
Site Address:	Land between, 26-32 Padnell Road, Waterloooville		
Proposal:	Erection of 2No.3bed and 2No.2bed dwellings associated parking and bin/cycle storage.		
Application No:	APP/21/01041	Expiry Date:	05/11/2021
Applicant:	D & K Contracting Services Limited DeSuoza		
Agent:	Mr Chahal	Case Officer:	Tina Pickup
	ACA Design Limited		
Ward:	Cowplain		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to an open parcel of land located on the south side of Padnell Road, opposite St Wilfred's church. It has been known locally as "Joeys Field" for many years. It comprises a gap in an otherwise continuously built up frontage within the defined urban area, close to the Cowplain District Centre. The site area extends to some 0.107 ha. There have been no known permanent structures on the site since at least the 1950's and as such the site is not considered to comprise Previously Developed Land as defined by the NPPF.
- 1.2 The site is primarily open and grassed land with the recent addition of some builders materials, rubble etc as a store. Formerly the site was wooded, but the trees were felled in Spring 2020. The site is currently secured to the Padnell Road frontage with high wooden boarding and gates; and the perimeter enclosed with 2m high close boarded fencing. In addition, across the centre of the site is a green railing fence. The site slopes down to the south with mature trees the subject of a Tree Protection Area Order on the land immediately to the south, beyond which are the Padnell infant and junior schools.
- 1.3 Either side are residential dwellings – to the east, number 32 is a detached chalet style bungalow sited close to the shared boundary. This has a ground floor window and first floor dormer window facing directly into the site. To the west, number 26 is a semi detached two storey dwelling having a single storey side garage built right up to the shared boundary.
- 1.4 This southern side of Padnell Road is characterised by predominantly detached dwellings of a mix of architectural design and age, but all set in a linear fashion with fairly consistent 'building line' and long rear gardens. The northern side of the road includes two larger developments – the church and Nightingale Lodge, which comprises retirement apartments. These developments are of a similar two storey height and scale but much deeper than surrounding residential properties; their handed layout is such that they do not unduly impact adjacent standard residential properties.
- 1.5 There are no parking restrictions directly outside the application site, although there is a stretch of double yellow lines outside the church. Padnell Road is unclassified. A Southern Water surface water drain runs close to the eastern boundary of the site.

- 1.6 The site is currently subject of an ongoing appeal - against the decision to refuse APP/21/00024 for the erection of 6 flats.

2 Planning History

- 2.1 APP/21/00024 - Erection of block of 6 flats with associated parking and bin/cycle storage - Refused 15/05/2021 for 3 reasons:
1. Out of keeping with pattern and character
 2. Overbearing and dominant, harmful to neighbouring amenity
 3. Under provision of parking leading to adverse impacts on highway amenity

This scheme is currently subject of an appeal.

- 2.2 Also of relevance is a recent application at 23 Padnell Road for a backland bungalow that was refused permission and the subsequent appeal dismissed:

APP/20/01026 - Demolition of the existing garage and summer house and construction of 1No. detached 3 bedroom bungalow with associated soft and hard landscaping and parking.

Refused 04/02/21 and subsequent Appeal Dismissed on 14th January 2022

3 Proposal

Erection of 2No.3bed and 2No.2bed dwellings associated parking and bin/cycle storage.

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)
CS19	(Effective Provision of Infrastructure)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
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)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
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E1*	(High quality design)
H1*	(High quality new homes)
H3*	(Housing density)
E12	(Low carbon design)
E16	(Solent Special Protection Areas)
E14	(The Local Ecological Network)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No objection providing the work is carried out in strict accordance with the arboricultural method statement and tree protection plan supplied.

Building Control

None received

Community Infrastructure

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:

(I) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the additional dwelling and its 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>

County Ecologist

The application is accompanied by an Ecological Assessment (4 Woods, July 2021).

The site is essentially of minimal ecological value, comprising a cleared plot with an area of species-poor grassland. There are no trees or shrubs on the site, these having previously been removed.

In essence, there is no requirement for further ecological surveys and therefore the developed site should include ecological enhancement measures. The ecology report contains some general ecological mitigation and enhancement measures which are all acceptable.

If you are minded to grant permission, can I suggest that all ecological mitigation and enhancement measures are secured by condition.

Development shall proceed in strict accordance with the ecological mitigation measures detailed within the Ecological Assessment (4 Woods, July 2021) unless otherwise agreed in writing by the Local Planning Authority. Reason: to protect and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy

March 2011

Crime Prevention

None received

Southern Water

The submitted site plan indicates 3 metres easement to public surface water sewer. We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers"

(southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

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

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

Hampshire Highways

The applicant is proposing the construction of 4 properties (2 x 2 bed and 2 x 3 bed) with associated parking and bin/cycle storage. The properties seem to be in keeping with those in the local area.

