
Site Address:	Kanga Warren, Pycroft Close, Hayling Island, PO11 0RZ		
Proposal:	Single storey rear extension, loft conversion and addition of two dormers		
Application Type:	Full Planning Permission		
Application No:	APP/24/00042	Expiry Date:	15/03/2024
Applicant:	Mr Dodds		
Agent:	Mr Blunn	Case Officer:	Joseph Toole
	Blunn Architects		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

Kanga Warren, Hayling Island, is a detached chalet bungalow located to the end of the cul-de-sac at Pycroft Close. The property comprises of brown brickwork and plain clay roof tiles. There is a detached garage to the east side of the property. Vehicular access is from Pycroft Close with parking to the front and side.

The property is located within a residential area with some surrounding properties of similar style and design and others differing. Most properties within the immediate area are either bungalow or chalet bungalows with dormers within the roofspaces.

There are a high number of trees to the rear of the application site.

2 Planning History

90/54547/000 - Single storey rear extension., PERM,27/02/1990
APP/21/01455 - Single storey front extension; single storey rear extension; extension of the first floor roof and addition of a flat roof dormer; render finish to elevations and timber cladding; fenestration alterations and ground floor terrace to front; raised decking to rear and side; extension to existing single storey garage., PERM,29/09/2022

3 Proposal

The proposed is for a single storey rear extension following the removal of the existing conservatory. It would be used as a living room, dining room and kitchen with a width of approximately 10.3 metres, a depth of approximately 6.8 metres and a flat roof with a height of approximately 3.5 metres. The proposal would also involve a loft conversion with a new rear dormer replacing the existing and a side dormer on the west side serving the staircase.

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)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturist

No objection, subject to conditions

Reasons for Recommendation

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The application is not within a conservation area and there are no trees within or adjacent to the site that are subject to a Tree Preservation Order. However, there are several trees on site and adjacent to the site.

Whilst the works are not considered to have a direct impact on the surrounding trees, consideration should be given to the potential indirect impacts to the trees, such as the need to prune branches along the driveway to allow sufficient clearance. This should be considered prior to works commencing to ensure appropriate pruning works are undertaken that protects the health and amenity value of the trees. If the applicant and officer are confident no pruning works are required a supporting condition need not be applied.

The 'Existing Ground Floor Plan (Reference P1050-A-PLN-200) indicates two trees/shrubs on the south western boundary, adjacent to the existing kitchen. These two trees/ shrubs are removed in the 'Proposed Ground Floor Plan' (Reference P1050-A-PLN-210_Rev A) and a replacement line of hedging appears to be located along the south western boundary adjacent to the path and window of the proposed living dining room. To fully appreciate the proposed changes in trees/shrubs and boundary treatment works along this southwestern boundary a landscape plan should be submitted to clarify the proposed works.

If the officer were minded to grant permission for the application, details of tree pruning works and a landscaping should be secured by condition prior to commencement.

The proposed works, subject to the conditions listed below would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommended Conditions:

Approval subject to the following conditions;

- a) Tree protection measures:

No development, including site clearance, shall commence on the site until details of any required tree works have been submitted to and approved in writing by the Local Planning Authority. Any tree works must be undertaken in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

b) Landscaping:

A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs or hedgerow to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs or hedgerow of appropriate size and species in the next planting season.

Reason: To ensure the continuity of amenity and wildlife value afforded by the trees and hedgerow in question and in accordance with policy CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Councillor Leah Turner - Hayling East

No Comment.

Councillor Mark Coates

No Comment.

Councillor R Raines - Hayling East

No Comment.

Countryside Access Team

Regrettably the PROW are not shown on the plans that form part of this application. FP116 lies adjacent to the western boundary of the proposed development site. Where PROW are close to application sites or are used for access to the development site, applications must show these Rights of Way on the submitted plans and detail how they will be accommodated within the proposals. Government planning guidance (Validation of Planning Applications - Statutory national information requirements paragraph 48 d) requires that applications should not be validated unless such a plan has been submitted.

As presented in the Location and Block plan (Ref: P1050-A-PLN-100), HCS welcomes the presence of the developments Red-Line boundary, confirming the proposal will make changes within its exiting boundary. As such, it is assumed the development will not encroach onto the width of FP116; beyond the existing vegetation that separates FP116 from the proposed development. If this assumption

is incorrect, then we trust a re-consultation will be forthcoming.

