
Site Address:	2 Alexandra Avenue, Hayling Island, PO11 9AL		
Proposal:	Erection of 1No. 3 bed chalet bungalow with new access to Alexandra Avenue.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00056	Expiry Date:	18/04/2024
Applicant:	Mr Sayers		
Agent:	Mr Murray	Case Officer:	Tina Pickup
	I J Murray Associates Ltd		
Ward:	Hayling West		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to the southern section of the garden of 2 Alexandra Avenue, Hayling Island, which is a detached chalet style dwelling located on the corner of Alexandra Avenue and Hollow Lane. The property is constructed of red brick beneath a plain tiled roof and is sited at a slight angle, but approximately aligned with the other properties in Hollow Lane. Vehicular access to the dwelling is taken off Alexandra Avenue, at the northern end, serving a graveled parking and turning area to the north of the dwelling.
- 1.2 The rear garden is some 28m long and enclosed by hedges. There are also 5 Tree Preservation Orders on trees within the rear garden - 4 Sycamore trees and one Mulberry. However the Mulberry tree was declared Dangerous, Diseased, Dead (DDD) in June 2023 and has been removed, and is subject to replanting - which to date has not occurred. There is also a current application to crown reduce 2 of the Sycamores. Extensive tree works have recently been undertaken at the site with freshly cut timber piled along the front boundary of the site.
- 1.3 Generally the area is characterised by a mix of modest and large detached dwellings set in proportionate plots. Most are set well back from the highway with verdant frontages. To the immediate south of the site is a detached bungalow with fully hipped roof and small front dormer. This property, number 6, has a tapered siting to the shared northern boundary with the application site, resulting in a separation distance of between about 3m and 0.5m. With the exception of 1 and 3 Alexandra Avenue opposite the site, all the properties in the immediate vicinity have traditional rear gardens of at least 20m. The overall character and context of the site is of spacious traditional dwellings and the hedges and trees contribute to a less urban and verdant character.
- 1.4 The site lies beyond current day flood zones 2 and 3 and also beyond the future flood zone.
- 1.5 Planning permission has recently been granted for extensions and alterations to the main dwelling on the site, with replacement garage, but these have not yet been implemented. As a result of the extensions approved the south elevation would be enlarged with a second first floor bedroom window facing south.

2 Planning History

97/62754/000 - Outline application for the construction of a detached two bedroom bungalow and garage with new access onto Alexandra Avenue, Refused 24/11/1997

Reasons: 1. overdevelopment with unsatisfactory plot sizes; cramped & congested layout out of character with local area

2. likely result in the loss of trees important to the landscape and subject to a TPO

98/62754/001 - Outline application for the construction of a detached two bedroom bungalow with new access onto Alexandra Avenue, Refused 03/04/1998

Reason: overdevelopment with unsatisfactory plot sizes; cramped & congested layout out of character with local area

Appeal Dismissed: 13/11/1998

Inspector noted: *"that neither the size of the appeal site nor the size of the proposed building would be in keeping with the character and appearance of the area. Instead, I consider that the development would appear cramped, and would adversely affect the sense of openness which is apparent in this part of Alexandra Avenue ."* He also noted the trees and hedges in the vicinity were important to the character of area and the removal of hedge to form the access would have an adverse effect on the character and appearance of the area.

APP/23/00555 - T1 Mulberry- fell. Large split on main stem being propped up with some timber. High risk of falling. Subject to TPO1680., Withdrawn 04/08/2023 as DDD exemption granted on 28/6/23, subject to a replacement tree being planted

APP/23/00589 - T5 Sycamore (T1 on plan) - Reduce crown height by 4 m leaving crown height of 11 metres and crown spread of 3 metres to east and west sectors, leaving width of 6 m.

T4 Sycamore (T2 on plan) - Reduce crown height by 4 m leaving crown height of 10 metres and spread by 2 metres on east sector, leaving width of 4 m.

Both trees subject to TPO 1680.

