
Site Address:	17A-17B Avondale Road, Waterloooville		
Proposal:	Application for Outline Planning Permission with All Matters Reserved for the erection of a 1 bedroom bungalow in the rear garden.		
Application Type:	Outline Application		
Application No:	APP/22/00569	Expiry Date:	21/09/2022
Applicant:	Mr Alan Wood A S WOOD		
Agent:		Case Officer:	Tina Pickup
Ward:	Waterloo		

Recommendation: **REFUSE OUTLINE CONSENT**

1 Site Description

- 1.1 The application site comprises part of the rear garden of 17A-17B Avondale Road, which is a detached 2 storey residential property, subdivided into 2 No 2 bed flats. This host property is located on the corner of Avondale Road with Brooklyn Drive, such that its rear garden fronts Brooklyn Drive. Number 17 has a historic flat roofed two storey extension across its rear elevation. There are 2 front doors within its side gable elevation, serving the 2 self contained flats, arranged as a first floor flat and ground floor flat; each of which have 2 bedrooms, kitchen, bathroom and lounge. It is the ground floor flat, Nos 17A, that has use of the existing garden area.
- 1.2 This north side of Avondale Road is characterised by inter-war traditional two storey dwellings, having relatively generous rear garden depths of approximately 30m. In contrast, Brooklyn Drive, which leads to Bramley Close, is a 1970's development of uniform tighter-knit detached dwellings set in more modest plots. Overall the area is characterised by two storey dwellings set in a linear fashion, with frontages set back from the highway and traditional rear gardens. Brooklyn Drive has a slight dog-leg within it, outside the application site, which results in a tapering of the application site at its northern end. The land in the area slopes gradually down from west to east, such that there is a slight slope to the garden of 17A down to the Brooklyn Drive frontage.
- 1.3 The garden of 17A is bounded to Brooklyn Drive by a 1.2m high close boarded fence and currently the half closest to this property is maintained and includes a shed. The rear, northern, half is currently overgrown and unkempt. Immediately to the north is a private drive serving a brick built detached garage, set back within the rear garden of, and serving, number 15 Avondale Road. Beyond, numbers 1 to 3 Brooklyn Drive are two storey gable fronted detached dwellings, uniform in design with those in Bramley Close, and set in a line and back from the highway by about 6m. The eastern side of Brooklyn Drive comprises a high close boarded fence where enclosing the long rear garden of 19 Avondale Road; then 4 private garages set back before a fence enclosing 23 Bramley Close. Brooklyn Drive itself is therefore characterised by an absence of structures and largely features the side flank boundary treatments of long gardens and therefore has a relatively spacious and open feel.

- 1.4 Full planning has been refused and dismissed at appeal for a 2 bed bungalow on the site under ref APP/20/00146. Full planning has also been refused for a one bed bungalow on the site under APP/21/00944 which was not appealed. This current application is in Outline only for a 1 bed bungalow instead, and the red lined application site has been reduced from previously to 24m in length along the western boundary with number 15, and has a depth of between 8.4m and 5m. This would leave a rear garden depth of 9m for 17A.

2 Planning History

The relevant planning history includes:

04/67971/000 - Outline application for one detached two bedroom, two storey dwelling Refused 21 December 2004 for 2 reasons:
size and shape of plot not compatible with surrounding area; and use of access likely to cause interference with safety of users of highway.

05/67971/001 - Outline application for 1No. detached bungalow with parking Refused 28 July 2005 for 2 reasons:
size and shape of plot not compatible with surrounding area; and failed to demonstrate that use of access would not cause interference with safety of users of highway

Appeal Dismissed 2 February 2006

The Inspector found that the style and layout of the dwelling would be out of keeping with predominant character of the road; and combined with the siting projecting in front of the established building line of dwellings to the east, the development would be visually harmful to the street scene; furthermore the shallow depth of the plot afforded little privacy for intended occupiers.

APP/20/00146 - Construction of 1No. 2 bed bungalow to the rear of 17A/B Avondale Road, with access via Brooklyn Drive and associated bin store and parking.

