
Site Address:	65 Andrew Crescent, Waterloo, PO7 6BG		
Proposal:	Construction of 1No. one bedroom bungalow to rear of 65 Andrew Crescent.		
Application No:	APP/21/00639	Expiry Date:	01/09/2021
Applicant:	Mr A Jeans		
Agent:	Mr D P Manns	Case Officer:	Tina Pickup
	D M Designs		
Ward:	Waterloo		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to what was formerly the rear garden and parking area of 65 Andrew Crescent, but has been sold off and physically separated by 2m high close boarding fencing. As such the red lined application site comprises a parcel of land measuring approximately 14m x 15m that has a road frontage to Margaret Close. The site is relatively level but currently has piles of rubble and is in an untidy state.
- 1.2 The area is characterised by a mix of detached and semi-detached bungalows, of relatively uniform design and constructed of traditional materials. Some have dormer additions. There is a strong 'building line' within the area with the bungalows all set back with front gardens behind low frontage boundary walls. Most properties have side garages providing off-road parking. Overall the area is relatively spacious with regular spacings and separations between dwellings.
- 1.3 65 Andrew Crescent is a detached bungalow fronting Andrew Crescent to the north-west and now has a truncated rear garden, measuring between about 5m and 7m in depth. It has also lost its on site parking which was previously provided via a single garage and parking space located at the end of the rear garden, accessed off Margaret Close. This garage has now been demolished (& is probably the rubble on the site).
- 1.4 To the south-east is number 2 Margaret Close, also another bungalow, which originally had a back-to-back separation with 65 Andrew Crescent of 30m, including intervening garages serving both dwellings. The garage of 2 Margaret Close remains and is built up to the shared boundary with the application site. There is an evergreen tree and some shrubs within the garden of 2 Margaret Close, close to the western corner that provides some screening.
- 1.5 To the south-west of the site, the rear garden of number 67 Andrew Crescent abuts the site. The application site is slightly higher than the garden level of number 67 and the boundary treatment is only 1.5m high.
- 1.6 The site lies outside any current or future flood zone.

2 Planning History

None relevant

3 Proposal

- 3.1 Construction of 1No. one bedroom bungalow to rear of 65 Andrew Crescent.
- 3.2 During the course of determining this application amended plans have been received that slightly enlarge some rooms to comply with the Nationally Described technical space standards and the revised block plan shows provision of a cycle store and refuse store/collection point.
- 3.3 The proposed bungalow would have a maximum footprint of 8.315m x 8.93m with height to eaves of 2.3m and ridge of 4.7m. It would have a gable end fronting Margaret Close and be sited within the south-eastern end of the site, set 1m off the side and rear boundaries. This would result in a side garden having a depth of between 6m and 9m and width of 15m.

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)
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)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
IN1	(Effective provision of infrastructure)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
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

Building Control

- 1) If proposed building is located within 1m of the boundaries with 2 Margaret Close or 67 Andrew Crescent the proposed unprotected area formed by windows/doors would be in excess of the allowable areas - Requirement B4
- 2) The submitted information does not provide details for solid waste storage - Requirement H6

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.
Self build relief has been claimed.

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>

Crime Prevention

None received

Southern Water

Formal application required for a connection to the public foul sewer;
Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water;
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.

Engineering/Drainage

The old 1890 map shows a pond under 10 Margaret Close and a very suspicious line running into it – usually field boundaries would have picked up any surface water in the area; So it's possible that a "stream"/drainage ditch/culvert runs across the site, although I have no records of such.

Hampshire Highways

None received

Nutrient Team, Planning Policy

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00639.

Portsmouth Water Company

We have no adverse comments on this application from a groundwater quality protection perspective;

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.