Site Access

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 for this new access. For further information on visibility splays please see the Hampshire County Council Technical Guidance TG3 using the following link: [Microsoft Word - TG3 Technical Guidance Note - Stopping Sight Distances and Visibility Splays \(A1001001A17F05B10508J50123\)1.docx \(hants.gov.uk\)](#)

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 \(hants.gov.uk\)](https://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.

Swept Path Analysis:

The Highway Authority require the width of the carriageway and swept path analysis for the following scenarios:

- ☐ 2 cars passing each other along the carriageway
- ☐ 2 cars entering/exiting the proposed development (n.b. the car exiting the development is at the stop line)

Parking Provision

The applicant is proposing 10 vehicle parking spaces and 4 cycle spaces, in accordance with Havant Borough Council's parking standards as set out in their Parking Supplementary Planning Document (SPD) dated July 2016. A parking survey has also been completed by the applicant. The survey confirms that on-street parking spaces are available; however, on-street parking should be discouraged wherever possible with parking retained within the site boundary. Whilst the Highway Authority are satisfied that the level of car and cycle parking is adequate, the applicant should be made aware that ultimately the final decision regarding parking is with Havant Borough Council as the Parking Authority. Thus, the applicant should secure confirmation with HBC about whether the proposed parking provision will be accepted or not.

Refuse Collection

The Highway Authority require drawing 2021/04 to be updated with the distance residents are required to wheel their bins to the refuse collection point at the site access. This should be in accordance with Manual for Streets Chapter 6.8.9 which states that "*residents should not be required to carry waste more than 30m to the storage point*".

Trip Generation

The Highway Authority have undertaken their own TRICS assessment and can confirm that the proposed new dwellings will not have a detrimental impact on the wider highway network.

Having regard to the above the Highway Authority require the following information before a formal recommendation can be given:

- ☐ Visibility splays for the proposed new access in compliance with the guidelines set out in Hampshire County Council's Technical Guidance TG3;
- ☐ Width of the internal carriageway;
- ☐ Swept path analysis showing 2 vehicles passing each other along the carriageway and 2 vehicles entering/exiting the site with 1 of these vehicles at the stop line; and
- ☐ Distance required for residents having to wheel their bins to the refuse collection point in accordance with Manual for Streets Chapter 6.8.9

Natural England Government Team - Summary:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

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

- Solent Maritime Special Area of Conservation (SAC)
- Solent and Southampton Water Special Protection Area (SPA) and Ramsar site
- Portsmouth Harbour SPA and Ramsar site
- Chichester and Langstone Harbours SPA and Ramsar site

- • Solent and Dorset Coast SPA
- • Solent and Isle of Wight Lagoon SAC

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.
- • Any other likely significant effects that could arise from the development should also be assessed.

Portsmouth Water Company

We have no adverse comments on this application from a groundwater quality protection perspective as the development is small in nature and there is no deep excavations works or infiltration drainage proposed.

Waste Services Manager

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: 90

Number of site notices: 2 - posted by applicant/agent

Statutory advertisement: Not applicable.

Number of representations received: 16

The third party representations all object to the proposal, raising the following issues:

Highway safety & traffic

several letters include photos of area in vicinity of site parked up

Padnell Road a busy thoroughfare and more development at its busiest point is foolhardy; installation of traffic lights at junction on London Road & Padnell Road as part of the A3 bus priority scheme is already causing long queues and will be exacerbated by the proposed 82 dwellings at Padnell Grange; busy thoroughfare for children to 2 schools, a nursery, health care centre & residential home, accident waiting to happen; driveways often blocked by parked vehicles; visitors likely to park in already busy & hazardous road; bus stops affect traffic flow; revised plans show a decrease in amount of properties but amount of vehicles probably more as they are family homes and could have 3 or 4 vehicles; Padnell Road a busy rat-run; been previous accidents with children knocked over or knocked off bikes near site; parking shocking and would create even bigger problem for emergency vehicles and buses to

get past parked cars/vans; driveway to rear properties does not look wide enough for emergency vehicle access?; question whether enough parking; building of Nightingale Lodge, Davis cottages and new health centre has significantly increased traffic and staff park on road from early morning till early evening; double yellow lines up to number 18 & 13 means from 20 a pinch point as this is closest place to park; ambulances regularly called to Nightingale Lodge and additional street parking could hinder ingress and egress of ambulances; parking at school drop off and collection times especially busy; when combined with events at St Wilfred's church traffic situation becomes unacceptable causing delays & queues making it difficult to access private drives; access drive to rear will not accommodate heavy fire engines/ambulances/delivery vans that are heavy and would damage grasscrete blocks; entrance to church directly opposite; delivery vehicles to rear plots will need larger turning area or will end up reversing out onto busy road which is unsafe; note Highways consultee response requiring swept path analysis for 2 cars to pass - access does not appear sufficient for passing; although 5 parking spaces at front and 4 to rear, typically houses have more than 2 cars which would lead to parking spaces required on road that is already strain;

