
Site Address:	Land adjacent to 60 Gladys Avenue, Cowplain, Waterlooville, PO8 8HS		
Proposal:	Erection of detached 1No.2 bed bungalow.		
Application No:	APP/16/00820	Expiry Date:	11/10/2016
Applicant:	Mr Gander		
Agent:	Mr Tutton	Case Officer:	David Eaves
	Robert Tutton Town Planning Consultants Ltd		
Ward:	Cowplain		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site fronts Gladys Avenue and lies to the rear of 17 Lovedean Lane and to the north of 60 Gladys Avenue. The land measures approximately 15m x 15.5m when scaled from the site plan (although it is noted that the plot size is given as 240sqm in the DAS. The site is fully enclosed by fencing and is separated from the adjoining residential gardens. The site has been cleared and the land slopes down to the south and east such that the adjacent bungalow, No 60 Gladys Avenue is on lower ground.

The surrounding area is primarily residential in character with a mix of semi and detached properties. 17 Lovedean Lane comprises a detached cream painted render 2 storey dwelling having a rear garden depth/separation to the application site of between approximately 12.5m to 9.5m. No 15 Lovedean Lane is a two storey semi-detached dwelling having a long rear two storey projection; the curtilage of No 15 extends the length of the application site. On the western side of the Gladys Ave/Lovedean Lane junction lies a nursing home. Gladys Avenue is primarily characterised by bungalows and No 60 has a drive and garage on its northern boundary abutting the application site.

2 Planning History

The application site:

APP/10/00499

Construction of 1No. 2 bed bungalow and detached single garage with new access from Gladys Avenue.

Refused 29/11/2010 4 reasons: overly dense; overbearing excessive building bulk; inadequate amenity for future occupiers; lack of contributions

APP/13/00133

Construction of 1No. 2 bed bungalow and detached single garage with new access from Gladys Avenue

This was a revised scheme lowering the roof profile of the bungalow & windows
Refused 03/04/2013 4 reasons: overly dense; overbearing excessive building bulk; inadequate amenity for future occupiers; lack of contributions

APP/15/00718

Construction of 1No. 2 bed detached bungalow with vehicular and pedestrian access onto Gladys Avenue.

Refused 19th August 2015 : 5 reasons: over dense/character, overbearing excessive building bulk, inadequate amenities for future occupiers, lack of cycle storage, lack of contributions.

17 Lovedean Lane:

10/56133/001

Raise ridge to form first floor accommodation, attached garage, rear conservatory and associated car parking. Permit 2010

3 Proposal

Erection of detached 1No.2 bed bungalow.

The proposed development comprises a bungalow with a footprint of approximately 62sqm. The building would be set into the existing slope. The building would have hipped roof form and front window bays.

The main differences between the current proposal and most recent previously refused application is the removal of a rear projection, a deeper main building, different roof form and amended fenestration.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

The Borough Design Guide SPD, Dec 2011

Havant Borough Council Parking SPD, July 2016

5 Statutory and Non Statutory Consultations

Building Control

No adverse comments

Development Engineer (Highways)

The Highway Authority have no adverse comment to this planning application subject to a condition with regard to the provision of a dropped kerb vehicular access. I would suggest that the Planning Authority condition the provision and retention of two parking spaces and cycle facilities.

Waste Services

No concerns over waste collection regarding this planning application.

Public Spaces

No comments received.

Crime Prevention -Minor Apps

No comments received.

Engineering/Drainage

The assertion in the Drainage Strategy Report that the ground supports infiltration is questionable given the results of soakage tests on nearby development sites which showed low rates. A soakage test should therefore be undertaken to verify the surface water drainage proposal. In the event of this not being successful, positive drainage will be required.

In reality the result is likely to show that a mix of both infiltration and positive drainage, perhaps by means of a high level overflow into the existing system, will be required.

Officer Comment:

It is understood that the applicant is seeking to provide further drainage information, however this has not yet been received. If the application had been considered acceptable in other regards planning conditions would have been imposed to seek an alternative surface water drainage scheme.