Public Spaces

None received

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: 9

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
<u>Siting</u> Unwelcome dwelling much closer and create feeling of uncomfortable proximity;	Noted - see section 7 below
<u>Character</u> Berg estate low density dwellings - proposal to chop off part of the back garden and convert it to a dwelling would be out of character with rest of estate	Noted - see section 7 below
<u>Access & parking</u> Considerable friction with neighbours over access to driveways and parking on the road; proposal for additional dwelling would increase such tension; already traffic problem in Margaret Close with cars too near the junction with Andrew Crescent - and as no garage included will result in another car near the bend making it worse; bend makes it difficult to see what's coming; access to our drive opposite will be difficult if vehicles parked opposite	Noted - see section 7 below

<u>Wildlife</u> suburban gardens are increasingly important to Britain's threatened wildlife - proposal results in loss of the garden to a building plot	Noted
<u>Drainage/Flooding</u> Previous owner of 65 had to have it tanked as top of garden (site) flooded; stream runs under back of garage of 4 Margaret Close and understand it goes to Hambledon Road; stream so close to where they want to build will flood in this flood prone land; if built and causes flooding damage will hold Planning Dept responsible.	Site not within any Flood Zone - but see section 7 re drainage below
<u>Subsidence</u> this estate is built on clay and suffers from subsidence	Not a planning matter - would be Building Regulations
<u>Sewage</u> This road suffers from sewage blockages	Noted - SW not objected on capacity/blockage grounds
<u>Noise and Pollution</u> don't relish the noise and pollution problems when being built	Disturbance during construction works only temporary and Informative's could be added re hours of work/bonfires etc

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
- (vii) CIL

(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 The Council submitted its Havant Borough Local Plan, for examination in February 2021 and the Stage 1 Hearings have taken place. Until adoption the policies within the Submission Local Plan have limited weight. The emerging policies do however indicate the Council's direction of travel.

- 7.4 It is noted that the Council's Five Year Housing Land Supply Update (September 2021) shows that the Borough has 4.3 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.

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

- 7.5 It is noted that the design and siting of the proposed bungalow would, in street scene visual terms, outwardly adhere to the pattern and character of development in the locality. The hipped roof bungalow with front gable would be similar to others in the area and being set back 5m from the road, would follow the 'building line' set by the side elevations of 65 Andrew Crescent and 2 Margaret Close.
- 7.6 The proposed bungalow would be sited close to the garage of 2 Margaret Close but that tight relationship with garages is normal in street scene terms (although usually the garage would be within the bungalows own curtilage). Otherwise the bungalow would be separated from 65 Andrew Crescent and 2 Margaret Close by garden lengths and as such would not appear unduly cramped in street scene terms; it would retain a sense of space about it, compatible with the general character of the area.
- 7.7 Therefore it is considered that in visual terms the proposal would be appropriate to the character of the area. However, considerations under character of the area also include the more general density, plot and garden sizes relative to others in the vicinity. Most of the properties on the south side of Andrew Crescent have rear garden depths of about 18m although those on the north side of Margaret Close have about 9m to 10m. Generally the area is perceived as being spacious with amenity areas generously providing each bungalow with pleasant garden spaces.
- 7.8 The site has already been truncated from the original host dwelling 65 Andrew Crescent which has resulted in that dwelling having a smaller than average garden size. This sub-division of the original site has disrupted the pattern and layout of the area and resulted in an uncharacteristic tight and contrived plot located to the rear of a shortened curtilage. The site area available to each of the two sites is considerably less than the average in the area.
- 7.9 The cramped and contrived nature of the proposal is demonstrated by the fact that the proposed bungalow is set within 1m of its boundaries when others in the area are more spaciouly separated from boundaries. This also results in the outlook from within rooms being directly onto fencing. In particular the bedroom window would face a fence with the garage of number 2 Margaret Close beyond - this is the only window and source of light and outlook for future occupiers and would be particularly restricted and enclosing. Similarly the window serving the kitchen would have a poor outlook onto a fence. This would not provide a good quality living environment for future occupiers, due to the need to site the proposed bungalow so close to the boundaries.