Current application - not yet determined

APP/23/00680 - Single and two storey rear extension, revised porch, internal remodelling, demolition of existing single garage and construction of new double garage. Permission 22/11/2023

3 Proposal

3.1 Erection of 1No. 3 bed chalet bungalow with new access to Alexandra Avenue.

3.2 The proposed dwelling would have a maximum footprint of 11.5m x 11.5m, beneath a fully hipped roof having an eaves height of 2.5m and ridge of 6.8m, with front dormer. It would be sited within 1m of the southern boundary, set back from the front eastern boundary by a minimum of 6m, and within 1m of the rear, western boundary. The red line forming the curtilage of the site has been drawn with a projection at the rear half of the site, reducing at the front to a road frontage length of 17m.

3.3 A 4.5m section of the front hedge would be lost to create the vehicular access to serve the dwelling. An Arboricultural Impact Assessment by Gifford Tree Service has been

submitted as two of the TPO sycamore trees are within the red lined area, adjacent the access and area for parking/turning.

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
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)
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

Community Infrastructure, Planning Policy & Urban Design

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.
An application for self build relief has been made.

Additionally, pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Crime Prevention

None received

Ecologist

The 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. Whilst I would not raise overriding concerns in relation to ecological matters, the proposal will result in the loss of hedgerow, grass lawn and (although this is not clear) smaller trees/shrubs. Two larger trees are to be retained and protected during construction.

There is a risk of impacts to protected species such as nesting birds within hedgerows and any other dense woody vegetation. If you are minded to grant permission, can I suggest that the following informative note is added to any permission to remind the applicant and their appointed agents of their legal obligations in respect to protected species.

Attention is drawn to the provisions of the Environment Act 2021, the Wildlife and Countryside Act 1981 as amended, the Conservation (of Habitats and Species) Regulations 2017, the Natural Environment and Rural Communities (NERC) Act 2006, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996).

It is an offence to kill or harm the following species, and to damage or disturb their breeding sites and resting places:

Bats (all species); Badgers; Hazel Dormouse; Otter; Water Vole; Reptiles; Great Crested Newt; Wild bird species, active nests, eggs, young and adults; Certain other mammal species; Certain invertebrates; Certain plant species

It is the legal responsibility of the developer and their appointed agents to ascertain whether any protected or notable species are present on site, before works commence, and to ensure that offences are not committed. If such species are found or their presence is suspected, you must cease work immediately and obtain professional specialist advice before works recommence. Licences may be required for proposals that would affect certain protected species or their habitat. Planning consent does not over-ride the need to obtain such licences.

Norse South East

1. Access Requirements:

Access/Service Roads need to be capable of taking a 26 tonne Refuse Collection Vehicle (RCV) and allow vehicle to reverse close to bin store or containment area. Width of RCV 2.8m, maximum length 11.3m.

Drop kerbs also need to be provided to allow easy transfer of bins from store area to vehicle.

No bins to be pulled or waste carried more than 25 metres.

2. Bin Stores:

Almost all bulk bins utilised by the Authority are approximately 1.26 metres wide, therefore doors to stores need to be of 1.8 metres width to enable all types of container to be easily removed and returned.

A standard depth of 1.0 metre also applies to the majority of bulk bins, and bin stores therefore need to accommodate the required of containers measuring 1.26m x 1.0m,

3. Bin requirements

Note: Factors such as family size and age of occupants can influence the number of bins required and it is therefore advisable that the waste Management team be asked to confirm each

calculation if possible.

4. Bin sizes for Information:

- a) 140 litre (plastic) - 1065mm tall x 485mm wide x 550mm deep
- b) 240 litre (plastic) - 1075mm tall x 580mm wide x 725mm deep
- c) 660 litre (metal) - 1310mm tall x 1260mm wide x 730mm deep
- d) 940 litre (metal) - 1500mm tall x 1020mm wide x 975mm deep
- e) 1100 litre (metal) - 1370mm tall x 1260mm wide x 990mm deep

Hampshire Highways

The access to the proposed dwelling is an adequate distance from the junction of Alexandra Avenue and Hollow Lane.

