

Recommendation: **GRANT PERMISSION**

00/65087/000 - Demolition of existing extension and erection of single storey rear extension to provide family room at rear of property, PERM,28/04/2000
08/65087/001 - To erect a 1.8m fence supported by brick pillars of the same height along a 29m length of the front boundary to the property., REF,03/02/2009

09/65087/002 - Revised application to erect a 1.65m fence supported by brick pillars of 1.7m, along a 29m length of the front boundary to the property. The proposed line of construction lies 3.52m back from the highway. , PERM,22/05/2009
APP/12/00592 - Replacement detached double garage in front garden. , PERM,25/07/2012

3 Proposal

- 3.1 Conversion of an existing double garage with pitched roof into a single detached two storey dwelling to form new property 6A St Catherine's Road Hayling, and construction of a replacement single garage, and separation of the garden to form two properties.
- 3.2 The proposal would include raising the ridge of the existing garage from 5m to 5.6m; with small single storey side extension on the northern elevation (measuring 1.1m x 3.2m); replacing the two single garage doors with bay windows and enlargement of first floor windows in the gable ends, to create a two bedroom dwelling (one bedroom being in the roof space). In addition a new single storey garage measuring 3.6m x 6.7m x 4m high, to serve the new dwelling would be sited within the front north-eastern corner of the site. Replacement parking for the original dwelling would be provided as surface parking to the front of the dwelling, accessed by widening the existing vehicular access. Materials would match existing.

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)
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)
DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
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

None received

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.
The applicant has submitted a claim for self build relief.

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/nitrogendevlopers>

Crime Prevention

None received

Hampshire Highways - on original plans

The Highway Authority are unable to provide a recommendation at this time as more information is needed regarding the new proposed access. This should include a drawing demonstrating the visibility splays from the proposed access. For more information on visibility splays please see 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 \(hants.gov.uk\)](#)

Furthermore, 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 <https://www.hants.gov.uk/transport/parking/droppedkerbs>

On Amended plans:

As per our previous response dated 16th June 2021, the Highway Authority still require visibility splays for the proposed 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 \(hants.gov.uk\)](#)

Having regard to the above, the Highway Authority require the additional information requested before a formal recommendation can be made

Officer Note:

A plan demonstrating visibility splays of 2m x 43m has now been received and shows full visibility.

Natural England

Natural England notes that your authority, as competent authority, has undertaken an

appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is 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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

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 (**£571.10**), 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.

Nutrient Neutrality – no objection subject to mitigation

Natural England is aware that your authority has adopted a position statement, to ensure that development achieves nutrient neutrality through the agreed site specific nutrient budget. Specifically, mitigation measures for this development involve the use of a specific on-site avoidance measure as well as the use of Warblington Farm as a specific off-site mitigation measure.

The nutrient budget calculated for this development, with a net increase of 1 dwelling is **0.80 kg/TN/yr**. As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation for this scheme would be **£1,015.80**.

Provided that the applicant is complying with the requirements of the Interim Strategy for **0.80 kg/TN/yr** and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns

Waste Services Manager

None received

Planning Policy

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00130

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: 10

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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) Parking and Access
- (v) Compliance with Habitats Regulations
- (vi) 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 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 The immediate context of the site is provided by the low density detached dwellings in St Catherine's Road. Most are located in substantial plots with a spacious setting. However the character changes to the immediate north with numbers 4 and 2 having smaller plots and the properties to the rear, north-west, in Park Road, also comprise higher density dwellings in smaller plots.

- 7.6 The operational development associated with the conversion of the garage and its resultant change in visual appearance would be relatively minimal. Although the structure would no longer be a garage serving the dwelling, it would retain a similar relationship with main dwelling in terms of scale and siting. The proposed external alterations respect the design style of the main dwelling and existing garage and would result in an appropriately designed elevation fronting the street scene. Given the set back of up to 19m the proposed conversion works would not dominate, nor appear cramped, and would be visually appropriate in street scene terms.
- 7.7 The proposed single garage to serve the new dwelling would be sited to the front, approximately adjacent the garage of number 4 to the north. The existing evergreen hedging to the highway and boundary to number 4, would be retained helping to screen the garage in street scene terms. The modest scale of the proposed garage would make it an appropriate subservient structure to the new dwelling. Overall it is considered that visually the proposal would be appropriate to the character of the area.
- 7.8 However the subdivision of the site would result in the proposed dwelling having a smaller plot than others in the area, although the retained dwelling would still benefit from a large plot size commensurate with the others on the west side of the road. Arguably the created plot would be related to the smaller plots of 4 and 2 St Catherine's Road and the dwellings to the rear, in Park Road. Being sited at the northern end of St Catherine's Road, where the character of the area changes, the insertion of a smaller plot would not actually harm the more spacious character to the south of the remainder of St Catherine's Road.
- 7.9 Since the plot could provide an adequate standard of living and would not appear visually cramped or contrived, then the actual harm to the character of the area from the subdivision of the plot and creation of a small plot, would be minimal. Policy CS16 requires new development to respect local context and in this instance it is mixed. Whilst smaller than other dwellings to the south, nevertheless the proposed plot would be more akin to the plots to the immediate north. On balance it is considered that there would be insufficient demonstrable harm to the character of the area from the small plot size to warrant a refusal.