Refused 28 May 2020 for 3 reasons:

size and shape of plot not compatible with surrounding area/overdevelopment with insufficient amenity space; drainage issues re a possible watercourse crossing the site; absence of recreational and water quality mitigation

Appeal Dismissed 3 December 2020

In terms of character and appearance, the Inspector found that the bungalow would be a prominent feature in the streetscene; would almost fill the depth of the plot and would appear cramped, being out of keeping with the more spacious surroundings; in terms of drainage the Inspector found that there was inadequate evidence to demonstrate the proposal would not increase the risk of flooding on the site and elsewhere; and in terms of private amenity space the Inspector concluded that the size of gardens would be adequate and provide an acceptable level of amenity space for future occupiers

APP/21/00944 - Construction of 1No. one bed bungalow to the rear of 17A/B Avondale Road with access from Brooklyn Drive

Refused 1st December 2021 for 2 reasons:

size and shape of plot not compatible with surrounding area/overdevelopment; absence of HRA & recreational and water quality mitigation

3 Proposal

- 3.1 Application for Outline Planning Permission with All Matters Reserved for the erection of a 1 bedroom bungalow in the rear garden.

- 3.2 The current proposal is in Outline form only with all matters reserved. Indicative layout plans have been submitted and during the course of determining this application an amended indicative layout plan received demonstrating the dwelling could meet the nationally described space standards for a one bed, 2 person dwelling. The suggested bungalow would have a footprint of 13.2m x 4.9m and would be set off the rear boundary by 0.9m; set back from the highway by 2.6m; with side garden having a maximum length of 7.8m. One parking space could be provided at the southern end of the site.

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

CS15 (Flood and Coastal Erosion)
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)

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)

Emsworth Neighbourhood Plan Post Examination Version 2020

n/a

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

5 Statutory and Non Statutory Consultations

Building Control

Building Regulation consent needed for this work

Public sewer at rear of 17 Avondale. Provided new dwelling is 3m away SWS should be OK no plan showing new dwelling on site available

No elevation drawing But gate states 900mm to boundary and this elevation has 4 no. windows if greater than 1msq in total this will not comply with Approved Document B See AD B for guidance

Waste bins shown but not sizes control under AD H

AD M WC does not appear to comply door swing too close to WC see AD M for guidance

Community Infrastructure

As this is an outline application no CIL due. However CIL will be payable at reserved matters stage.

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 <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.
- b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Southern Water

map provided of approximate position public foul sewer; exact position must be determined by applicant before layout finalised.

clearance of 3m required; no tree planting within 3m; no soakaways, swales, ponds, watercourses etc within 5m; all existing infrastructure to be protected during construction works;

If any other sewer found, must be investigated

Formal application required to connect to public sewer;

Surface water discharge should follow part H3 of building Regs and encourage re-use.

Engineering Services

None received

Hampshire Constabulary

None received

Hampshire County Council Highways

The applicant is proposing a new vehicular access. The Highway Authority will require a diagram showing the length of the proposed new drop kerb along with visibility splays and pedestrian inter visibility splays for this new access. For further information on visibility splays please see the Hampshire County Council Technical Guidance TG3 using the following link: TG3 - Stopping Sight Distances and Visibility Splays (hants.gov.uk)

Additionally, it is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway. Details of this procedure can be found via the following link: Apply for a vehicular access | Hampshire County Council (hants.gov.uk). It is important to note that if there are any minor utility diversions that are required to facilitate the dropped kerb then additional costs may arise in addition to the initial application fee. The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled.

Having regard to the above, the Highway Authority require the further information requested before a formal recommendation can be made

Local Lead Flood Authority, Hampshire County Council

As this application relates to a site which is a residential application less than 0.5 hectare in size and less than 10 dwellings, we would consider this as a minor application and outside of our remit.

However, please direct the applicant to our website

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> for further information on recommended surface water drainage techniques.