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: 8

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 14

6 Third Party Objections (7 names) plus petition (8 signatories)

Previous refusals due to contravention of policy CS16 and these still apply
Overdevelopment

Detrimental to visual amenities and character of the area

May increase the risk of flooding to area

Driveway so close to junction with Lovedean Lane may constitute a dangerous risk to traffic/pedestrians

Inaccurate drawings/site plans -Site area 240sqm (DAS), 250sqm (Drainage Strategy). At best site 225sqm
Site area highly significant when consider previous refusals based breaches to policy CS16 (size and depth of plot would not allow for development of a standard compatible in surrounding development, over dense/over intrusive).
Not accurate reflection of boundary lines.
Council should conduct own measurements
Drainage - worsening of drainage - run off to neighbouring properties - levels
Flood maps show drainage retention
Overland water flow to our properties
Drainage strategy does not meet requirements of policy CS15
Drainage problem resulted in changes to adjacent property
Does not conform to policy CS16 - distance to boundaries
Development would be imposing and dominate visual aspect and impair light ingress via overshadowing
Overlooking
Scale and proportions of development not in keeping with surrounding properties
Plot sizes surrounding site significantly larger
Overdevelopment
Does not respect scale, proportions or density of surrounding buildings
Development does not respect existing street pattern of Gladys Avenue that are set back from road
Overbearing on outlook
Detrimental to light ingress and privacy
Air Source heat pump noise concern
Question how proposals meet or contribute to residential development needs
Protocol 1, Article 1 of the Human Rights Act states person has right to peaceful enjoyment of their possessions, including the home. Proposed development would contravene this right in a number of areas.
Enough building on gardens in Gladys Avenue already.
Would look like a granny annex not a home of similar stature to surrounding houses
Out of place
Loss of trees already taken place -harm to character and nesting birds
Contravention of Havant Core Strategy
Clearance an attempt to make land look like a building plot
Our living space (lounge, dining area, kitchen, master bedroom and second bedroom) at rear of our house
Currently have open southerly aspect this would be gone and we would be completely overlooked.
We would be boxed in on all four sides
Does not respect local context and street pattern or scale and proportions of surrounding buildings
Fence height less than 2m
Impact on garden amenities
Human Rights Act Article 8 substantive right to respect for their private and family life.
Policy CS17 not relevant due to contravention with CS16
Policy CS9 not relevant due to contravention with CS16
Reference made to policy AL1. No sustainable measures proposed. Air source heat pump does not constitute sustainable measures, would be added noise pollution.
Drainage - site area in report for existing run off rate calculation incorrect
Increase in surface water run off without attenuation storage and controlled release into surface water infrastructure contravenes policy CS15
Soakaway will dissipate water into adjacent properties
Floor levels questioned

Foul sewer connection questioned due to levels
Removal of important green space

7 Third Party Support (8 names)

Bungalow would remove site that has been an eyesore
Overgrown and accessed via hole
Site cleared but still a temptation for undesirables
Use needs to be found for site - bungalow seems to be the answer
Overgrown for 6 years
Brambles intrude upon my garden
Derelict shed a concern
Bungalow respects sustainability issues
Good home for young family or older residents
Size and style of bungalow will fit with ours and nearby bungalows
Whilst site smaller than those adjacent not too small to provide all setbacks amenity space and parking
Understand owner of plot will self build the bungalow for himself an son - should be applauded.
Not overbearing
Fits in streetscene
Without disruption to neighbours
Concern over future use of land
Bungalow looks really nice
Lovely home for a small family or couple
Good of community to build on waste land
Increased housing for small families in manageable plots - proposal ideally suited
Properties to south are bungalows similar in design and size to proposal
Lovedean Lane houses retain view as bungalow will lie low on land
Bungalow seems to comply with guidelines
Application seems to address the reasons for refusal of previously applications.
Smaller than previous proposal
Adequate curtilage
Overbearing wing removed reducing over-intensive use of land
Amenity provision in line with Government requirements - location of amenity resolves original concerns
Style in keeping
Plot same width as other bungalows in Gladys Avenue so it does not disturb street scene.
Plot size is within government requirements of 62sqm two bed dwelling not an excessive building bulk or substandard contrived area.
Adequate parking and cycle stowage
Drainage issues addressed
Increasing dph a Government requirement to address shortages in housing, particularly small dwellings, certain amount of overlooking and level of privacy is acceptable according to Govt guidelines in new builds.
2m fencing will assist in reducing overlooking and privacy issues
Photos show no sign of removal of trees and shrubs, only removal of large frontage hedge
Supported by Government Initiatives:
The Urban Regeneration and Housing Bill 2015 - requires LA's to tackle vacant and idle land and improve housing supply
Self-build and Custom Housebuilding Act 2015 requires LA's to register vacant land, particularly that which is suitable for self-build, to ease current housebuilding crisis,

understand the owner of the land intends to build the bungalow himself.
Understand land derelict for 6 years.
Not overly-dense or over intensive form of development
Not incongruous feature in street scene
Adequate amenity provision
Guidelines seem to be met in relation to impact on neighbours and fencing will protect ground floor view of these properties
Lack of small units in area