I confirm the Highway Authority have no objection subject to Conditions and a Note to Applicant.

Conditions

1. Prior to first use of the access commencing it shall be surfaced in a non-migratory material for a minimum distance of 6m. measured from the near side edge of carriage way of Alexandra Avenue.
2. Any gates or other obstruction to the passage of vehicles shall be provided a minimum distance of 6m. measured from the near side edge of carriage way of Alexandra Road.
3. Prior to occupation the area shown on the approved plan for the parking and manoeuvring of vehicles shall be provided and reserved for these purposes at all times.

Note to Applicant

Before undertaking any work which affects a public highway you must obtain specific written approval from the Director of Universal Services at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway.

HCC Arboricultural Consultancy

1. I have carried out a review of the relevant documents available on the HBC planning portal and provide the following comments. Please note this is as desktop review only, as I have not had instruction for a site visit. In the absence of a site visit I must assume the submitted descriptions and assessments of the trees and the site to be true, fair, and accurate.
2. I have the following points for you to consider when making your decision.
3. The submitted tree information shows only two trees on the site. However, HBC website aerial view shows more trees within, and adjacent to the site including trees protected by TPO, which have not been considered or included in the survey.
4. It has been proposed that the entire driveway is installed using "No Dig Cellular confinement surface". But no detail has been included to demonstrate that this is feasible in this situation, regarding levels etc. Furthermore, the final top surface has not been specified. This must be permeable.
5. The proposed temporary ground protection mats specified "Trak Mats" are inadequate to prevent soil compaction. Although these are rated to carry machinery of considerable weight, these are designed to aid traction and prevent bogging down. They are NOT suitable for preventing compaction damage to tree rooting environment.
6. The foundation design is an elevated slab with air void below. For this design to avoid detrimental impact to tree rooting environment, air flow must be maintained through the void. The detail section in the tree information shows this void to be blocked by new ground build up. This should be clarified.
7. The broad reference to trenches for services needing to be hand dug, recognises the likely detrimental impact. However, the information provided lacks detail in specification and

location that would be sufficient to prevent damage to tree roots. Such damage could lead to future decline in the trees.

8. In summary it is my opinion that the Tree Protection Plan submitted is not sufficient to prevent damage to, or future decline of the trees on the site.

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: 9

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3 from one address

Comment	Officer Comment
<u>Object:</u> This property has many trees with TPO's. When the owner purchased this property I am sure they would have been made aware of this. However, within weeks of the sale they had cut down a Mulberry tree with an order on it. This tree which they unlawfully removed was in the middle of where the new property would stand. The council were informed of the removal and they were asked to replant the tree. Can you tell me if the tree has been re-planted ? This replanting would directly affect the planning application, as the tree was in the centre of the plot. If this TPO is not upheld The council will have no strength in further TPO's if this is allowed to be shown as an example and a precedent to any other developers. This property will impact on the look and feel of the road and its surroundings which at present are of a wooded area with a sympathetic and pleasing nature to the rest of the road. Amenities will again be further	Mulberry Tree was agreed as DDD There is a requirement to re-plant and to date this not done - Enforcement Team have been advised of the breach See Section 7 below

stretched, Drs, Traffic, Road parking and loss of habitat for birds and bats which currently are seen and have been for many years at this site. The leaves, fruit and flowers attract a range of wildlife including bees and birds. The gnarled bark serves as shelter for a variety of insects including hibernating queen wasps.	Noted - see section 7 below
Would the building be environmentally built, with re-usable and sustainable resources ?	Not known
The plans show how measures must be taken to safeguard the trees during development. Why has this not been an issue with the removed Mulberry tree ?	Because it was removed under DDD legislation
An application was refused before, why should it now be allowed?.	Planning history relevant to case and determination

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 and planning history
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on Trees
- (v) Highways and parking provision
- (vi) Habitats Regs
- (vii) CIL

(i) Principle of development and planning history

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. It is accepted that the proposal for one additional dwelling, within the main urban area of Hayling Island, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

7.3 It should also be noted that in 1997 and 1998 two outline applications to site a bungalow on essentially the same application site were both refused, with the 1998 decision dismissed at appeal. Whilst the policy framework has changed since those decisions, site circumstances remain very similar with no significant changes in the

immediate vicinity. 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.