Quality of life

will be detrimental to quality of life of residents living in area; each plot has very small garden for future occupier; building of rear plots will have negative effect on enjoyment of existing gardens and open space negatively impacting our emotional wellbeing;

Siting/Layout

out of character with linear siting of dwellings in Padnell Road; development extends past the rear of existing properties; de-sectioning of the plot contrasts with character of road and rear plots will impact Padnell Road from street scene; no other rear dwellings towards rear of plots; all other plots contain only one habitable dwelling towards front with large rear gardens; plots 3&4 completely go against this trend; previous application building line extended approx 15m beyond established building line - this proposal starts approx 16m beyond;

Design, Privacy & Outlook

building line beyond neighbours gardens making them overlooked, shaded with less pleasant outlook; gross invasion of privacy, rear plots half way down gardens and gable ends will protrude above fence line visible from every room and garden leading to overlooking, anxiety & stress, preventing enjoyment of own home; overbearing feature visible from adjacent gardens; will dominate outlook from all rear gardens and Padnell Road; detrimental to quiet enjoyment of rear space of adjoining properties; gardens currently dark and peaceful; at 6.3m high rear plots 3 times higher than boundary fence and will dominate field of vision from garden presenting a foreboding, bland, incongruous and ugly solid brick wall where previously nothing but trees; building and large roof area will dominate the southerly outlook from the street and rear of neighbouring properties; excessive building bulk adjacent boundary detrimental to outlook and amenity;

Precedent

Will lead to others wanting to exploit back garden developments; similar garden development at 23 was refused; if approved would be tantamount to overturning infill policy and result in new applications to build in long back gardens; drive would provide convenient access route to back garden of adjacent property; quotes provided from other applications in Padnell Road (APP/20/01026 @23, APP/21/00024 @26-32, APP/10/00293 @23 and 06/71368/001 @34-36); alignment of plots 3&4 undesirable form of backland development that would create precedent;

Daylight/Sunlight

rear half of adjacent garden will be overshadowed by large gable end of plot 4; shadowing plan only shows winter not summer; Drawing No 2021/04 clearly a copy from previous application and not a true reflection of sun's path for remainder of year; sun rises higher in sky and further to east when viewed from adjacent garden, providing bright early morning sunlight until mid-morning - rear plots will block this morning sun and place garden into shade;

Noise, air quality & pollution

small units attract first time buyers who are likely to be more noisy than older residents in road; detrimental affect on residential amenity from comings and goings of vehicles, noise, disturbance, visual impact and loss of privacy; rear plots will generate pedestrian movement, vehicle movement, music, tv, and other daily noises adversely affecting living conditions of adjoining occupiers; also lighting from rear plots would effect sleep patterns; headlights from cars turning at rear would shine into adjacent living rooms; rear plots will introduce social activities, noise & light pollution where previously there was none; engines/car doors slamming at rear; increase in air pollution from increase in exhaust fumes and vehicle fluids and brake dust seeping into the ground into the water table, contaminating the ground, harming the environment;

Out of keeping/character

No better than previous proposal cramming too many units onto available space which is only suitable for one family property or a pair of semi's to be in keeping with the area; appearance from road out of character with pair of smaller properties with numerous parked cars and no front garden; previous garden grabbing applications refused (10/00293 & 71368/001) as not in keeping with road; height should not be higher than a property on either side; ignores building line extending to rear; no other buildings on same side of road have living accommodation to the rear of their properties; parking to front detrimental to look of road; an overdevelopment compared to other dwellings in road; range of residential styles in Padnell road, but no backland developments; proposal contrary to para 127 of the NPPF about adding to quality of an area; NW corner only half metre away from side elevation of 26 which does not retain gap between buildings; no other dwellings in Padnell Road are this close together; lack of separation fails to respect the local context; no other dwellings have dedicated side access road and views of the access, turning area and dormers of will be seen from the road; when we applied to rebuild our property we were only allowed a chalet due to surrounding houses being predominantly chalets - so objectionable that two semi detached two storey houses being sought which can't be in keeping with neighbouring properties;