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 on street scene and character of the area.
- (iii) Impact on neighbouring properties/future occupants amenities
- (iv) Highway considerations
- (v) Drainage
- (vi) Developer Contributions

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact on street scene and character of the area

Developing garden areas can have a detrimental impact on the character of an area and the amenities of occupants, and decisions should be informed by the quality of a scheme in relation to its context. The street is characterised by detached and semi detached dwellings generally set back from the road by distances in excess of 5m.

By comparison, the proposed bungalow would have a significantly shorter plot than the existing properties in Gladys Ave, and would sit substantially closer to the road with only a 2.1m set back whereas No. 60 Gladys Ave is set back approximately 7.2m. Whilst the side wall of No.17 Lovedean Lane sits closer to Gladys Ave and is only set back by 1.6m this property is situated on a corner plot and reads as fronting Lovedean Lane. The application indicates that the development would be at a lower level than the pavement, nevertheless, the proposed bungalow due to its significantly forward position compared to the other bungalows on the east side of Gladys Avenue, would appear visually incongruous and cramped in the street scene.

The proposal would result in the development of a much smaller and shallower plot than those in its immediate context. In consideration of this point it is important that the local character and context is respected with the spacing and character of a development comparable to or sympathetic with that of the surrounding area. In this case it is considered that the combination of the much reduced spacings on this plot compared with its surroundings and the much greater density, indicate that the development has a more heavily built up character that does not respect the context of the area. Policy CS16 requires development to respect its local context with the characteristics of the area (including building lines, plot widths and depths) used to inform the design. The proposal clearly does not comply with this policy in that there is

a clear conflict with the adjacent building lines and depths. Furthermore, the limited space about the proposed dwelling means the opportunity for planting, and external amenity space would result in the proposal having an adverse impact on the character of the area and the street scene.

The agent has provided examples of other development at 44 Gladys Avenue, however this was part of a more comprehensive cul-de-sac development. It is considered that this individual infill plot raises different considerations to that proposal. It is also noted that this development preceeds the Councils Design Guide SPD's adoption in 2011.

(iii) Impact on neighbouring properties/future occupants amenities

The main impact relates to 15 and 17 Lovedean Lane and 60 Gladys Avenue.

In relation to No.15, as the land falls in an easterly direction this property is situated at a lower level, below the application site. The proposed bungalow would be sited approximately 6m from the common boundary with the north eastern corner of the proposed bungalow approximately 7m from the south western corner of No 15. This separation distance is substantially below that recommended in the adopted Borough Design Guide 2011 and the glazed rear part of No.15 would be impacted by the proposed development. The full extent of development would be clearly apparent above the existing fence. This close proximity to the garden and dwelling at 15 Lovedean Lane, extending along virtually the full length of its rear garden, would adversely impact the outlook and amenities of occupiers of that property. Furthermore since the proposed amenity space adjoins the rear garden of 15 Lovedean Lane, the increased activity and noise from the proposed dwelling on the site, concentrated into this small space close to neighbours at No.15 would inevitably result in reduced tranquility and privacy.

In respect to the impact on No 17, the proximity of the bungalow to the shared boundary would result in the outlook from No 17 being affected - the building to building separation would only be 10.5 to 13.8m. This would result in a loss of the previously spacious setting and outlook, to the detriment of the amenity of the occupiers of No 17.

The attached garage of 60 Gladys Avenue abuts the side boundary and would provide a buffer to noise and disturbance from the use of the proposed drive, as well as some privacy protection from the proposed south facing window in the living room. Given the proposed lower height of the living room the relationship with No 60 is considered acceptable.

