
Site Address: 23 Winterslow Drive, Havant, PO9 5DX
Proposal: Two storey side extension to create a new 1 bedroom dwelling. (Revision to Planning Permission APP/17/00380).
Application Type: Full Planning Permission
Application No: APP/21/01242 Expiry Date: 10/02/2022
Applicant: Mr Newens
Agent: Mrs Smith Case Officer: Lesley Wells
 Birch Wood Design
Ward: Warren Park

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 23 Winterslow Drive is an end of terrace two storey dwellinghouse situated centrally within Winterslow Drive. The dwelling is constructed of a facing brickwork and concrete tile and is situated on an incline from south to north. To the front of the site is a vehicle access provided from Winterslow Road. To the north of the site, at the time of the site visit, a two storey extension granted under planning permission APP/17/00380 had been built out to DPC level.
- 1.2 No 23 is a residential dwelling situated in a residential estate, of similar designed properties. To the north west of the site, is a car park, with access from the rear of the plot.

2 Planning History

APP/17/00380 - Two storey side extension and rear dormer , PERM,28/07/2017

3 Proposal

Two storey side extension to create a new 1 bedroom dwelling. (Revision to Planning Permission APP/17/00380).

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

CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS20 (Transport and Access Strategy)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Building Regulation consent required

First floor bedroom is an inner room MOE window need 0.33msq clear opening

Community Infrastructure, Planning Policy & Urban Design

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

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 <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>

Councillor Beryl Francis

No comments.

Councillor Tony Denton

No comments.

Crime Prevention -Minor Apps

No comment.

Hampshire Highways - No Comment

The Highway Authority note that this is a revision of planning application APP/17/00380 where planning permission was previously granted.

Due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

Natural England - Final Comment - Objection

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural

England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Natural England - 1st Comment - No Objection

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 below.

Your appropriate assessment, dated 05 January 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant. Provided that your authority is

assured and satisfied that the budget calculations are suitably precautionary and accurately reflect the proposal,Page 2 of 2
then Natural England raise no concerns with regard to the nutrient budget. We recommend a condition that secures the water use of 110 litres per person per day.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on Habitats Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the Habitats Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

Officer Comment: *Natural England (NE) initially raised no objection to the proposal, subject to the appropriate mitigation being secured. This was not secured; nor was revised nitrates information provided by the applicant, following the updated changes to NE's advice on mitigation for nitrates earlier this year.*

Norse South East, Operations Director

No comment.

Nutrient Team

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/01242.

Waste Services Manager

No comment.

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: 33

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Insufficient parking.	See 7 below.
Double width drive - no parking outside	
Parking on grass verges a real issue.	Damage to verges is not a material planning consideration.

7 Planning Considerations

Appropriate Assessment (AA)

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). 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 development.

However, the applicant has not provided a package of avoidance or mitigation measures aimed at removing the significant effects. As a result, the HRA concludes that the planning application would be likely to lead to significant effects on several European Sites (these are specified in the HRA). 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. As such, the planning application cannot be lawfully permitted.

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 & Car Parking
- (v) Drainage & Flood Risk
- (vi) CIL
- (vii) Planning Balance

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The addition of a new dwelling in such a location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. The updated NPPF 2021 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 134 notes that "Development that is not well designed should be refused...".

7.3 Policy CS16 of the HBLPCS 2014 requires quality design in all proposals.

7.4 As regard the Council's Five Year Land Supply Update (November 2021) this indicates the Council has a 3.9 years 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). This is considered below under the heading 'The Planning Balance'.