Scale/Overdevelopment

will add more cars to already congested road infrastructure, more people seeking GP and NHS dentist services and more children seeking school placements; and overload on utilities such as water and sewerage; South & South east already over-developed and if Government wants to "level up" then these developments must cease; overbearing design will dominate adjoining dwellings; still an overdevelopment considering size of plot; constitutes an intensification of development that would be incongruous and out of character with appearance of street;

Loss of open space & natural habitats/ecological impacts

Joey's field used to be home for newts, slow worms, frogs etc and certain wildlife return to previous habitation for generations so although survey says none there now they may return; tawny owl has just returned after developer felled trees a year ago, rear plots would be detrimental to this habitat; site was once full of irreplaceable native

trees & shrubs that attracted wildlife that has been spoiled by developer; loss of important habitat for numerous species including slow worms that not been since; bats still come out at night but their foraging places has been destroyed; contrary to objectives re biodiversity net gain; ecological survey was carried out after clearance of all trees and vegetation meaning all wildlife had already relocated; no sign of any replacement trees or for screening purposes; doing the ecological survey after it has been cleared renders it pointless;

Impact on trees

Plots 3 & 4 extremely close to oak tree subject of TPO and digging of foundations so close to RPA may damage tree; this tree may be a "veteran" tree in which case its RPA should be increased by 15m; age and status of tree must be calculated and promulgated for more realistic RPA which may affect siting of plots 3 & 4; proximity of these trees to rear plots will be shaded by tree canopy affecting light to new dwellings with future pressure to reduce/prune/fell; any future patio area would encroach into the RPA; new fence already damaged RPA when fence posts dug; this tree also likely to be a bat roost and further study needed;

Drainage

increase in hard landscaping will cause adjacent properties to be vulnerable to flooding; access road will cause damage to natural drainage channel running along under the road; site provides natural surface water drainage leading to Hermitage stream and its loss will lead to more local flooding; grasscrete blocks for access road will require topsoil to be excavated, hard core before compacting and levelling which will impact natural drainage and create excess water run off; deep heavy clay subsoil makes rainwater absorption problematic; soakaways ineffective in the street; despite improvements to the road surface there are still pockets of surface water that collect in the road unable to find its way down gullies;

Sewerage

will increase strain on already struggling and outdated sewerage system; drains sometimes overflow with raw sewage in gardens; the Environment Agency maintain an open case as its a regular occurrence, especially during heavy rain; additional 4 dwellings would increase severity & frequency of this problem; flooding of rear garden after heavy rain worsened since trees on field removed; many properties have non-return valves put in;

Proximity/effect on footings

siting of frontage building at NW corner could impact footings of No.26 as separation not as quoted in D&A statement; NW corner only half metre away from side elevation of 26 which does not retain gap between buildings; no other dwellings in Padnell Road are this close together;

Housing Contribution/Local Plan

development of small, odd pieces of land benefits greedy developers but makes no significant contribution to the Governments housing targets.

Child safeguarding issues

Development would allow line of sight into school playground with possible child safeguarding issues at both schools;

Bins

not enough space for 4 large refuse wheelie bins for collection whilst maintaining access;

Other comments

concerning that this developer appealed for extra flat on a Romsey scheme which was allowed; when site went to auction advert stated potential planning for one, possibly 2 dwellings - proposal for 4 demonstrates developers greed; previously advised that protective covenant on Joey's field and no building was allowed;

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) Housing land supply and density
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Highways, parking, cycle storage and refuse
- (vi) Drainage
- (vii) Trees and Ecology
- (viii) Compliance with Habitats Regulations
- (ix) CIL

(i) Principle of development

7.2 Although the site has not been occupied by any permanent structure and had until recently been wooded for many years, it nevertheless falls within the defined urban area. Therefore, although not Previously Developed Land (PDL) as defined by the NPPF, i.e. a brown field site, it does represent a site within a settlement policy area with an associated presumption in favour of development, subject to other material considerations.

7.3 Policies CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and AL2 of the Havant Borough Local Plan (Allocations) 2014 direct development to the main urban areas of the Borough and as such the development of this site is considered appropriate in principle, subject to detailed considerations of any adverse impacts. Detailed aspects of the design have been discussed with the agent to highlight areas of concerns and amended plans requested to overcome some of the detailed matters, but these have not been forthcoming. Therefore the application is being determined as submitted, with detailed considerations appertaining to the design, siting and layout as detailed below.

