

extension.

Four car parking spaces would be provided off Dunhurst Close, with the existing access widened to facilitate this.

Landscaping is proposed along the southern boundary.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
E20	(Drainage infrastructure in new development)
IN1	(Effective provision of infrastructure)
E2	(Health and wellbeing)
E1*	(High quality design)
E3	(Landscape and settlement boundaries)
E12	(Low carbon design)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Building Regulation consent will be needed for this work

The new proposal shows a diversion of a Southern Water Public Sewer so consultation with SWS will be necessary

Community Infrastructure

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

CIL Form 2 does not contain a telephone number for the liable party (this is a mandatory requirement) and a fully completed Form 2 has been requested.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>

Councillor Alex Rennie

No comment.

Councillor T Hart - Bondfields

No comment.

Crime Prevention -Minor Apps

No comment.

Developer Services, Southern Water - No Objection

It appears that applicant is proposing to divert public sewer. Southern Water requests a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer.

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 foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Hampshire Highways - No Objection

The applicant is proposing to extend the existing dropped kerb on Dunhurst Close to facilitate access to the new parking bays. To carry out these works, a Section 171 licence will be required, further details of which are available on the following link:

<https://www.hants.gov.uk/transport/licencesandpermits/roadopening/section171>.

As the parking authority, Havant Borough Council should determine whether the proposed parking provision meets the adopted parking standards.

The Highway Authority raise no objection to the proposed development.

Natural England - No Objection

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

Assessment process.

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

measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

Solent Recreation Mitigation Strategy

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Deterioration of the water environment

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The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England

raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Budds Farm WWTWs. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Nutrients Team

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00470.

Public Spaces

No comment.

Waste Services Manager

No comment.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Loss of valuable on-street parking. Highway hazard. What is the proposed boundary to the west to ensure privacy? Dunhurst Close is a very narrow road and access and egress is sometimes compromised due to parked vehicles, causing distress to local residents. If the development goes ahead, can the location of any parked vehicles involved with the development be taken into account so as not to impede on residents travel to and from their property. <i>Officer comments: request for yellow lines forward to the Council's Traffic Team to respond to.</i>	

7 Planning Considerations

7.1 Appropriate Assessment (AA)

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and the decrease in water quality that would be the result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. 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 entered into legal agreements to secure the mitigation packages.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into legal agreements to secure the mitigation packages. A Unilateral Undertaking has been completed and returned for the Solent Mitigation Recreation Strategy and for the nutrient mitigation.

7.2 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 of existing and future occupiers
- (iv) Parking
- (v) Drainage
- (vi) Developer Contributions & Nutrient Neutrality
- (vii) Planning Balance.

(i) Principle of development

7.3 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal would be for a two storey extension on the existing house, following the demolition of the single storey extension, with the erection of an attached two bedroom dwelling. The addition of a new dwelling in such a location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. The updated NPPF 2019 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area..."

7.4 It should also be noted that the Council has a Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally, other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

7.5 Planning permission was refused on 18/9/06 under reference 06/69949/002 for the erection of two terraced dwellings on the site for the following reasons:

"1. Having regard to the size and shape of this corner plot and its relation to adjoining dwellings and the highway, the proposed development by virtue of its size, siting and bulk would be an unduly dominant and incongruous feature within the streetscene to the detriment of the visual amenity of the area. The proposal is therefore contrary to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 (D4) and H2 (H3) of the Havant Borough District-Wide Local Plan 1996-2011.

2. The development would involve the provision of two additional accesses onto St Albans Road, which is a bus route, close to its junction with Dunhurst Close. These additional accesses would, by virtue of the vehicle movements arising from their use and their inadequate visibility splays, result in undue interference with the safety and convenience of users of the adjoining highway network. The proposal is therefore contrary to policies and proposals T5 and T6 of the Hampshire County Structure Plan 1996-2011 (Review), and T7 (T14) of the Havant Borough District-Wide Local Plan 1996-2011."

- 7.6 The existing vehicular access is off Dunhurst Close to the rear of the site. The proposal is to extend the existing access to provide for 4 car parking spaces. The Highway Authority has raised no objection to the extension of the access and therefore reason 2 above has been addressed by the proposal. Having regard to the impact of the proposal on the character and appearance of the area, this is covered in the following section.
- 7.7 As regard the Council's Five Year Land Supply Update (February 2021) this indicates the Council has a 4.2 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). This is considered below under the heading 'The Planning Balance.'