- 7.4 Policy CS16 seeks High Quality Design that respects its local context, policy CS11 protects the Borough's landscapes and policy DM8 protects local habitats and trees. It is considered that the proposal fails to respect these policies, as detailed below:

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

- 7.5 As identified by the Inspector in the 1998 appeal, the immediate surroundings of Alexandra Avenue and the southern side of Hollow Lane comprise a mix of bungalows and houses set in relatively large plots leading to a sense of openness. A particular feature previously identified, and still the same today, is the considerable amount of vegetation in the form of trees and hedges readily visible from the street. The TPO'd trees on the site contribute to this, and whilst it is noted that considerable tree clearance has recently taken place on the site on non-TPO'd trees (with the exception of the Mulberry which was DDD), nevertheless, by virtue of the significant TPO'd sycamores, the area continues to appear particularly verdant.
- 7.6 It is considered that the subdivision of the plot as proposed, to create an additional chalet bungalow on the site, would be out of keeping with the more generous plot sizes and spacious setting of the immediate area, and would result in the loss of a section of hedge line, leading to the visual urbanisation of the area. The red line has been drawn with a rear half projection in a contrived way to achieve a minimum garden depth of 10m for both the proposed and retained dwelling, as required by the Borough's adopted Design Guide SPD. This would actually result in both properties effectively having a narrow, half width garden which is totally out of character with the more traditional full width rear gardens in the area.
- 7.7 The proposed siting of the dwelling would also be very tight to both the side and rear boundaries. Having a dwelling tucked into a corner against two boundaries is unusual and not sympathetic to the otherwise traditional linear layout of properties in the area. Whilst it is acknowledged that number 3 Alexandra Avenue opposite is on an exceptionally small plot with minimal rear garden space - this is however an historic arrangement of a very low profile semi detached bungalow. As noted by the previous Inspector the arrangement at 1 and 3 Alexandra Avenue does not detract from the appearance of the area, as with their low eaves, which are only just visible above hedge lines, and with their accesses being at the outer ends of the plot, gives the impression of one large building centred on a large plot. The historic arrangement at number 3 does not meet current rear garden depths standards and its presence should not be used as an example for modern development that needs to meet current standards.
- 7.8 In street scene terms the proposed dwelling would be of an appropriate height and design to respect number 6, but it would be sited very close to the southern boundary. Number 6 and 8 have low profiled ancillary garages to the side of the main dwelling, giving a sense of space and separation about them. This would not be achieved with the proposed layout which would be sited within 1m of the boundary and potentially appear very cramped.
- 7.9 The formation of the vehicular access would result in the loss of a 4.5m wide section of hedge. This, together with the associated hard surfaced drive and turning area

would result in a visual urbanisation of the site when viewed from the road. This would have an adverse effect on the character and appearance of the area, as noted by the previous Inspector.

- 7.10 The NPPF encourages making effective use of land and at paragraph 128 notes the need to take into account "*d) the desirability of maintaining an area's prevailing character and setting (including residential gardens)...*". Similarly to achieve well designed and beautiful places the NPPF at paragraph 135 notes that developments should be "*c) sympathetic to local character and history, including surrounding built environment and landscape setting...*". It is considered that the proposal fails to respect the local character and the site is not of sufficient size to be subdivided to form 2 plots that are commensurate with the surrounding pattern of development.
- 7.11 Policy CS16 also requires at clause 1. c) that the characteristics of the locality inform development, including "plot widths and depths". The contrived shape of the proposed subdivision does not respect local context including plot widths and depths, and would amount to a cramped and congested layout, being an overdevelopment of the site, contrary to policy CS16.