(ii) Housing land supply and density

7.4 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 can 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 four dwellings, which is recognised as making a very small contribution to the Council's housing need and should be afforded appropriate weight in the overall planning balance accordingly.

- 7.5 In terms of densities, the provision of 4 dwellings on a site comprising 0.107ha results in a density of 37 dpha. The supporting text to adopted policy CS9 (Housing) indicates this would be considered Low Density. Whilst the NPPF supports development that optimises the use of land, nevertheless the development of the site must also reflect the surrounding character, which is equally low density.
- (iii) Impact upon the character and appearance of the area
- 7.6 The site is located within an urban area predominately characterised by detached chalet style and two storey dwellings set towards the front of their plots, in a linear arrangement. In street scene terms, the height and two storey scale of the proposed front pair of semi detached dwellings, would represent a logical infill between the adjacent chalet bungalow at number 32 and the two storey semi-detached dwelling at number 26. The proposed ridge and eaves line would match number 26 and the use of hipped roof would minimise visual bulk to the street scene.
- 7.7 Separation to number 32 benefits from a Southern Water easement, but to number 26 is only some 0.5m. However in visual terms number 26 only has single storey development to the shared boundary so the two-storey to two-storey separation would be some 4.5m. This upper level and roof line sense of space, skyline and separation between properties is considered comparable to other spacings in the vicinity and appropriate to the spatial characteristics of the area.
- 7.8 However it is noted that no other dwellings in the vicinity have any sort of backland development and all have large landscaped gardens to the rear with modest outbuildings only. Therefore each property has an open aspect and sense of spaciousness to the rear. The introduction of a pair of semi-detached chalet style dwellings into the rear areas, aligned with the open private gardens of adjacent dwellings, would not be in keeping with the pattern of development in the area.
- 7.9 The proposed rear dwellings are not modest - they would have a ridge height of 6.3m, enabling a second floor of accommodation in the roof space. Plot 4 has a front two storey gable and both plots have large rear dormers. Their presence and associated parking and turning area would introduce a substantial scale of development into the rear garden areas, encroaching far deeper into the site with habitable accommodation than elsewhere. No other dwelling on the south side of Padnell Road has a driveway extending into their rear garden with turning behind the dwelling. The introduction of such vehicle movements deep into the site would be at variance with the pattern and character of the area.
- 7.10 It is considered that the bulk and mass of the proposed rear dwellings, plots 3 & 4, together with the side driveway and 4 parking spaces serving them, would add an urbanisation at the rear of the site and across the entire width of the site, which would be highly visible from surrounding dwellings and also the main highway. Oblique views of this large rear development would be possible down the side access and such a scale and mass of development would be at odds with the neighbouring area which is typified by open aspect gardens.
- 7.11 Additionally it is noted that the extensive line of hard surfacing to provide 6 frontage parking spaces (which is excessive and over and above that required for the front dwellings - see Parking section below) would be visually formal and harsh, and also out of character with the more informal frontage parking areas of adjacent dwellings. The layout of this frontage area does not maximise landscaped screening, but rather provides excessive amounts of hard surfacing, detrimental to the visual appearance and character of the area.

7.12 In the recent appeal decision on the site almost opposite, at 23 Padnell Road, the Inspector found that the scale and mass of a single storey bungalow (that scheme had a height of 4.7m, was set almost 2m from each side boundary, with fully hipped roof) would be "at odds with the verdant and open-style gardens with a scattering of simple garden type buildings". The current application is for a larger scaled development in an equally open and verdant area, and therefore the same conclusions must be drawn with respect to character and appearance of the area. It is further noted that third party representations make reference to other historical refusals for backland schemes in Padnell Road. Whilst each application must be considered on its individual merits, its noteworthy that backland proposals very close to the site have all been refused and successfully defended as being out of character e.g. 06/71368/001 at No. 34 - 36 (2 properties to the east) for the demolition of 36 and erection of 5No 2 and 3 bed dwellings.

7.13 Overall, it is considered that the backland nature of the proposed development, introducing a scale, mass and bulk of development adjacent otherwise open aspect rear gardens, would not be in keeping with the pattern and character of the south side of Padnell Road. Paragraph 130 of the NPPF requires development to be sympathetic to local character and adopted policy CS16 requires developments to respect local context. It is considered that the proposed development of the rear plots 3 & 4, fails to respect that pattern of local development and would be unsympathetic to local character, contrary to adopted policy CS16 and the NPPF.