(iii) Impact upon residential amenity

- 7.10 The application site is already overlooked to a degree by the first floor south facing windows in number 4, but this is an existing situation. Due to the significant set back of the garage the subject of this application, in reality these windows would continue to overlook the frontage drive area and not any private amenity area. The proposed single storey garage would be close to this shared boundary, but its staggered siting from these windows would protect the outlook from them. The proposed garage is also of a modest scale, with pitched roof of 4m high, and would not unduly impact the amenity of the occupiers of number 4.
- 7.11 The separation of the existing garage and its conversion to a dwelling would intensify the use of the site and alter the outlook from the north facing windows within the existing main dwelling. As a result these would have a much tighter relationship with the new side boundary. However there is only one secondary window in the elevation that would be within 0.5m of the new fence, the other main habitable room windows are in the recessed facades such that they would retain a more spacious outlook.

- 7.12 The enlarged first floor rear window in the proposed conversion would serve a bathroom and could be conditioned to be obscure glazed to protect from any potential overlooking issues. The main sitting out area of the new dwelling would be to the side of the existing dwelling and overall privacy would be maintained between the two occupiers. The dwellings in Park Road to the rear are sited at an oblique angle such that they effectively form the side boundary - hence the angled separation would retain an appropriate relationship between back gardens without increasing any overlooking or loss of privacy.
- 7.13 The proposed subdivision would provide a rear garden length of up to 24m for the new dwelling which easily complies with the adopted Borough Design Guide SPD. The site can provide sufficient amenity space for both the residents of the new dwelling and retains ample for the existing dwelling.
- 7.14 Overall it is considered that the proposed conversion of the garage to form a new dwelling would not result in an adverse impacts on neighbouring amenity and would be compliant with policy CS16 clause e).

(iv) Parking and Access

- 7.15 The existing vehicular access point would remain to serve the new dwelling in the converted garage, and the proposal includes the widening of this access point in a southerly direction to form a double width access to provide alternative vehicular access for the existing dwelling. St Catherine's Road is not classified and a quiet residential road where national speed limit of 30mph would apply. The Highway Authority requested visibility splays be provided for the new access and these have been provided at 2m x 43m and readily demonstrate sufficient visibility for safe access. The widening of the associated dropped kerb would need consent from Hampshire Highways and an Informative to this effect can be added.
- 7.16 The proposed dwelling would have 2 bedrooms and to comply with the Parking SPD would require 2 on site spaces. These are easily provided in addition to the proposed single garage. The original dwelling would lose the garage providing its parking, but alternative off road parking is provided as surface parking in the frontage. It is understood this dwelling has 3 bedrooms and hence 2 spaces are required. The frontage drive area could readily provide this.
- 7.17 Overall the parking and access arrangements to serve both the new and existing dwelling are considered adequate and appropriate, and compliant with policy DM13 and the Parking SPD.

(vi) Compliance with Habitats Regulations

- 7.18 The proposal would result in the net gain of one, two bedroom dwelling which needs to comply with the Habitats Regulations. 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 (Amendment) (EU Exit) Regulations 2019. 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 due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of 1 additional 2 bedroom dwelling.

- 7.19 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.
- 7.20 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £571.10 to address the potential recreational harm from the new development. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, August 2020, the applicant has been able to also enter into the mitigation scheme at Budds Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £1,015.80 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.
- 7.21 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 and raise no further objection.

(vi) CIL

- 7.22 The conversion of existing residential floor space that is still in use, into a dwelling is not CIL liable and there would only be a CIL charge if new floor space over 100 sqm was proposed. In this instance the alterations to the garage result in additional floor space of 43 sqm, hence there is no CIL liability associated with this application.

8 Conclusion

- 8.1 It is acknowledged that the subdivision of the site in the manner proposed does result in a plot that is smaller than others in the area. However, in the absence of any other identified harm, the benefits of providing an additional dwelling outweigh any harm to the character of the area from the plot size. On balance the provision of a new dwelling that would achieve a good standard of living for future occupiers without any harm to neighbouring residents, is considered appropriate and is recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00130

(A) subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the

Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Drawing Number GSAL2345 - 01

Proposed and Existing Plans and Elevations, Drawing Number GSAL2345 - 02B

Visibility Splay Plan, Drawing Number PTL2345/12

Reason: - To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 4 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local

planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 5 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the dwelling hereby permitted the first floor window in the rear, west, elevation shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 The dwelling hereby approved shall not be first occupied until details of the type, siting, design and materials to be used in the construction of the southern boundary have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The height of the boundary shall be reduced to a maximum of 1m where within 2m of the highway. The boundary structures shall thereafter be retained.
Reason: To safeguard the amenities of the locality and in the interest of highway safety, having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9 The existing shrubs and hedging along the north-eastern boundary between the hereby approved single garage and St Catherine's Road, shall be retained and reinforced where necessary to a minimum height of 2m metres and to a standard consistent with good arboricultural practice.
Reason: To ensure the maintenance of screening to the site and to protect the appearance and character of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.