Natural England - on initial consultation:**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have a likely significant effect on:

- Solent and Dorset Coast SPA
- Portsmouth Harbour SPA and Ramsar Site
- Chichester and Langstone Harbours SPA
- Solent Maritime SAC
- Solent and Southampton Water SPA

Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine

whether the proposal is likely to have a significant effect on the sites named above, proceeding to

the appropriate assessment stage where significant effects cannot be ruled out. The following

information is required to inform a HRA:

- Consideration of this project's effects on total nitrogen and/or total phosphorus nutrient

loading within the Solent catchment, including a nutrient budget calculation

. Details of proposed mitigation measures to address any nutrient impacts, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development.

- Consideration of increased recreational disturbance of Solent SPAs.
- Any other likely significant effects that could arise from the development should also be assessed.

Further consultation on HRA AA:**DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given

Nutrient Team, Planning Policy

I can confirm that there is sufficient mitigation for the proposed development in the Council's mitigation scheme.

The applicant is however advised that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

Portsmouth Water Company

The Portsmouth Water Catchment Management Team have reviewed this application from a groundwater quality protection perspective and have the following comments to provide.

Site Setting:

The site is located within the Source Protection Zone 1c (SPZ1c) for the local Public Water Supply Source. SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source. The confined aquifer is of high sensitivity and consequently all measures to prevent pollution during and post construction are required in order to safeguard the local public water supply

Surface Water Drainage

Within the redacted Application Form document it is set out Surface Water Drainage shall be discharged via Soakaway. Given the application concerns a new structure, should any new soakaways to groundwater be proposed as part of this application the following shall apply in order to protect the local water supply source:

Portsmouth Water has a presumption against the use of deep-bore soakaways at this location, due to the proximity to our public water supply source. All applications for the construction and installation of deep bore soakaways should be accompanied by an adequate hydrogeological risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design.

Portsmouth Water will only agree to the use of deep pit-based systems (including boreholes) for surface water disposal if the developer can show that all of the following apply:

- there are no other feasible disposal options such as shallow infiltration systems (for surface water) that can be operated in accordance with current British Standards;
- the system is no deeper than is required to obtain sufficient soakage;
- pollution control measures are in place;
- risk assessment demonstrates that no unacceptable discharge to groundwater will take place, in particular that inputs of hazardous substances to groundwater will be prevented; and
- there are sufficient mitigating factors or measures to compensate for the increased risk arising from the use of deep structures

Waste Strategy Team

None received

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: 14

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 7 in total - 5 letters of objection; and 2 of support

Comment	Officer Comment
Objection Comments:	
limited depth plot not suitable; size of plot unsuitable; size and shape of the site is not considered commensurate with the surroundings; a one bedroom bungalow is being shoe horned into a small shallow site; would be better used for garaging and parking for 17A & B, which would not be out of character with garages opposite site; Recommend plot restored to its original purpose as half the back garden of 17 Avondale Road and kept as well tended as the gardens of the surrounding houses	Noted - see section 7 Noted
not in keeping with other houses and architecture in the immediate area.	Noted - see section 7
proximity of windows to boundary fence would limit light to rooms	Noted
no height shown	Outline application only
would overshadow garden of 15	Noted - see section 7
additional dropped kerb would restrict available parking further moving parking to Bramley Close; increased number of vehicles a new dwelling would attract, plus the significant reduction of roadside parking such building would entail, make this proposal unacceptable	Noted - see Parking section below
since last application double yellow lines painted around both corners of Brooklyn Drive and Avondale, and Brooklyn & Bramley to increase visual safety on corners and allow large commercial vehicles unfettered entrance; but negative aspect is cars need to find alternative spaces leading to increased confrontation	Noted - see Parking section below