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

- 7.5 The proposal is for a 1 bed roomed dwelling. Planning permission was granted on 28/7/17 for a two storey side extension, with rear dormer under reference APP/17/00380, in the same location, as the current proposal. At the time of the site visit, this had been built out to DPC level. Therefore, the impact of a two storey element on the side of the host dwelling and on the street scene has already been assessed as acceptable. Alterations are however proposed, with changes to the front fenestration and the removal of the rear dormer. An entrance door to the side is also proposal to gain access to the proposal (previously access to the extension, was internal). These changes do not materially change the planning position as to impact on the street scene previously found to be acceptable. That said, the development, being a separate dwellinghouse is likely to lead to an intensification of the use of the site, over that approved, with all the associated paraphernalia, which is considered further under the heading 'Impact upon residential amenity'. This intensification on the street scene is unlikely to be so significant as to warrant a refusal of planning permission.
- 7.6 The design and appearance of the proposal is deemed appropriate in context of the locality 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) Impact upon residential amenity

- 7.7 The National Planning Policy Framework at paragraph 130 f, promotes in planning policies and decision making, amongst other matters, that developments:
- " create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..."
- 7.8 Policy CS16 promotes and recognises the value of high quality design, an aim positively promoted by the NPPF and Havant's Design Guide SPD, which applies to all new development. As to residential development the SPD, seeks, amongst other matters, to create pleasant and attractive places to live.

Existing

- 7.9 The neighbouring property to the north west is No.25 Winterslow Drive, which is at a slightly higher level than the application site. The proposal's relationship with this property, would change over that previously approved as the entrance to the dwelling would be from the side, as opposed to internally for the extension, and as a separate dwelling, likely to lead to an intensification of the use, over that of an extension to the existing property. That said, the side entrance would overlook the front garden of No 25 Winterslow Drive, (with a separation distance of approximately 5m) not the private rear amenity space of this property, and any associated activity would not have a significant adverse impact on the residential amenity of the occupiers of this dwelling. As to the rear of the proposal there is an access driveway to a car parking area to the north west, then residential development. The proposal would not materially change the impact of overlooking on the residential properties, over that already approved with the two storey extension.
- 7.10 As to the host dwelling, the proposal would result in the loss of garden to the rear which the occupiers currently enjoy and would be left with a rear garden at its greatest depth of just under 7m for this 2 bedroom family house.

- 7.11 The length of the garden areas (both for existing and proposed) fall below the minimum of 10m required in Havant's Design Guide SPD, which states:

"5.13 As stated, the garden of a two storey home should be a minimum of 10 metres in length to provide appropriate daylight and to minimise overlooking, with an additional 4 metres for every storey added."

- 7.12 Whilst it is recognised that the existing dwelling does not benefit from this garden length, when permission was granted for the extension, on the same footprint, the occupiers still benefited from the width of the existing rear garden, which is approximately 11m, at its widest point, ensuring sufficient amenity space remained for the occupiers. The loss of the garden area, by the proposed sub-division is essentially an over-development of this small plot, which would fall below the rear garden space standard of 10m as set out in Havant's design guide to support the physical and mental health and wellbeing of its occupiers. Due to the small size of the site, this overdevelopment of the plot cannot be made acceptable by the imposition of conditions.

Future

- 7.13 The development is for a 1 bed roomed dwellinghouse, with bathroom and bedroom at first floor and a living and kitchen areas at ground floor. The internal size of the dwelling would be approximately 36 sqm. The Government's nationally described space standards requires the minimum gross internal floor areas with storage to be 58 sqm for a two storey dwelling. Therefore, the proposal falls well below this national space standard by 22 sqm, which would result in a very cramped, inadequate and insufficient living space for future residents. As to a rear garden this would be 7m in depth with a small side garden, to gain access to the proposal and to provide a bin storage area. The proposed rear garden would also fall below Havant's Design Guide requirement of 10m rear gardens. The proposal is contrary to the aims of Havant's Design Guide and Policy CS16 of the HBLPCS, which is reflective of the advice in the National Planning Policy Framework, which promotes quality development within the Borough which the development would not achieve due to the inadequacies of the size of the internal and external living spaces.

(iv) Access & Car Parking

Access

- 7.14 The application form refers to changes to the access, which are not shown on the plan provided, nor was this information forthcoming during the application process. At the site visit it was noted that the access had been widened, which on this unclassified road, may have been undertaken under permitted development rights. The Highway Authority has been consulted over the proposal and raised no objection, albeit on the basis that there are no changes to the access. As to the works to the access, on the balance of probability, these were undertaken under permitted development rights, that does not form part of the determination of the application before the Local Planning Authority.