- 7.10 Overall the proposed development is considered to result in a cramped and confined layout that does not respect the more spacious pattern of development found in the immediate vicinity and results in a poor living environment and outlook for future occupiers. Policy CS16 clause c) requires the characteristics of the locality, including plot widths and depths, to inform design. It is considered that the subdivision of the original garden of 65 Andrew Crescent has resulted in two very small plots that fail to respect local context and are at variance with the pattern and layout of the immediate area, contrary to policy CS16.

(iii) Impact upon residential amenity

- 7.11 The siting of the proposed bungalow would be within 1m of the south-east and south-western boundaries shared with 67 Andrew Crescent and 2 Margaret Close. This proximity of new building bulk, its height and mass, would undoubtedly have an adverse impact on the outlook and amenity of the occupiers of these properties. Whilst the garage of 2 Margaret Close would help to buffer some impacts from this direction, nevertheless the new bungalow, would only achieve a separation from 2 Margaret Close of 11m. This is substantially below the recommended minimum of a back-to-back separation of 20m set out in the Borough Design Guide SPD (although it is acknowledged that arguably the elevation facing 2 Margaret Close is a side elevation). But the sheer presence of a new building with height of 4.7m so close would have an adverse effect on outlook and amenity from 2 Margaret Close. The existing shrubs and tree within the rear garden of 2 Margaret Close that currently partly screen the site are noted to be old and can't be relied upon to remain in perpetuity.
- 7.12 From 67 Andrew Crescent the proposed bungalow would extend over 8m along the side shared boundary, covering almost half of the length of number 67's garden. The application site is also set slightly higher than number 67's garden and hence the proposed bungalow would be raised relative to number 67 adding to its sense of mass and dominance. The sheer presence of the proposed bungalow so close to the shared boundary would have a very oppressive and enclosing effect on the currently open garden of number 67.
- 7.13 The layout of the proposed dwelling and site would result in the main habitable kitchen window facing the shared boundary with dining room patio doors opening on the north-western gable end facing back to the rear elevations of 65 and 67 Andrew Crescent. This would likely be onto a patio area outside such a door and would concentrate the activity of future occupiers into this area close to the shared boundary. This would give rise to new activity where currently none exists, that would introduce a level of noise and disturbance that would impact the occupiers of both 65 and 67 Andrew Crescent. The tight relationship of the plot with neighbours results in a juxtaposition of layouts which conflicts with the established layout and alignment of dwellings side by side. This would result in a conflict of private amenity areas being adjacent activity areas of the new dwelling. The garden and sitting out area of number 67 would suffer from noise and disturbance and some loss of privacy from the contrasting layout.

- 7.14 Overall it is considered that the proposed dwelling, being sited so close to neighbouring gardens, would result in an overbearing and oppressive outlook for the occupiers of the adjacent dwellings and would lead to potential disturbance by way of new noise and general activity, harmful to their living conditions and amenity. As a result the proposal is considered contrary to policy CS16 clause e) which requires development not to cause unacceptable harm to the neighbours amenity from loss of outlook, noise, overlooking etc.
- 7.15 In terms of levels of garden space for amenity for future occupiers it is noted that the proposed bungalow is only 1 bedroom and as such would not provide family accommodation. Whilst the garden depth, at only between 6m and 9m falls short of the recommended minimum of 10m set out in the Borough Design Guide SPD, nonetheless, with a width of 15m, the total garden area available is considered commensurate to the needs of future occupiers.

(v) Highways and parking

- 7.16 To meet the adopted Parking SPD, 1 on site space is required to serve the proposed 1 bedroom dwelling, in addition to secure cycle storage. The car parking space is provided off Margaret Close using the existing dropped kerb that previously served the garage of 65 Andrew Crescent and the revised plan shows the position of a future cycle store (though details are not provided). The parking arrangements would therefore meet policy DM13 and the Parking SPD. It is however noted that number 65 has lost its on-site parking but because it is no longer in the control of the applicant and is not within the red lined application site the LPA cannot impose conditions requiring alternative on site parking provision serving number 65. This is regrettable but not a valid reason for refusal.
- 7.17 Third party comments note friction between neighbours regarding access to driveways but there are no parking restrictions in the area and the re-use of an existing access point would not result in any change to access arrangements. Clearly the additional dwelling would generate some additional traffic and visitors but with no parking restrictions in the area on-street parking can meet that demand. The increase in traffic from just 1 additional dwelling would not cause substantial harm to the highway network detrimental to highway safety. Overall there is no highways or parking objection to the proposal.