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

- 7.8 The proposal is for a two storey extension of the existing property, following the demolition of a single storey extension and for a two storey dwelling which would wrap around the proposed two storey extension and the existing house. This would form a continuation of the terrace, using materials to match the existing dwelling. The proposal would be set back off the pavement but would nevertheless be a prominent feature in the street scene.
- 7.9 The site is a corner plot, with garden space around the building, which is visible from the public realm. The site is partly obscured by the mature hedging along parts of the southern and eastern boundaries. The space around the building is tempered by the existing single storey flat roofed extension (and garage), which has the width of the existing dwelling, with a depth of approximately 4.3m. The space around the building is, however, highlighted by the main two storey part of the existing dwelling being set back into the site, with No. 2 Dunhurst Road, set further forward to the west.
- 7.10 The overall length of the proposal would be approximately 8.2m, with the height and width matching the existing dwelling. This would bring the development forward of No.2 Dunhurst Road by approximately 4m at two storey, which would erode the spatial characteristics and visual amenities of the corner plot, as found with the previous refusal. The junction features a generous space between the existing dwellings and the adjacent highways and the height and bulk of the proposal, albeit approximately 1 metre shorter in depth than the previous refusal, would detract from the open character and appearance of the site, to the detriment of the street scene. Further, the plot is not considered of sufficient size to adequately accommodate a two bedroomed dwelling whilst respecting the pattern of development in the immediate vicinity. There would be conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) and Policy E1 of the Submission Local Plan insofar as it seeks a high standard of development which responds to the local context.

(iii) Impact upon residential amenity of existing and future occupier

- 7.11 The proposal would extend the development to the south which would be in line with the existing terrace to the north. Additional windows would be provided in the extension to the existing house, one at first floor. These would look directly at the blank flank wall of No. 32 Dunhurst Close, with oblique overlooking of neighbouring properties' gardens. This would be similar to that currently being experienced, in this residential area. As to the additional dwelling, two windows would be at first floor level, which would service a bathroom and landing, the former of which would be obscurely

glazed, which likewise would overlook the front garden of No. 32 Dunhurst Close, albeit partly obscured by an evergreen tree. The separation distance between No. 32 Dunhurst Close and the proposal is approximately 10m. As to windows in the flank, south elevation, there would be one at ground floor serving a dining area, with one at first floor, serving an en-suite, which would be obscurely glazed. As to the separation distance to 7 St Albans Road, which is on the other side of Dunhurst Close, this would be approximately 22m.

7.12 As to boundary treatment, if permission was recommended, this would be conditioned.

7.13 The proposal would not adversely impact on the residential amenity of neighbouring properties in accordance with Policy CS16 of the HBLPCS.

7.14 As to the rear garden area of the existing dwelling, the length would be 9m, with an overall garden area of approximately 61 m². The rear garden of the proposal would have a length of 8m, with a footpath to the rear to gain access to the existing house. The overall width of the proposed garden would be approximately 60 m². The length of the garden areas both for existing and proposed fall below the minimum of 10m required in Havant's Design Guide SPD, which states:

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

7.15 The proposal fails to achieve this and that sufficient private amenity space for both the existing and proposed dwelling to support of physical and mental health and wellbeing is provided in accordance with Policy H1b of the Submission Local Plan.

7.16 In support of these garden lengths the applicant's agent has stated "...that a depth of 10m is only guidance and not stringent policy. The application and layout needs to be considered as a whole and part of that consideration must be the sufficient amenity provision for the passive recreational enjoyment of the occupants. The submitted block plan shows that this would be the case with 60 square metres of amenity space provided for each dwelling, which is comparable to the neighbouring dwellings along the terrace of houses."

7.17 The agent goes on to advise that:

"The deficiency you identify is approximately 1m, this is not a significant shortfall by any means. On this point we draw your attention to Schedule 2, Part 1, Class A of the GPDO which makes provision for the erection of two storey extensions (subject to certain criteria) providing there is a distance of 7m from the extension to the rear boundary. Therefore, the intention to retain 10m of garden is not supported by government policy. The same applies for any single storey addition within a 10m garden depth with PD still intact. A detached dwelling could potentially see a garden depth reduced to 6m with a 4m deep extension."