If the applicant intends to alter the surface or width of FP116 in any way, prior permission from HCS as the local highway authority is required. Specifications demonstrating the surface treatment, drainage management and any structures proposed to be installed on the PROW, together with visibility splays at junctions with all other accesses, must be submitted for the approval of HCS before the work begins. Were any works to be carried out to the surface of a PROW without the prior consent of the local highway authority, the applicant would be committing an offence under the Highways Act 1980 and may be required, at HCS' discretion, to repair the surface to its previous state.

No information is provided to detail how site access and construction traffic will be managed during construction, to ensure the public's safety along FP116, who have priority for convenient and safe access along the PROW network at all times. As such, it is therefore assumed that site access will be along 'Pycroft Close', with all construction works, materials and other related activities taking place within the proposals Red-Line boundary. A PROW, being part of the public highway, must not be obstructed or its users inconvenienced by the developer during any works or occupation, which would be offences under the Highways Act 1980.

The Service must take this opportunity to further notify the applicant that FP116 is to remain open and safely accessible at all times during construction and occupation of the development. If the applicant believes it is impractical to keep FP116 open during construction, prior to the Service approving any application for its temporary closure the applicant will need to demonstrate other possible mitigating measures. If a temporary closure is applied for, giving 8-weeks' notice to HCS, and subsequently approved, HCS would ordinarily expect an applicant to provide a local alternative route at its liability for the duration of a temporary closure. Further information on how to apply for a Temporary Closure Notice can be found here: [Apply for a temporary closure | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk)

Conclusion:

Based on the information presented in this application, we raise no objection, subject to the below conditions to ensure the safety of the public and that their continuous, priority access to FP116 is maintained throughout construction. These would also ensure no obstruction to the footpath.

Conditions:

No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the public right of way at all times.

Reason: In the interests of highway safety and priority, so not to cause an offence under the Highways Act 1980.

We also attach below, general informatives for the applicant in regard to the PROW network. We request that these are added to any permission, should it be granted: Informatives:

1. Where Public Rights of Way are close to application sites or are used for access to the development site, applications must show these Rights of Way on the submitted plans and detail how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such a plan has been submitted.
2. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.
3. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 will invariably be made or confirmed. Development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

County Archaeologist

Thank you for your consultation. Although located in the historic core of the settlement in view of the small scale of the development I would not raise any archaeological issues.

Developer Services, Southern Water Protection of Public Apparatus

Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

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

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

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.

Foul and Surface Water Drainage

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

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

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

Ecologist

The current application is not accompanied by any ecological information. I have undertaken my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The proposal would be unlikely to result in significant ecological impacts, but there is potential for the dwelling to support legally protected species such as roosting bats due to features such as roof tiles, and any roof void/s. There are records of several bat species from the local area.

A Bat Survey (ESL, August 2022) was submitted with a previous application APP/21/01455. This survey identified a roost of four Soprano Pipistrelle bats within the dwelling, and the roost would be impacted by proposed works. The recommendation from your ecological consultee in 2022 was that all ecological mitigation measures should be secured by condition. This previous bat survey report remains robust and can be applied to this application – it would be prudent for the applicant to ensure that this report is included in the current application documents. On the issue of European Protected Species licensing (which is a separate process to planning), it is the legal obligation of the applicant to ensure that a licence is obtained and its conditions implemented. It is my understanding that Natural England would normally require licence applications to be accompanied by survey information from the most recent bat active season i.e. 2023.

On the basis of information submitted for the previous application, this development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects a European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a licence from Natural England to allow the development to proceed under a derogation from the law.

An EPS licence can only be granted if the development proposal is able to meet three tests:

- 1) *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
- 1) *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
- 1) *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

It is for you as the case officer to assess the proposals against the first two tests – you may wish to ask for further information from the applicant. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss or damage to bat roosts will be compensated.

A mitigation strategy has been provided for a previous application, detailing specific measures to avoid harm to bats during the construction works and to provide compensatory roosts and enhancement features within the development. I would support these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed.

My only concern is that the information upon which I am basing this conclusion has not been submitted with this current application and I am unclear how the Local Planning Authority can rely on information unavailable within the submitted planning documentation. The solution is for the applicant to submit the previous bat survey report.