(vi) Drainage

- 7.18 The site is not within any flood zone but third party comments all note the presence of a "stream" that likely runs along the south-eastern boundary line with 2 Margaret Close and does result in surface water flooding to gardens. The Council's Engineers have no record of any stream/drainage ditch/culvert in this location but do note that historically there was a pond where 10 Margaret Close now sits, and as such acknowledge that there could be some drainage issues in the local area.
- 7.19 The NPPF advises that new development should not increase the risk of flooding on the site or elsewhere (para 167). In light of the recommendation to refuse for other reasons, this matter has not been pursued in detail with the agent, although he has been made aware of the issue. Had permission been likely to have been recommended then some drainage investigations would have been necessary to verify the presence of any drainage channel on the site and to ensure the availability of appropriate technical solutions to avoid increasing surface water flooding.

As a fundamental principle of development this would have been needed to be carried out before the issue of any permission as it is considered inappropriate to require such critical information that may affect the deliverability of the scheme to condition. Therefore the lack of this information should now represent an additional reason for refusal.

(vii) Compliance with Habitats Regulations

- 7.20 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.
- 7.21 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.
- 7.22 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.

(viii) CIL

- 7.23 The development would be CIL liable for the net additional internal floor space. CIL Form 1 has not been submitted with the details of the floor area. 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 2020 - 49.107%.
- 7.24 In light of the recommendation for refusal on other matters, the lack of CIL information has not been pursued, but could be done at appeal stage to enable a Draft Liability Notice to be prepared if necessary.

8 Conclusion

- 8.1 It is considered that the small size of the site with resultant dwelling set so close to its shared boundaries with neighbouring properties, would give rise to a cramped and confined layout that would not provide a good quality living environment for future occupiers. The sub-division of the site in the manner proposed would result in a tight and contrived development that is out of character with the more spacious setting and layout of the surrounding area. Furthermore the proximity of the proposed bungalow to the shared boundaries would result in an overbearing and oppressive form of development that would give rise to new noise and activity, harmful to the outlook and living conditions of immediate neighbours, in particular number 67 Andrew Crescent. As a result the proposal is considered to be contrary to policy CS16, clauses c) and e) and the NPPF.
- 8.2 The drainage issues at the site have also not been investigated and it is therefore not currently adequately demonstrated that the development could take place without causing increased risk of flooding on the site or elsewhere, contrary to policy CS15 and the NPPF. In addition the lack of appropriate mitigation measures for likely significant recreational harm 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.
- 8.3 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 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.
-

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/00639 for the following reasons

- 1 By virtue of the small size of the plot, the proposed development results in a cramped and confined layout that does not respect the more spacious setting and pattern of development found in the immediate vicinity. The siting of the proposed bungalow in such close proximity to boundaries would result in a poor living environment and outlook for future occupiers. The proposed development would be out of keeping with character of surrounding development, harmful to the amenities of the area and future occupiers. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 Having regard to the small size of the plot, its relationship with adjoining development and the proposed siting of the dwelling close to shared boundaries, the proposed development would result in an overbearing and oppressive form of development that would give rise to new noise and activity, harmful to the outlook, living conditions and the quiet enjoyment of the adjoining properties, particularly 67 Andrew Crescent and 2 Margaret Close.

The proposal is therefore harmful to neighbouring residential amenity and contrary to policy CS16, clauses c) and e) of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 On the basis of the information available and in the absence of a detailed drainage investigation and assessment, it has not been adequately demonstrated that the development would not lead to additional on and off site surface water flooding issues to the site and immediate area. The proposal is therefore contrary to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 In the absence of a Habitats Regulations Assessment and suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant 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.