7.18 As to the garden length to Nos. 11 and 13 St Albans Road, these exceed 10m. However, on the information provided in respect of Nos. 11 and 13 St Albans Road, the overall sizes are 67m² and 56m² respectively. Therefore the overall garden sizes of the existing dwelling (which would be for a 3 bed family dwelling) and proposed family 2 bed dwelling would be reflective of other rear gardens in this small terrace of properties, but at odds with other properties in the area which are characterised by

larger gardens. The point regarding permitted development is noted, but planning permission is required for the development, with each application considered on its individual merits, having regard to all material planning considerations. Adopted and national policy on quality design, encompasses an appropriate level of private amenity spaces which as mentioned above, is set out in Havant's Design Guide SPD, with a minimum depth of 10m, which the proposal does not achieve, contrary to Policy CS16 of the HBLPCS and emerging policy H1 of the Submission Havant Borough Local Plan. The size of the plots are insufficient to achieve this for both the existing and proposal, which amounts to overdevelopment contrary to Havant's Design Guide SPD and the Policy CS16 and emerging Policies H1, E2 and E22.

(iv) Parking

7.19 The Highway Authority has been consulted and whilst raising no objection has advised that to extend the dropped kerb onto Dunhurst Close to facilitate access to the new parking bays, a Section 171 licence could be required, which would be the subject of an informative if permission is forthcoming.

7.20 As to the parking provision four spaces are provided, two for each property. Cycle storage is proposed for both the proposal and the existing dwelling. This would accord with Havant's Car Parking SPD.

(v) Drainage

7.21 Southern Water has been consulted who has raised no objection. However, they have requested that if permission is forthcoming an informative is added to the decision notice that "A formal application for connection to the public sewerage system is required in order to service this development." Such an informative would be included if permission was forthcoming.

(vi) Habitats Regulations Assessment/ Developer Contributions/CIL

7.22 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

7.23 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. 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 and Mitigation Plan for Nutrient Neutral Development. The applicant entered into legal agreements to secure the mitigation packages.

7.24 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who

have confirmed that they agree with the findings of the assessment. The applicant has entered into legal agreements to secure the mitigation packages.

- 7.25 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant.
- 7.26 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The net increase in new internal floor space for the dwelling has been calculated by the agent as 56.46 sqm, which would be £6,714.71, at the time of writing the report. Exemption is not being claimed.
- (vii) The Planning Balance
- 7.27 A 5-year land supply cannot be demonstrated by the LPA and consideration is given to the weight to be given to this planning considerations and whether this overrides the other material planning considerations pertaining to the proposal.
- 7.28 The proposal is for one additional dwelling which would be a very modest addition to the Council's housing stock, to which moderate weight is given.
- 7.29 The development would bring some economic benefit through construction and through the additional spend generated by the new residents, which in a limited way, could help to sustain local services, which are attributed moderate weight.
- 7.30 The proposal would lead to the erosion of an open space on this corner plot, which contributes to the character and appearance of the area contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) and Submission Plan Policies to which significant weight is given.
- 7.31 The development would provide insufficient amenity space for both the existing dwelling and the proposed dwelling, which contributes to the quality of the design, contrary to Havant's Design Guide SPD and Policy CS16 of the Havant Borough Local Plan (Core Strategy) and Submission Local Plan Policies to which significant weight is given.
- 7.32 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
- 7.33 The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be consider out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.
- 7.34 The harm that would arise to the future occupiers of the proposal and the existing dwelling and to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the scheme and the recommendation is to

refuse.

8 Conclusion

- 8.1 The proposal would not impact on the residential amenity of neighbours and in parking and drainage terms is acceptable. Mitigation measures have also been secured in respect of the Solent Recreation Mitigation Strategy and neutral nutrient development. However, the proposal amounts to an overdevelopment of the site which would adversely impact on the character and appearance of the area, with insufficient amenity space for the proposal and the existing dwelling contrary to the adopted Borough Design Guide 2011, the development plan when considered as a whole, Submission Local Plan Policies and the National Planning Policy Framework.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00470 for the following reasons.

- 1 Having regard to the size and shape of this corner plot and its relation to adjoining dwellings and the highway, the proposed development by virtue of its size, siting and bulk would be an unduly dominant and incongruous feature within the streetscene to the detriment of the visual amenity of the area, with inadequate amenity space for both future occupiers and the retained property. The proposal is therefore contrary to the adopted Borough Design Guide SPD 2011, Policy CS16 of the Havant Borough Local Plan (Core Strategy), emerging Policies H1, E1, E2 and E22 of the Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.