Natural England Government Team

No Comment.

Open Space Society

No Comment.

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

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) Effect on neighbouring properties
- (iv) Impact on trees
- (v) Ecology matters
- (vi) Drainage matters
- (vii) Public rights of way

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

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

7.3 The property and garage with the additional works would have grey facing brickwork, light grey render and some vertical timber cladding to the walls. The roof would have grey roof tiles and dark grey single ply roofing membrane to the flat roofs. Whilst the proposed materials would differ from the original dwelling it is considered to be of modern contemporary design, appropriate within the context of the area, which has several different finishes.

7.4 The proposed works would not be readily visible from the street scene. Due to their modest size including the proposed single storey rear extension which would extend out less than the existing conservatory, it is considered to appear subservient to the main dwellinghouse with appropriate retained amenity space. As such, the proposed works are considered to be inkeeping with the character of the area.

7.5 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). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

7.6 On the east side facing San Sook, the proposed single storey rear extension would

extend out along this side. Due to the separation distance of approximately 4.9 metres from the side wall of the proposed extension to the shared boundary with San Sook it is not considered to appear overbearing or result in the harmful loss of light to the occupiers. It is also worth noting it would be partly blocked by the existing garage at San Sook. There would be a door serving a utility room and a window serving a kitchen facing San Sook. This is considered to create similar views to that already established on site and would be partly screened by the existing hedging thus not considered to cause harmful overlooking into the neighbour's amenity space.

- 7.7 On the west side facing the fields there would be a window within the proposed single storey rear extension serving the living room. This would face out onto the fields and would be partly screened by the hedging, thus not considered to cause harmful overlooking. The side dormer window serving the staircase would also facing out onto the field thus not causing harmful overlooking.
- 7.8 To the rear there would be doors facing out onto the rear garden within the proposed rear extension. These views would be screened by the existing boundary treatment and would be similar to that already established on site, therefore it is considered to be acceptable. At first floor level there would be a rear dormer window serving a bedroom. Although the proposed rear dormer is larger with a larger window to the current rear dormer, it is considered to create similar views to that already established on site. As such it is considered not to have an adverse impact on overlooking to San Sook. It is worth noting there are no properties to the rear, which serves open green space.
- 7.9 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy 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). It is noted no letters of objection were received with respect to the scheme.

(iv) Impact on trees

7.10 The Council's Arboriculturist commented on the application raising no objection subject to conditions. The first recommended condition relates to tree protection measures to be provided prior to the commencement of development. As the proposal is for a smaller scheme to the previously approved under planning reference APP/21/01455 which had no tree conditions and the trees in questions are not the subject to a TPO, it is not considered to satisfy the tests for conditions and as such not been added to the decision. With regards to the hard and soft landscaping details to be provided prior to the commencement of development, it has been noted this was not imposed on the previously approved application APP/21/01455 and is considered to be disproportionate to the size and scale of the proposed development, especially given that the trees on site are not protected through a TPO. As such, this condition is not considered to satisfy the tests for conditions and therefore not been recommended.

(v) Ecology matters

- 7.11 A Bat Emergence Survey Report was submitted with the application. The Assessment has identified that the proposal will impact a European Protected Specie. Therefore, consideration of the three Habitat Regulations derogation tests is necessary.
- 7.12 An EPS licence can only be granted if the development proposal is able to meet three tests:

1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

To grant planning permission the Local Planning Authority must be satisfied that the development meets tests 1 and 2 above.

- 7.13 The proposal is for a rear extension alongside additions to the roof with dormers , with the proposal benefitting the occupiers of the property allowing for an enlarged and modernised family dwelling . There is no satisfactory alternative, as the proposal may only be erected on the building. The applicant has provided a Bat Emergence Survey Report , which has identified, from the surveys undertaken, that the raised hip tile and soffits support a soprano pipistrelle bat roost. The Bat Emergence Survey Report has also identified that the proposed works would result in the destruction of the access point for bats via the soffit. As such, a European Protected Species Mitigation (EPSM) licence will be required to enable the development to proceed lawfully under a derogation from the Habitat Regulations 2017.”
- 7.14 The Bat Emergence Survey Report has also set out a mitigation strategy that has been designed to ensure the maintenance of the favourable conservation status of bats, that includes methods to be followed during the development to ensure bats are not disturbed, killed or injured. In summary, this comprises the provision of replacement roost opportunities which are proportionate to the scale of impact and the removal of roost features by hand, under the supervision of a licensed bat worker to ensure that individual bats are not killed or injured.”
- 7.15 The Supreme Court in *R. (Morge) v Hampshire CC* [2011] UKSC 2; [2011] Env. L.R. 19 held that the duty of the local planning authority is limited to that set out in reg. 9(5) of the Regulations (ie Conservation (Natural Habitats etc.) Regulations 1994), namely: “to have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions.