The amenity area for the proposed dwelling would be located to the rear and comprise an area behind the dwelling, having a maximum depth of approx 6m and width of approx 11m. The omission of the previously proposed rear projection to the building has enlarged the available on site amenity space, but it is nevertheless considered a very limited area . The amenity area would not meet the minimum required in the adopted Borough Design Guide 2010 which states at para 5.13 garden depths should be "10 metres in length". The proposed amenity space only has a length of 6m. The somewhat contrived nature of the available space does not reflect the more spacious garden sizes of the surrounding area. Furthermore, in terms of its use by future occupiers, the area would be overlooked from 17, 15 & 13 Lovedean Lane. Being two storey dwellings these would have views across the bungalow and into the site affecting the enjoyment of the limited rear garden for future occupiers.

The proposed dwelling would be set further into the slope and there is a proposal for a front wall along Gladys avenue. It is noted on the front elevation that the line of the front wall (positioned less than 2m from the front bedroom windows) would result in these rooms having an oppressive outlook and reduced light.

(iv) Highway considerations

The submitted plans indicate 2 tandem parking spaces in accordance with current standards and the Development engineer does not rise objection subject to conditions, including the provision of secure cycle storage.

A third party objection refers to concern over highway safety from the creation of another access point close to the busy and tight Gladys Av/Lovedean Lane junction. However Gladys Avenue is not a classified road and as such the creation of a new access point would not require permission in its own right (if required in connection with other permitted development). The access point would be some 40m from the junction, adjacent the existing drive serving No 60. The Development Engineer has raised no objection and it is not considered that this element of the proposal could substantiate a highway reasons for refusal.

(v) Drainage

Had all other matters been found to be acceptable then the detailed matters of the surface water and foul drainage concerns raised by residents would have been addressed and further details requested or conditioned.

(vi) Developer Contributions

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 20th February 2013. This 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 levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Waterlooville.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the dwelling has been calculated by the agent as 64 sqm which generates a total CIL liability of approximately £6146. It is noted that the applicant is claiming self build exemption.

This development would also increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures. This is set at £176 per dwelling to the Solent Recreation Mitigation Project. For the proposed dwelling, plus admin and monitoring fee, a payment of £204.80 is due. This payment has not been pursued at this stage given the other concerns in relation to the application. The proposal therefore fails to accord with Policies CS11, CS21 (Developer Contributions)

and DM24 .

Since the application is recommended for refusal the absence of the SRMP financial contributions can form a further reason for refusal, and in the event of an appeal, both this contribution and the CIL payment can be subsequently made to address these issues.

8 **Conclusion**

The proposed dwelling would result in a contrived and cramped form of development, out of character with the appearance of the area and street scene, contrary to Policy CS16 and the Borough Design Guide 2011. The proposed bungalow would have an over dominant impact upon the outlook of the neighbouring properties at both 17 and 15 Lovedean Lane, to the detriment of their residential amenity, also contrary to Policy CS16. It would also not provide appropriate residential amenities for future residents. The alterations to the previously approved scheme are not considered sufficient of an amendment to overcome the more fundamental objections to this development. Furthermore, the appropriate financial contribution has not been received. The recommendation is therefore refusal.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/16/00820

(A) for the following reasons

- 1 The size and depth of the plot would not allow for residential development of a standard that is compatible with the existing surrounding development. As such the proposal would be an incongruous feature within the street scene and would appear as a cramped and over intensive form of development to the harm of the visual amenities and character of the area and be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The proposed development would by reason of its siting, proximity to boundaries, mass, bulk and changes in levels have an overbearing impact on 15 and 17 Lovedean Lane. The proposal would detract from and dominate the previously spacious setting and outlook from these properties and introduce an unacceptable relationship between dwellings to the harm of the residential amenities of the occupants. The rear private gardens of No. 15 and 17 and their rear rooms would also be in close proximity to the limited private amenity space of the proposed dwelling and this is likely to lead to loss of privacy and disturbance from noise and activity. The proposals is therefore considered to result in an unacceptable relationship to adjoining residents and is 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 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory private amenity space for

future occupiers. The amenity space and rear of the dwelling would be overlooked by 17, 15 and 13 Lovedean Lane to the harm of the occupants privacy. Furthermore, the proposals to set the dwelling further into the slope and the frontage boundary treatment would result in the front bedrooms within the proposed dwelling having a poor outlook and restricted light. As such the proposal would be 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 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.