road at that point is dog-legged and in terms of highway safety and traffic would pose additional problems; in practice Brooklyn Drive a single carriage way road due to the pressures of available parking. Access to Brooklyn road from Avondale road and exiting into Avondale road are dangerous manoeuvres due to the numbers of parked cars in both roads and near to the junctions. previous head-on collision with another car outside at the junction of Brooklyn Drive and Avondale Road (directly outside 17A/B Avondale Road) owing to the impaired visibility caused by the bottleneck of roadside cars parked; parked cars restrict access for emergency services and refuse collection	Noted - see Parking section below
a further dwelling will not alleviate further pressure on local infrastructure and roads;	Noted
consideration should be given to the previous reasons for refusal, which appear to still be applicable	Planning history relevant in this case
Agreement to the application may set a similar precedent for back garden development on extremely small or shallow sites,	Each application is considered on its merits
flooding - due to slope surface water flows across gardens to Brooklyn Drive and Hermitage Stream, but backs up in autumn and winter; proposed footings would act as a dam wall and make flooding worse;	See Drainage section below
issues with water run off from the site which again may be exacerbated by the construction of a dwelling.	See Drainage section below
misrepresentation of size of double bedroom on plans; scale of furniture incorrect and room too small	Noted - Outline only but amended plans provided

Support Comments:	
visual enhancement to Brooklyn Drive; current plot an overgrown eyesore, rats been seen; unsightly land and a bungalow would look nicer	Noted
proposed bungalow would be an ideal property for a retired couple in a nice quiet cul-de-sac and would fit in perfectly	Noted

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
- (iv) Highways and parking
- (v) Drainage
- (vi) 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 in principle, subject to other material considerations. The NPPF supports sustainable development with three aims: the economic; social; and environmental objectives. Havant Borough Council's development plan comprises the Hampshire Minerals and Waste Plan; the Local Plan (Core Strategy) 2011 and the Local Plan (Allocations) 2014 and in accordance with paragraph 12 of the NPPF decisions should be made in accordance with the development plan.

7.3 It is noted that the Council's Five Year Housing Land Supply Update (November 2021) shows that the Borough has 3.9 years housing land supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Significantly, the proposal would result in the provision of a single dwelling which is recognised as making a very small contribution to the Council's housing need and should be afforded weight in the overall planning balance accordingly.

- 7.4 The planning history is relevant to the consideration of this application and it is noted that 2 of the previous applications have been to appeal. The first, back in 2005/2006 was for a bungalow sited closer to the northern boundary than the current proposal with the access at the southern end, with small amenity areas either side of the proposed bungalow. The Inspector dismissed that appeal, finding that the lack of a principal elevation facing the road would be out of keeping with the predominant character of the road. It was also found that the bungalow would be sited forward of the properties to the east, and the resultant prominence was accentuated by the dog-leg in the road. Additionally future occupiers would have little privacy either inside or outside.
- 7.5 The recent 2020 appeal for a more centrally sited two bed bungalow with the amenity space entirely to the north, was also dismissed at appeal. The Inspector found the proposal would be both prominent, cramped and at variance with the more generous gardens characterised in the area. In addition the surface water drainage issues and uncertainty over the route of a culverted watercourse was not adequately demonstrated to not result in an increased risk of flooding . It is however noteworthy that the Inspector concluded sufficient private amenity space could be provided for future occupiers.
- 7.6 In an attempt to overcome the points raised by the recent Inspector, a full application for a one bedroom bungalow was submitted under ref APP/21/00944. This was also refused as the size and shape of the plot was not considered commensurate with the more spacious character of the area and would result in a prominent, cramped and contrived development. The current application is in Outline only, but the red lined application site is smaller than APP/21/00944 being reduced from 27m in length to 24m in length. It also further reduces the size of the proposed dwelling in an attempt to overcome the previous issues, which will be considered below:

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

- 7.7 The properties on the north side of Avondale Road all have long gardens, some 30m, including the application site in its original form. The reduction in the size of the red lined application site compared to APP/21/00944, means that the curtilage of the host dwelling would retain an increased garden length of about 9m. Whilst this is close to the recommended garden length of 10m set out in the Borough Design Guide SPD, it is still out of keeping with others in Avondale Road. Policy CS16 requires local context to inform development and in this case the local context comprises traditional linear frontage dwellings, set back from the highway, with particularly generous rear gardens. And whilst the garden allocated to the host dwelling is enlarged to 9m, the consequence is the application site is further reduced and compressed.
- 7.8 The proposed plot size and in particular its depth, is also considered out of keeping with others in the area. The maximum plot length along the rear boundary would be 24m and the plot depth would vary between 8.4m and 5m such that any proposed dwelling would have to have a long narrow footprint to fit this very shallow plot, as depicted on the indicative layout plans. Such a layout would be at variance with the pattern of development in the area and is considered contrived and cramped.