Car Parking

- 7.15 The Site Block Plan shows 3 car parking spaces to the front of the site, with access off Winterslow Drive. This would necessitate a greater area of hard surfacing to the front

of the site, which having regard to the off site parking within the curtilages of other properties within the locality, would not be out of keeping with the area. 2 spaces would be provided for the existing, 2 bedroom property, with 1 space for the proposal (ie 1 bedroom). This level of car parking for both properties, would conform to Havant's Car Parking SPD.

- 7.16 Cycle storage is not provided for either the existing or proposed dwelling. Havant's Car Parking SPD, requires cycle provision in new development of one space, which could be provided within the site. There is also an expectation that cycle storage is provided for the existing dwelling, in circumstances such as this proposal, albeit this is not a requirement of the SPD. As only 1 cycle storage space is required for the development, which could be provided on the site, this in itself is not considered so harmful as to warrant a reason for refusal and could be conditioned if permission was forthcoming.

(v) Drainage & Flood Risk

Drainage

- 7.17 As to foul sewage for the development this would be via a main sewer. Surface water would be disposed of by soakaways. Both foul and surface water disposal for the development would be dealt with via Building Regulations, if permission was forthcoming.

Flood Risk

- 7.18 The site falls wholly within Flood Zone 1. Overall, the development is considered to be a low flood risk. (<0.1% AEP).

(vi) CIL

- 7.19 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant.
- 7.20 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in new internal floor space for the dwelling has been calculated by the agent as 36 sqm, which would be £4,268.57. Exemption is not claimed.

(vii) Planning Balance.

- 7.21 A 5-year land supply cannot be demonstrated by the LPA and consideration is given to the weight to be given to this planning considerations and whether this overrides the other material planning considerations pertaining to the proposal.
- 7.22 The proposal is for one additional dwelling which would be a very modest addition to

the Council's housing stock, to which moderate weight is given.

- 7.23 The development would bring some economic benefit through construction and through the additional spend generated by the new residents, which in a limited way, could help to sustain local services, which are attributed moderate weight.
- 7.24 The development would provide insufficient amenity space for both the existing dwelling and the proposed dwelling, would provide an inadequate level of internal living space which would be significantly harmful to the well being and amenity of occupiers, contrary to the Havant's Design Guide SPD, the Government's Technical housing standards - nationally described space standard, Policy CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework, to which significant weight is given.
- 7.25 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
- 7.26 The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.
- 7.27 The harm that would arise to the future occupiers of the proposal and the existing dwelling would significantly and demonstrably outweigh the benefits of the scheme and the recommendation is to refuse permission.

8 Conclusion

- 8.1 The proposal would not impact on the residential amenity of neighbours and in parking and drainage terms is acceptable. Mitigation measures have not been secured in respect of the Solent Recreation Mitigation Strategy and neutral nutrient development, so it would not be lawful to grant the application, without such mitigation. Additionally, the proposal amounts to an overdevelopment of the site which would result in a dwelling of a substandard size, with insufficient amenity space for both the proposal and the existing dwelling contrary to the adopted Borough Design Guide 2011, the Government's Technical housing standards - nationally described space standard, the development plan when considered as a whole and the National Planning Policy Framework.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/01242 for the following reasons.

- 1 The proposed development would amount to an overdevelopment of the site which would result in a dwelling of a substandard size considerably below the Statutory Guidance in the Governments 'Technical housing standards - nationally described space standard' for a 1 bedroom, 2 storey house resulting

in insufficient internal amenity space for future occupiers. Furthermore the subdivision of the garden would result in insufficient external amenity space for the existing and proposed dwelling. The proposal is therefore contrary to the Government's 'Technical housing standards - nationally described space standard', the adopted Havant Borough Council Borough Design Guide SPD 2011, Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 2 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, paragraph 180(a) of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).