(iv) Impact upon residential amenity

7.14 Policy CS16 requires development not to cause unacceptable harm to neighbouring amenity and the adopted Borough Design Guide SPD specifically considers backland developments at paragraph 5.26 - 5.27. This notes that 'tandem' backland developments are difficult to deliver successfully "due to problems of overlooking, noise and traffic disturbance, loss of amenity, cramping and the adverse effect on local character" and states that tandem backland developments will only be permitted provided the amenities of the surrounding dwelling and 'host' dwelling can be safeguarded. It is contended that this classic backland development proposed would result in conditions harmful to neighbouring amenity and would be contrary to both policy CS16 and the Design Guide SPD.

7.15 The proposed layout includes a side access road running immediately adjacent the shared boundary with number 32 and their private sitting out area. The side elevation of 32 includes a side dormer facing the site. No landscape mitigation strip is proposed to help mitigate noise and disturbance, light pollution etc. It is considered that the use of this side access road by two new households and their associated visitors, deliveries etc, would introduce a level of activity, additional noise and disturbance adjacent currently quiet and private rear garden areas. This would directly impact the occupiers of number 32 where the access, turning and parking areas would be close to the shared boundary, but also number 26 as the parking area would result in noise from car engines, revving, opening and shutting of car doors, lights from headlights, all within 5m of their private garden.

7.16 In terms of activity it is therefore considered that the additional comings and goings associated with the introduction of 2 dwellings to the rear would have an adverse impact on the quiet enjoyment of adjacent residents, harmful to their amenity. It is further noted that these rear dwellings, are tantamount to 3 bedrooms each (each study could be a bedroom) and could readily accommodate active families. The

associated noise and disturbance from the new curtilages that would be aligned adjacent the rear open quiet garden areas of numbers 26 and 32, would be invasive and detrimental to neighbouring amenity.

- 7.17 In terms of overbearing and overlooking effects, plot 4 would be within 0.5m of the shared boundary with number 26, with a side gable facing number 26 having a height of 6.3m. Two side windows are proposed for this west elevation, including a kitchen window ie a main habitable window. The proximity and height of this development so close to the shared boundary with number 26 would have a dominant and overbearing impact on number 26 and lead to sense of being overlooked from side windows that adversely effect their privacy, outlook and enjoyment of both their garden and dwelling. The front (north) elevation of plot 4 includes a high gable feature with first floor windows, within 13m of the rear of 26. Whilst these first floor windows may be obscure glazed, nevertheless their very presence in the bulk and mass of a substantial pair of semi detached dwellings would have a significant presence and be highly visible from the rear of number 26, harmful to their outlook and sense of privacy.
- 7.18 Generally the height and dominant design of the proposed rear plots are not considered subordinate or low profile, and would be clearly visible from several gardens along in both directions. The introduction of the significant bulk and mass of the plots 3 & 4 would result in an incongruous development where otherwise the outlook is of open gardens with ancillary scaled outbuildings only. This would be harmful to the outlook of several neighbours.
- 7.19 In terms of overshadowing, due to the orientation of the site, plots 3 & 4 would result in some early morning shading to the rear garden of number 26, and late afternoon shading to the garden of number 32, where previously there was none. Whilst not directly resulting in any loss of sunlight to habitable rooms, nevertheless the additional overshadowing to private garden areas would further erode the current levels of amenity enjoyed by neighbouring residents.
- 7.20 In terms of living conditions for future occupiers of the development, the layout only provides a rear garden depth of 7.8m for plots 1 & 2 and 9m for plots 3 & 4. The adopted Design Guide SPD sets out a recommended minimum rear garden lengths of 10m. In terms of usable amenity space commensurate to the size of the dwelling and likely future residents, it is noted that all 4 dwellings would be capable of being family homes. Whilst plots 2 to 4 all have wider plots, providing reasonable useable garden areas, it is noted that plot 1 only has a narrow garden and sited immediately adjacent the access road and rear parking spaces. The size and location of this garden adjacent vehicle movement areas, is such that the rear garden of plot 1 would not provide a satisfactory private and quiet area suitable for family needs.
- 7.21 Third party representations have noted the presence of the trees beyond the application site to the south, which are covered by an Area TPO, and the fact that they would cause overshadowing to the gardens of plots 3 & 4. Since these gardens would have a southerly aspect then in the summer the foliage of the trees would result in considerable overshadowing of the gardens of plots 3 & 4, although in the winter, without leaves, this would be less so. It is therefore considered that the rear gardens to serve the proposed dwellings would not provide adequate levels of amenity for future residents of plot 1 (by virtue of size adjacent vehicle areas) and plots 3 & 4 (by virtue of overshadowing), and therefore the layout would not create an adequate standard of living where people would want to live and relax, contrary to policy CS16.