- 7.9 The recent appeal Inspector concurred with this view and noted the then proposed dwelling would fill almost the full depth of this shallow site with the development fitting the restricted dimensions of the plot rather than reflecting the prevailing pattern of development in the area. It was noted that the small areas of amenity for both the proposed development and the retained flat would be at odds with the more generous plots nearby. Overall the Inspector considered that it would look contrived and out of keeping with the more spacious surroundings and be harmful to the character and appearance of the area. These recent comments now have great weight in the determination of this current application.
- 7.10 The current red lined application site is smaller than that the previous Inspector commented on, and by virtue of the shallow nature of the plot any future bungalow would still largely fill the depth of the plot. Whilst the current application is in outline and the plans indicative only, nevertheless, to achieve a small dwelling on the site that meets the nationally described space standards for a one bed, 2 person dwelling, to provide a reasonable standard of accommodation for future occupiers, the associated footprint would have to be similar to that suggested. The indicative layout plan clearly demonstrates that any future dwelling would have to be designed to fit the shallow plot rather than designed to reflect the linear and spacious pattern of development in the area.
- 7.11 Due to the dog-leg in the road and narrowness of the site, the proposed development would also sit forward of numbers 1 to 3 Brooklyn Drive to the north, and therefore would be dominant in street scene terms, particularly when viewed from the Brooklyn Drive/Bramley Close junction. From this viewpoint the proposed bungalow would appear as a forward, jarring projection. The land also slopes slightly and is higher than the highway and as such the level of the proposed bungalow would be likely to be higher than the road, adding to its prominence.
- 7.12 The 2020 Inspector noted this adverse impact to the street scene and it is considered that the reduction to a one bedroom dwelling would not overcome this issue - the mass and bulk of even a small one bedroom bungalow on this site, would continue to form a dominant and prominent feature when viewed from the north, having a jarring relationship with number 1 Brooklyn Drive and the wider street scene. Overall the juxtaposition of the shape and layout of the proposed plot and dwelling is considered incompatible with the more traditional spacious frontage linear development in the area.
- 7.13 As a result the outline proposal is considered to be harmful to the pattern and character of the area and consequentially contrary to policy CS16 clause c) which requires development to respect the characteristics of the locality including plot widths and depths. It is considered that the principle of the subdivision of the plot in the manner proposed represents an overdevelopment of the site with the reduced plot sizes for both the proposed dwelling and retained property being significantly smaller than those within the immediate vicinity, harmful to the character of the area. The size and shape of the plot is not considered characteristic of the more spacious and traditional pattern of development in the area, and would result in a contrived and cramped development, contrary to the Borough Design Guide SPD, 2011, and adopted policy CS16.

