs of the adjacent garages and the rear garden of 1 Meadway. The Inspector noted the sites history of anti-social behaviour and fly-tipping, and agreed that it would be possible to step from the roof of the garage block directly onto the roof of the proposed dwelling, making the future occupiers vulnerable to anti-social behaviour and fear of crime, contrary to policy CS16 clause 2(a) and the NPPF.
- 7.22 The addition of the pitched roof to the new refuse store would make climbing onto the new roof harder, but because the existing garages have flat roofs then the potential to get onto the flat roofs remains. With the current layout, it would be equally possible to step from the existing flat roofed garages to the first floor windows in the north elevation of the dwelling, which would be within easy reaching distance. Therefore the risk of crime has not been satisfactorily designed out and it is considered that the proposal would still result in a fear of crime for future occupiers, and increase the opportunity for crime, contrary to policy CS16, clause 2.a).

(vi) Biodiversity Net Gain (BNG)

- 7.23 Biodiversity net gain (BNG) is a legal requirement for planning permission introduced for small sites such as this on 2nd April 2024. In this case the applicants have claimed an exemption from the BNG requirements due to the '*habitats of the site entirely consist of artificial, sealed and unsealed surfaces*'. This however is considered incorrect. The site is larger than the threshold of 25sqm of on-site habitat or 5m of on-site linear habitats, and includes the front grassed highway verge and two trees/shrubs. It is not therefore considered exempt from BNG.
- 7.24 The Council's Ecologist also notes the development would be eligible for mandatory BNG and as such the BNG matrix should have been professionally completed and submitted. Had permission been recommended then this additional information would have been requested and mandatory 10% BNG would automatically be subject to condition. This could all be resolved at appeal stage if necessary.

(vii) CIL

- 7.25 As a new dwelling the floor space created is CIL liable. The appropriate forms have been submitted. However, given the recommendation for refusal, the Draft Liability Notice has not been prepared, and could be done so at appeal stage if necessary.

(viii) Compliance with Habitats Regulations

- 7.26 In order to comply with Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 the application requires a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA) as the proposal is likely to have a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development of a new 2 bed residential unit.

- 7.27 The LPA operates two packages of avoidance and mitigation measures. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has not submitted the necessary European Site Avoidance and Mitigation Checklist, and the submitted Solent Nitrogen Budget is incorrectly completed. Therefore the HRA has not been able to be undertaken with the best available objective and scientific information.
- 7.28 However, given the recommendation for refusal on other matters, these issues have not been addressed and no HRA AA has yet been undertaken and Natural England have not been consulted as required by the Habitats Regulations. Taking a precautionary approach to decision-making as required by Government guidance, at this stage the risk of the proposal having an adverse effect on a European site's integrity cannot be ruled out and it is therefore necessary to include the non-provision of any avoidance and mitigation packages for both recreational disturbance and impact on water quality as a reason for refusal as contrary to policies CS11, CS21 and DM24, as well as non compliance with the Habitats Regulations. Should an appeal be lodged against the decision to refuse, then these matters can be revisited at appeal stage.

8 Planning Balance and Conclusion

- 8.1 It is acknowledged that the Council's Five Year Housing Supply (updated March 2023) is below the threshold, engaging paragraph 11 d of the NPPF, December 2024 with its presumption in favour of development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc. It is also acknowledged that the proposal would provide one new dwelling in a sustainable location making more effective use of the land, which would make a very small contribution to the Council's housing need.
- 8.2 However it is contended that in this instance the benefit of providing a single dwelling does not outweigh the harm arising from the proposed development, such that the planning balance is not tilted in favour of the proposal. It is considered that the forward siting of the proposed dwelling and boundary treatments, on the small and contrived plot, would result in an incongruous and cramped development, out of keeping with the more spacious and open plan setting of adjacent properties, visually significantly harmful to the character of the area. The proposed dwelling would also result in harm to the outlook and light available to number 1 Meadway, and being adjacent a commercial service yard and flat roof garages, would not provide an appropriate standard of living for future occupiers, with associated fear of crime, contrary to policy CS16 and the NPPF. Additionally it has not been demonstrated that the shortfall of on site parking would not cause harm to highway amenity, and the lack of appropriate mitigation measures for likely significant recreational harm and impact on water quality to the Solent European Sites as specified by the Habitats Regulations is also contrary to policies CS11, CS21 and DM24. The proposal is therefore recommended for refusal.
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9 RECOMMENDATION:

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/24/00866 for the following reasons

- 1 The forward and cramped siting of the proposed dwelling on the small plot, together with necessary boundary treatments, would be at variance with the more spacious and open plan setting of surrounding development that would result in a visually incongruous and prominent development, harmful to the character and appearance of the area. The proposal does not respect local context and is therefore 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 2024.
- 2 By virtue of the site being adjacent a commercial service yard, with the general maneuvering of delivery vehicles and lorries, there would be unacceptable noise and disturbance to the occupiers of the proposed dwelling, resulting in a harmful effect upon their living conditions and amenity, contrary to policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2024. Additionally the height and forward siting of the proposed dwelling, south-west of number 1 Meadway, would be enclosing and overbearing, harmful to their outlook and light, detrimental to neighbouring amenity and contrary to policy CS16 and the National Planning Policy Framework 2024.
- 3 The proposed development does not provide adequate on site car parking in accordance with the Local Planning Authority's adopted standards and would therefore encourage the parking of vehicles on the public highway, leading to indiscriminate parking, detrimental to highway amenity. It has not been adequately demonstrated that this would not be harmful to highway amenity, and the proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Parking SPD 2016 and the National Planning Policy Framework 2024.
- 4 The proposed design and layout, including a dwelling with first floor windows accessible from the adjacent flat roofed garages, would provide opportunity for crime. The proposed scheme does not therefore satisfactorily design out opportunities for crime and would leave residents vulnerable to antisocial behaviour and fear of crime. The proposal is therefore contrary to clause 2.a) of policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2024.
- 5 In the absence of a Habitats Regulations Assessment and suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant adverse effect on the Solent European Sites. The development would be likely to result in increased recreational pressures from future residents and have an impact on the water environment, and as such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) 2014, Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework, December 2024.