(iii) Impact upon residential amenity

- 7.12 It is considered that the contrived red line would result in a juxtaposition of garden areas that would each be very minimal for future occupiers. The Borough Design Guide SPD requires a minimum of 10m garden depths and whilst this has technically been achieved, the alignment of the proposed curtilages would be half width and therefore narrow resulting in very modest gardens. Owing to the contrived layout, the private rear gardens would be small in size and therefore inadequate for family homes.
- 7.13 Furthermore the separation of the south elevation of the existing dwelling, and the north elevation of the proposed dwelling, would only be about 15m (estimated as no site plan showing both provided). Since this area would function as the main private gardens of each dwelling, then that is considered equivalent to the back-to-back separation in this instance. The Borough Design Guide requires 20m back-to-back separations to ensure a reasonable relationship with adequate private amenity space. Due to the proximity of the opposite house, each of these garden spaces will feel overlooked by the mass and bulk and windows of the other dwelling. After the implementation of APP/23/00680, number 2 would have 2 first floor windows directly overlooking the garden of the proposed dwelling, one of which would only be about 4m from the shared boundary. This would lead to a perception of being hemmed in and being overlooked, detrimental to the amenity of the future occupiers.
- 7.14 Future occupiers of the proposed dwelling would also have a very poor outlook from all windows facing the southern and western boundaries due to the proximity of the siting to these boundaries. The most affected window would that serving bedroom 2 which would be over an unused area a maximum of 2m facing an evergreen hedge which would limit light available to this room. As the only light to this room the standard of living for future occupiers would be compromised.
- 7.15 In terms of the impacts on number 40 Hollow Lane to the west, the proposed dwelling would be sited just 1m from the western boundary, which is hedged, at the end of their garden. Whilst ancillary outbuildings can be expected against neighbours boundaries, the introduction of a 6.8m high ridge line so close to the shared boundary would be imposing, overbearing and un-neighbourly, affecting the outlook from this property.

- 7.16 Due to the similar alignment and height of the proposed dwelling to number 6 to the south, then it is accepted that it is unlikely that the proposal would have any adverse impacts on the amenity of the occupiers of this dwelling.
- 7.17 Overall it is considered that the siting and layout of the proposed dwelling would result in a poor standard of living for future occupiers with a cramped, small and overlooked garden space, hemmed in by the proximity of the existing dwelling; together with a poor outlook from bedroom 2. Similarly the contrived and minimal rear garden area and separation between the two dwellings would also compromise the amenity of the occupiers of number 2. As such the proposal fails to provide a high quality development where people want to live, work and relax, as required by Policy CS16.

(iv) Impact on trees

- 7.18 The proposed vehicular access point would be in very close proximity to one of the TPO'd sycamore trees and an Arboricultural Impact Assessment has been submitted. This has been reviewed by Hampshire County Council Arboricultural service who note several detailed issues with the protection solution - such as levels and use of permeable surface in the 'no dig cellular confinement'; the proposed use of Trak Mats which don't prevent soil compaction; the foundation design; and the lack of detail in the hand digging of service trenches. Overall they object to the proposal considering the details submitted are not sufficient to prevent damage to, or future decline, of the trees on the site.
- 7.19 It is also noted that the protected Mulberry Tree that has been removed as DDD should have been replaced, and any replacement tree takes on the protection. However this tree has not yet been replaced, and neither is one shown or allowed for on the submitted site plan. These shortcomings are considered contrary to policy DM8 which seeks to protect and enhance natural features including trees, and sympathetically incorporate them into the overall design to ensure their continued survival. This is supported by the NPPF which at paragraph 136 notes *"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change"....that planning decisions should ensure...."that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible."*
- 7.20 Had the recommendation been for permission, then it is likely that the tree issues could have been negotiated and potentially amended to adequately protect the trees. But in light of the recommendation for refusal on other matters, then this has not been undertaken and the Enforcement Team has been asked to pursue the replanting of the Mulberry tree with an appropriate tree to be agreed.