(iii) Impact upon residential amenity

- 7.14 It is noteworthy that the proposed application site includes both the overgrown rear section of the original curtilage and also part of the existing maintained garden serving 17A. This existing garden would be reduced from about 13m to 9m, necessitating the re-siting of the existing shed. This reduced garden area would fall marginally short of the recommended 10m minimum rear garden length as set out in the adopted Borough Design Guide SPD, but acknowledged as likely to be a sufficient size to meet the functional needs of the occupants of this flat.
- 7.15 In terms of adequacy of amenity space for future occupiers, the 2020 appeal Inspector noted that the then proposed 54sqm enclosed garden to serve a 2 bed bungalow, and similar for the retained flat, would be small but adequate for households for whom gardening and outdoor play space are not often priorities. It was noted that the proposal would add to the mix of homes available in the Borough and would provide an acceptable level of amenity space for future occupiers.
- 7.16 The current outline application is for a one bedroom dwelling only which would be unlikely to cater for a family or children needing play space. Whilst the proposed layout is indicative only, it does demonstrate that a garden area of about 40 sqm could be achieved. Whilst this is small, having regard to the Inspector's comments it is considered that this would be sufficient to provide adequate amenity space for the likely future occupiers of both the proposed new one bedroom dwelling and retained flat.
- 7.17 In terms of privacy and overlooking, as a single storey development, the proposal would be unlikely to result in any direct loss of privacy to existing neighbouring residents. The window arrangement on the rear elevation facing the garden space of number 15 Avondale could result in a perception of being overlooked, particularly if the level of the bungalow is raised and the tops of the windows are visible above the boundary line. But any actual overlooking above an intervening fence would be limited and not justifiable as a reason for refusal.
- 7.18 Privacy for future occupiers was a concern of the 2006 Inspector, which was also in outline, as it was considered intended occupants could suffer from a lack of privacy both within the dwelling and its garden, due to the wide street frontage and resultant passing pedestrians and permitted development restrictions of heights of boundary walls and fences. This outline application suggests the provision of a screen wall set within the site to offer privacy to the garden area, and standard 1m high frontage wall with landscaped beds mitigating views into the bedroom and living room, which would be set back by about 2.6m. On balance it is considered that any future reserved matters application could adequately detail such measures that would sufficiently protect the amenity of future occupiers.
- 7.19 In terms of bulk and overshadowing effect on the amenity of neighbours, as an outline application the precise eaves and roof height is unknown. But as a single storey dwelling this would be modest, dependent on the finished floor level, which could be assessed at reserved matters stage. The outline indicative layout suggests a separation of 0.9m to the rear boundary with number 15 Avondale, which is increased compared to APP/21/00944. The indicative length of the proposed bungalow, at 13.2m, would extend along a considerable proportion of the rear garden of number 15 and would be clearly visible as a structure above the fence line. This could be overbearing and enclosing, but due to the orientation and single storey height, it would be unlikely to result in any significant overshadowing or demonstrable harm to outlook.

The achievable separation distances from 17 Avondale and 1 Brooklyn Drive could be about 12m and 16m respectively, which for a bungalow is considered adequate to respect daylight and minimise overlooking.

- 7.19 Overall it is considered that the proposal would provide adequate amenity space for future occupiers and would not result in any harm to the amenity of neighbours from loss of outlook, privacy or overshadowing. As such the proposal is considered compliant with the Borough Design Guide SPD, 2011 and adopted policy CS16.

(iv) Highways and parking

- 7.20 It is noted that third party representations refer to existing congestion and parking problems in the area. However the only double yellow parking restrictions are those that have been recently applied to the junction of Avondale Road and Brooklyn Drive, and the junction of Brooklyn Drive and Bramley Close. The length of Avondale Road within which the application site is located has no other parking restrictions. These local roads are also not classified and hence planning permission would not be required to provide a new vehicular access and dropped kerb. The indicative layout includes the provision of 1 on site parking space, and a shed for secure cycle storage, to serve the proposed 1 bed dwelling, which meets the adopted Parking SPD and policy DM13. This space could be provided at the southern end of the site, away from the adjacent drives of 15 Avondale Road and 1 Brooklyn Drive which would overcome the potential conflict of vehicular movements affecting safety that was a previous reason for refusal in 2005.
- 7.21 It is acknowledged that competition for parking spaces is an emotive issue that affects residents amenity and has triggered the third party responses. However in this case, there is no technical reason to resist the proposal on parking grounds. The proposed development could provide sufficient on site parking to fully meet policy. The precise new vehicular access width and visibility splays would be required as part of any future reserved matters application.