- 7.22 Overall the proposed development of the rear plots 3 & 4, is considered to have a detrimental and harmful impact on neighbours amenity from noise and disturbance from additional comings and goings to the rear of the site; overbearing dominant effect (to number 26 particularly); loss of outlook and privacy, and some overshadowing, contrary to adopted policy CS16, in particular clause e). Furthermore the layout does not provide adequate usable private amenity space for future occupiers of plots 1, 3 & 4.

(v) Highways, parking, cycle storage and refuse

- 7.23 Hampshire Highways requested further information to clarify the visibility splays, extent of dropped kerb, swept path analysis to ensure 2 vehicles can pass within the site, and refuse collection point being within 30m of the storage point. Although requested and discussed, with potential solutions, nevertheless amended plans have not been forthcoming demonstrating these points. In the absence of adequate information to demonstrate on site technical compliance with highway matters, there is an objection from Hampshire County Council as Highway Authority, although they do note that a TRICS assessment confirms the scale of the development would not have a detrimental impact on the wider highway network.
- 7.24 In terms of on site parking provision, as 2 and 3 bedroom dwellings, each should unit should have 2 on site spaces and secure cycle storage to meet the Parking SPD ie a total of 8 spaces. Ten spaces are actually proposed, an over provision of 2 spaces at the front of the site. Visitor parking is not strictly required to meet the SPD (only required on major developments), but given the sites location on a busy thoroughfare, a shared pull over space for deliveries would be useful. But the layout as proposed, with 6 spaces to the front, would probably function as 3 private spaces per front dwelling, and not a shared service space.
- 7.25 In terms of cycle storage, the plans only indicate cycle lockers for plots 1 & 2, not 3 & 4, although it is accepted that the gardens could readily provide secure sheds for cycle storage that could be conditioned if the application had been recommended for permission.
- 7.26 It is noted that the 16 letters of objection all refer to the lack of on street parking due to the sites context near schools, nurseries, the health centre, opposite the church etc and the fact that Padnell Road is a busy through road and bus route. Local residents evidence parked cars in Padnell Road at busy times of the day, especially school drop off and collection times and church services/events. These parked vehicles and buses at the nearby bus stops allegedly then affect the flow of traffic. However, the proposed plans do provide adequate on site parking and as such there would be limited demand for on-street parking which would not exacerbate the existing situation further.
- 7.27 With respect to refuse collection point, this would appear to block the access into the site and would be both unsightly and prominent in the street scene as well as exceeding the distance for residents to travel of 30m. As currently shown the refuse collection arrangements are unacceptable and again amended plans to address these points have not been forthcoming.
- 7.28 Overall, the detailed on site parking, cycle storage and refuse collection arrangements proposed would not function appropriately and would not provide an adequate standard of accommodation for future residents. It has also not been adequately demonstrated that the site has adequate visibility or internal carriageway width for passing at the entrance. Therefore the on site access and parking arrangements are

considered contrary to policies DM13 and CS16, and the Parking SPD.

(vi) Drainage

- 7.29 Whilst Southern Water previously indicated that the development of 6 flats under APP/21/00024 could result in additional foul sewerage flows that may lead to increased risk of flooding from the sewer network, they have not similarly objected to this reduced scheme for 4 dwellings. Although third party comments also refer to inadequate sewerage system that overflows, the detailed connection to the foul drainage would be a Building Regulations matter. The subsequent capacity of the SW network to serve the development would also be a matter for SW directly.

(vii) Trees and Ecology

- 7.30 As noted by third parties the site has been cleared of previous trees and vegetation, destroying any wildlife it once supported. Whilst this is regrettable, the trees were not protected by any Tree Preservation Order and no breach of planning legislation has occurred. The rear plots 3 & 4 are sited beyond the RPA provided by the accompanying Arboricultural Impact Assessment and Method Statement by RMT Tree Consulting and there is no indication within this report that the off-site trees are "veteran" requiring additional protection (as alleged by third parties). The Councils Arborist raises no objection to the information supplied and considers the RPA adequate and the proposed development is sufficiently distanced from the TPO'd trees to the rear of the site to have no adverse impact on their health.
- 7.31 Third party comments also note the future pressure to prune from occupiers of plots 3 & 4 due to the proximity of these large trees due south of proposed modest gardens. Leaf litter can also be an issue. These concerns are valid, but the extent of the issue probably only marginal, and since the application is recommended for refusal for other more fundamental reasons, then it is not considered necessary to include a separate tree reason for refusal.
- 7.32 The application is supported by an Ecological Assessment which notes the current lack of nature conservation features but recommends mitigation measures of avoiding illuminating the trees to the rear and care in removal of debris re potential hedgehogs on the site. Third party representations note foraging bats in the area, focusing around the trees to the rear, but these are beyond the application site. There are no bat roosts within the application site affected by the proposed development. The County Ecologist recommends that if permission had been granted then ecological enhancements be secured through condition.