(v) Highways and parking provision

- 7.21 The proposal would result in a new access to the highway with associated loss of hedgerow with its adverse impacts on the verdant character of the area. But the access itself could be provided with a new dropped kerb and adequate visibility. Parking provision would also be adequate - as a 3 bedroom dwelling, 2 on site parking spaces would be required to meet the parking SPD. These can be provided.
- 7.22 There is therefore no objection on highway grounds to the proposal, which would accord with Policy DM13 and the Parking SPD.

(vi) Habitats Regs

- 7.23 In order to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended), 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 one new residential unit.
- 7.24 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 submitted a European Site Avoidance and Mitigation Checklist, Havant Occupancy Calculator and Solent Nitrogen Budget, but the nitrogen budget used is now an out of date spreadsheet. Therefore the HRA has not been able to be undertaken with the best available objective and scientific information.
- 7.25 Given the recommendation for refusal on other matters, an up to date nitrogen budget has not been requested, and no HRA/AA has been undertaken and Natural England not 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.

(vii) CIL

- 7.26 As new residential development the proposal is CIL liable. However in light of the recommendation for refusal on other matters, the CIL forms have not been actioned and the Draft Liability Notice not prepared, and could be done at appeal stage if necessary.

8 Conclusion

- 8.1 Whilst the Council cannot demonstrate a five year housing land supply, paragraph 188 of the NPPF states that this presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects). 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 effect on the Solent European Sites by way of increased recreational pressures from future residents and impact on the water environment. As such the proposal would be contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM24 of the Havant Borough Local Plan (Allocations) 2014, The Conservation of Habitats and Species Regulations 2017 (as amended) and the NPPF.
- 8.2 It is acknowledged that this matter could be resolved at the appeal stage and in such circumstances, Paragraph 11(d) of the NPPF would be engaged which requires a presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

- 8.3 In terms of the benefits, the proposed dwelling in a sustainable location with an appropriate level of parking provision would provide a modest addition to the Council's housing figures. However the benefit of providing just one dwelling does not outweigh the harm arising from the proposed development.
- 8.4 It is considered that the small and contrived site shape, with proposed dwelling set close to two of its shared boundaries, and with limited separation from number 2 Alexandra Avenue, would give rise to a cramped and confined layout that would not provide a good quality living environment for future occupiers. The scale of the dwelling in such close proximity to the western boundary would also affect the outlook and amenity from number 60 Hollow Lane. The sub-division of the site in the manner proposed, together with the loss of a substantial section of hedge to form the vehicular access, would result in a tight and contrived development that would be out of character with the more spacious and verdant setting of the surrounding area.
- 8.5 Furthermore it has not been adequately demonstrated that the protected trees on the site would be protected and no replacement tree has been provided for the DDD tree. It is not considered that the character of the area, or circumstances have changed significantly since the dismissed appeal in 1998 to justify a different decision. Overall the proposal is considered to be contrary to policies CS16, CS11 and DM8, and the NPPF.
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9 RECOMMENDATION:

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/24/00056

(A) for the following reasons

- 1 Subdivision of the site in the manner proposed would result in a small and contrived plot, with the proposed dwelling set close to two of its shared boundaries, and with limited separation from number 2 Alexandra Avenue, resulting in a cramped and congested layout that would fail to respect the surrounding pattern of development. The loss of the hedgerow to form the vehicular access, would also be harmful to the verdant character of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The small and contrived private garden areas for both the proposed dwelling and 2 Alexandra Avenue would have a poor relationship with each other, being overlooked with limited separation, and would not provide satisfactory living conditions for the occupants, harmful to their amenity. Furthermore the proposed dwelling would result in excessive building bulk adjacent the western boundary, detrimental to the outlook and amenities of 40 Hollow Lane. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 It has not been adequately demonstrated that the protected trees on the site would be safeguarded to prevent damage to, or future decline, in their health. Neither does the layout include a replacement tree for the felled Mulberry Tree under Dangerous, Diseased and Dead trees. The layout and siting would

therefore fail to respect and result in harm to trees subject to a Tree Preservation Order, contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 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.