(v) Drainage

- 7.22 Whilst the site lies beyond both current day and future flood zones, nevertheless, third party representations made under APP/20/00146 alerted to the fact that the site and area suffers from surface water flooding from a blocked culverted Ordinary Watercourse crossing somewhere near the site. Previously both the Local Lead Flood Authority and Council's Drainage Engineer were consulted and advised that if the route of the culvert was as expected then the proposed development would sever the outfall or be an impediment to the flow. At the time of making the previous decision the route of the culverted watercourse was still not known and the applicants drainage solution was considered inadequate - hence a drainage/flood risk reason for refusal was included on APP/20/00146.
- 7.23 At the subsequent appeal into that decision, the Inspector considered both the likely route of the watercourse and lack of percolation test data to establish the viability of soakaways and concluded that there was insufficient evidence to demonstrate that the proposal would not increase the risk of flooding on the site and elsewhere.

7.24 Since the appeal decision the applicant has been in discussions with HCC Flood and Water Management Team and dug a temporary trench across the length of the site to check whether a piped watercourse was present or not. Photographs of this work, undertaken in June 2021, were provided as supporting evidence as part of APP/21/00944. No culvert or piped watercourse was found to cross the site, a fact also confirmed by HCC Flood and Water Management Team. The route of the blocked pipe is now thought to be north of the site, possibly adjacent 1 Brooklyn Drive.

7.25 Therefore the previous flood risk issue has been resolved and it was confirmed as part of assessing APP/21/00944 that the then proposed dwelling would not sever any outfall or increase the risk of flooding on the site or nearby. Nothing has changed since APP/21/00944, and therefore there is no reason to conclude anything different on this current outline application which would also not adversely impact flooding on the site or nearby. The suitability of soakaways has yet to be confirmed, but this technical matter is usually a Building Regulations matter and suitable surface water drainage would be a matter to be considered at reserved matters stage if outline permission were forthcoming.

(vi) 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 one new 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 Council's Updated Position Statement on Nutrient Neutral Development, September 2022. The applicant indicated a willingness to enter into a legal agreement to secure the appropriate mitigation packages.

7.28 The Council has therefore conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed outline development - the Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed outline development of one new residential unit.

7.29 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages for the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and a package of measures based on the Updated Position Statement and Mitigation Plan for Nutrient Neutral Development.

7.30 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £432.50 to address the potential recreational harm from a 1 bedroom development. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against.

- 7.31 With respect to the water quality issue and the Council's updated Position Statement, September 2022, the applicant has provided an appropriate occupancy calculator and nitrogen budget based on a 1 bed dwelling and has been able to enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the proposed 1 bedroom development. The correct signed Unilateral Undertaking has been received, together with the appropriate contribution of £690.08 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, if permission were being recommended it would be necessary to add 2 conditions.
- 7.32 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur from the development of a 1 bedroom dwelling. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment.
- 7.33 It is noteworthy that as an outline application the scale of mitigation received relates to a one bedroom dwelling only, and as such it is important that this scale of development is conditioned to ensure that any future reserved matters application has the appropriate mitigation. However, in this instance the recommendation is for refusal, but the secured appropriate mitigation will ease any appeal process. In the event of a dismissed appeal the monies are refundable, minus the admin charges.

8 Conclusion

- 8.1 The size and shape of the site is not considered commensurate with the surrounding more spacious pattern and character of development in the area. As an Outline application with all matters reserved, any layout plans are indicative only. However it is clear that any one bedroom bungalow on such a small and shallow plot, at a point on a dog-leg in the road, would result in a prominent, cramped and contrived development that would be harmful to the character of the area, contrary to the adopted Borough Design Guide SPD and policy CS16. The proposal is therefore recommended for refusal.
- 8.2 It is acknowledged that the Council's Five Year Housing Supply is below the threshold and that the proposal would provide a single dwelling making a very small contribution to the Council's housing need. However the adverse impacts of the proposed development on the character of the area are considered to significantly and demonstrably outweigh the benefits of provision of a single dwelling such that the planning balance is not tilted in favour of the proposal.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE OUTLINE CONSENT** for application APP/22/00569 for the following reasons

- 1 The size and shape of the site is not considered commensurate with the surrounding more spacious linear pattern and character of development in the area. The development of this small and narrow site on a dog-leg in the road, with any one bedroom bungalow, would result in a prominent, cramped and contrived development that would be harmful to the character of the area, contrary to the adopted Borough Design Guide SPD 2011, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.