(viii) Compliance with Habitats Regulations

- 7.33 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 four new residential units.
- 7.34 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 indicated a

willingness to enter into a legal agreement to secure the appropriate mitigation packages.

- 7.35 However, given the recommendation for refusal on other matters, these issues have not been addressed and no HRA AA has yet been undertaken. It is therefore necessary to include the non-provision of the 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, and emerging policies E16 and EX1 as well as non compliance with the Habitats Regulations. Should an appeal be lodged against the decision to refuse, then this matter can be resolved at appeal stage.

(ix) CIL

- 7.36 The development is CIL liable for the net additional internal floor space, which is indicated on the CIL forms to be 331sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners 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 CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2021 - 48.66%.

- 7.37 In light of the recommendation for refusal on other matters, the Draft Liability Notice has not been prepared and could be addressed at appeal stage if necessary.

8 Planning Balance and Conclusion

- 8.1 It is acknowledged that the Council's Five Year Housing Supply (updated November 2021) is below the threshold and that the proposal would provide 4 dwellings making a small contribution to the Council's housing need. Paragraph 11 d of the NPPF is therefore engaged, giving a presumption in favour of development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However it is contended that in this instance the benefit of providing 4 dwellings does not outweigh the harm arising from the proposed development.
- 8.2 It is considered that the siting and layout of this backland development would be harmful to the pattern and character of the area; would give rise to adverse impacts on neighbour amenity from noise and disturbance, overbearing and loss of outlook and privacy; and the on site access, parking and refuse arrangements would not function appropriately, contrary to the adopted Borough Design Guide SPD and adopted policies CS16 and DM13 and the NPPF paragraph 130. In addition the lack of appropriate mitigation measures for likely significant recreational harm and impact on water quality to the Solent European Sites as specified by the Habitats Regulations is also contrary to policy DM24 and emerging policy E16. The proposal is therefore recommended for refusal.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/01041

(A) for the following reasons

- 1 The proposed development would result in an undesirable form of backland development out of keeping with the pattern and layout of the area, which is characterised by linear frontage development having open aspect spacious gardens. The introduction of two rear dwellings with associated access, parking and turning, would give rise to a scale and mass of development out of keeping with the of the area and visually harmful to neighbouring residents and the street scene. The proposal is considered to be at variance with local context and therefore contrary to Havant Borough Council Design Guide SPD 2011, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The siting and layout of the proposed backland development, with access drive, parking and turning areas close to shared boundaries, would give rise to additional comings and goings, with associated noise and disturbance, and light pollution, harmful to the quiet amenity of adjacent occupiers at 26 and 32 Padnell Road. In addition the siting, bulk and mass of the rear plots would result in an overbearing dominant effect with loss of outlook and privacy, and some associated overshadowing, to the occupiers of the adjacent dwellings, harmful to their amenity. The proposal is therefore considered harmful to residential amenity, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 3 Given the small size of the garden of plot 1 and its siting adjacent vehicle movement areas, it would not provide future occupiers with a satisfactory standard of quiet usable amenity space. In addition the gardens of plots 3 & 4 would be largely overshadowed by protected trees giving rise to dark and unsatisfactory gardens for these plots. Overall the standard of living for future occupiers of plots 1, 3 & 4, would be compromised and unsatisfactory, harmful to their amenity, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 4 It has not been adequately demonstrated that the site has appropriate visibility or sufficient internal carriage way width for 2 vehicles entering/exiting the site. The on site parking is an over provision resulting in an excessive frontage hard surfaced area dominating the appearance of the site; and no secure cycle storage is provided for plots 3 & 4. The on site refuse storage and collection points do not meet standards and would not function appropriately. Overall the on site parking, cycle storage and refuse collection arrangements would not provide an adequate standard of accommodation for future residents, and the proposal is contrary to policies DM13 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Parking SPD 2016 and the National Planning Policy Framework.

- 5 In the absence of a Habitats Regulations Assessment and suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites. The development would be likely to result in increased recreational pressures from future residents and 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, emerging Policy E16 and EX1 of the Submission Havant Borough Local Plan, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.