In paragraph 28 of his judgment Lord Brown of Eaton-under-Heywood referred to what Ward L.J. had said in the Court of Appeal (in para.61 of his judgment) (part set out below):

“The planning committee must grant or refuse planning permission in such a way that will ‘establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range ...’ If in this case the committee is satisfied that the development will not offend art.12(1)(b) or (d) it may grant permission. “If the planning committee conclude that Natural England will not grant a licence it must refuse planning permission. If on the other hand it is likely that it will grant the licence then the planning committee may grant conditional planning permission. If it is uncertain whether or not a licence will be granted, then it must refuse planning”.

- 7.16 The Bat Emergence Survey Report includes a mitigation strategy, to allow other

access points in the building for the bat roost amongst other measures which would compensate for the loss of the existing bat roost in the building, which the Council's Ecologist has found to be acceptable, which the LPA agreed with. Therefore, the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

7.17 To conclude, having assessed the proposal, the Local Planning Authority is satisfied that there is a need for the development and there is no satisfactory alternative and that tests 1 and 2 above are satisfied. As to the third test, (the favourable conservation status of the species) this is met because the applicant's ecologist has characterised the status of the bat roost and set out measures that ensure favourable conservation status of the species can be maintained. In light of this, the Local Planning Authority considers it likely that Natural England will grant a licence and therefore conditional planning permission may be granted for the proposal.

7.18 The following condition would be added to the decision if permission is forthcoming:

'Development shall proceed in accordance with the measures set out in Section 5 'Mitigation Requirements' of the Bat Emergence Survey Report by ESL Ltd. (August 2022), unless varied by a license issued by Natural England. Thereafter, the replacement bat roost features shall be permanently maintained and retained in accordance with the approved details.'

Reason: To ensure the favourable conservation status of bats in accordance with Policy CS11 of Havant Borough Core Strategy (2011).

7.19 The proposal is considered to comply with Policy CS11 of the Havant Borough Core Strategy (2011).

(vi) Drainage matters

7.20 Southern Water commented on the application raising no objection. An informative has been recommended for the protection of public apparatus and foul/surface water drainage.

(vii) Public rights of way

7.21 Hampshire Countryside Planning and Development Control Team commented on the application raising no objection subject to conditions and informatives. They stated that the PROW FP116 is not shown on the plans. The Location Plan and Block Plan has now been updated showing the PROW. The applicant's agent confirmed the PROW will not be impacted by the proposal. The suggested condition for no obstruction to the PROW has been recommended to the decision as an informative as it is not considered to satisfy the tests for conditions. Informative 1 has not been added to the decision as plans have now been updated showing the PROW. Informative 2 and 3 have been recommended to the decision.

8 Conclusion

8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, trees, ecology and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00042 subject to the following conditions

- 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 Plan and Block Plan - P1050-A-PLN-100 REV A
Proposed Ground Floor Plan - P1050-A-PLN-210 REV B
Proposed First Floor Plan and Roof Plan - P1050-A-PLN-211 REV A
Proposed South and West Elevations - P1050-A-ELE-310 REV A
Proposed North and East Elevations - P1050-A-ELE-311 REV A
Bat survey uploaded on the 12.09.2022 (BESR_EPSL_Kanga Warren_F. Dodds_August 2022)

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 and the National Planning Policy Framework.

- 4 Development shall proceed in accordance with the measures set out in Section 5 'Mitigation Requirements' of the Bat Emergence Survey Report by ESL Ltd. (August 2022), unless varied by a license issued by Natural England. Thereafter, the replacement bat roost features shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the favourable conservation status of bats in accordance with Policy CS11 of Havant Borough Core Strategy (2011).