
Site Address:	17 Sea View Road, Hayling Island, PO11 9PD		
Proposal:	Proposed Annexe (Granny) to rear of property garden.		
Application No:	APP/16/00977	Expiry Date:	23/11/2016
Applicant:	Mr Wall		
Agent:	Mr Stantiall	Case Officer:	Harriet Pitney
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

1.1 The site is located in a residential area of Hayling Island on the northern side of Seaview Road. The existing dwelling to the site is a detached bungalow that has been extended to provide additional accommodation within the roof. The property comprises elevations of both brick construction and render with a concrete tiled pitched roof. Within the curtilage of the site, there is adequate offroad parking for approximately 3 vehicles. The only access through to the rear garden is via a pedestrian side gate to the eastern side of the dwelling.

1.2 The site boundaries to the rear garden consist of a brick boundary wall to the rear (approximately 1.5 metres in height) which continues along the western boundary, with a trellis arrangement on top. A timber close boarded fence (approximately 2 metres in height) exists to the eastern boundary. The rear garden is mainly laid to lawn. Three outbuildings exist to the rear of the garden adjacent to the northern boundary including a greenhouse, a pebbledash work shed and a brick outbuilding for storage purposes.

1.3 The application site is surrounded by residential dwellings comprising two storey dwellings to the west and north of the site and a bungalow of a similar scale and design to the application site to the east. The property to the west is set further back from the main building line by approximately 30 metres. The majority of dwellings surrounding the application site also benefit from outbuildings within the rear garden.

2 Planning History

None relevant to this application

3 Proposal

The proposal is for the erection of a detached single storey annex located adjacent to the rear (northern) site boundary.

The proposed building would have a ridge height of 3.9 metres and would measure 10.6 metres in width by 8.5 metres in depth. The annex is proposed to contain a living area, kitchen, 1 bedroom, a bath and a utility room.

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

CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS9 (Housing)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

The Coastal Team

Response

The Coastal Partnership has no objection to this proposal which includes construction of a single storey annexe adjacent to the existing property.
The applicant has submitted a flood risk assessment for the site dated September 2016 compiled by Pario Consulting Limited, the content of which is acceptable.

The flood risk assessment includes proposals to set ground floor levels of the property at least 450mm above existing ground levels in addition to implementing flood proofing measures to the property.

Advice

We would recommend that the applicant ensure residual flood risk is managed on this site by compiling an appropriate flood warning and evacuation plan for the property.

The site is shown to be within Flood Zone 2 of the Environment Agency's Flood Maps. For your information the present day 0.5% probability (1 in 200 year) extreme tide level for Chichester Harbour is 3.4m AODN and the 0.5% probability (1 in 200 year) extreme tide level for this area in the year 2115 is 4.5m AODN.

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: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
Concerns over surface water drainage and its proximity/connection to the foul sewer.	This is a matter for Building Control
Concerns over the size and scale of the proposed annex and its potential to become a separate dwelling.	See section 7
Proximity to the boundary	See section 7
Connection to utilities	This is a matter for Building Control
Access for emergency vehicles in the event of a fire or medical incident	See section 7
With no access to the site, how will construction take place	See section 7
Concerns over the trees located on the boundary adjacent to the proposed annex.	See section 7
Impact on residential amenity	See section 7
Noise and disturbance	This is a matter for Environmental Health to pursue.
Bonfires within the rear garden	This is a matter for Environmental Health to pursue.

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) Appropriateness of design and impact on the character of the area
- (iii) Residential amenity
- (iv) Parking and access
- (v) Trees
- (vii) Flooding

(i) Principle of development

7.2 The application site is designated as being within a defined urban area and therefore development is considered to be acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

7.3 The annex is proposed to be brick with timber overclad details and a pitched roof covered in tiles. This has been designed so that the outbuilding is consistent with the design of the main dwellinghouse. Whilst the use of these materials for outbuildings within rear gardens is fairly standard, the bulk of the building is of concern. Whilst it is noted that an "outbuilding" can be constructed under the Permitted Development criteria at a height of 4 metres, this is subject to a condition which requires the structure to be sited 2 metres away from the boundary and conditions its use so that it can only be used ancillary to the main dwellinghouse. The proposed outbuilding comprises a height of 3.9 metres, 10.6 metres in width and 8.5 metres in depth and is sited approximately 0.6 metres away from the boundary shared with 15 Seaview

Road. This results in the building being a considerable size particularly adjacent to the other surrounding residential properties and would have the appearance of forming a separate dwelling. On this basis, it is considered that the development would have an adverse impact upon the character and appearance of the area.

- 7.4 Whilst it is noted that there is a lot of backland development which surrounds the application site, it is important to note that these sites are all readily accessible from the highway. This building which is tantamount to a separate unit of accommodation is not accessible from the highway and therefore it can be argued that whilst there is no access for the building to be established as a separate dwelling, the nature of the facilities proposed enables the building to be utilised as a separate unit of accommodation which is essentially divorced from the main dwelling. Whilst it is noted that this application has been submitted to establish an annex within the rear garden, the size and scale of the building combined with the facilities proposed is likely to result in a separate unit of accommodation and therefore the proposal has not considered in planning terms the provisions and requirements for a new dwelling such as an appropriate access arrangement. This is likely to give rise to an unacceptable impact between the annex and the main dwellinghouse. On this basis, it is not considered that the proposed annex is suitable in this location for its intended use and is not in accordance with Policy CS16 of Havant Borough Councils Core Strategy which seeks to promote a positive layout and relationship with surrounding residential properties.
- 7.5 Furthermore, the separation distance from the adjacent neighbouring property to the west (15 Seaview Road) is not considered to be an acceptable relationship. The area is characterised by a significant proportion of tight knit development, whereby the surrounding development plots vary in terms of their size and scale. Whilst it is noted that the application site benefits from a large albeit narrow rear garden which is proportionally larger than the surrounding plots, other backland development within the surrounding area are characterised by either a rear to rear or side to rear relationship. The proposed annex would present a front to rear relationship with 15 Seaview Road which is not considered to accord with the character of the surrounding area and is likely to result in an unacceptable relationship given the nature of the facilities proposed within the annex.
- 7.6 On this basis, the location of the annex would constitute an undesirable form of backland development and is considered to be an over intensive use of the site which would conflict with the character and appearance of the surrounding locality. The proposal is therefore considered to be contrary to Policy CS16 of Havant Borough Councils Core Strategy, 2011.

(iii) Residential Amenity

- 7.7 There is a distance of approximately 35 metres from the rear of the existing dwellinghouse and the front of the proposed annex. In terms of the acceptability of the scheme, the amount of separation distance is considered to be detrimental to the use of the building as a genuine annex. An acceptable scheme of annex accommodation should provide accommodation that is additional to the main dwellinghouse whilst not being a wholly separate unit of accommodation. This may be achieved by providing some of the main living facilities, (e.g. provision of meals), within the main dwellinghouse. It is considered that the distance that separates this annex from the main dwellinghouse would make for uncomfortable living conditions for the occupants of the annex; if the annex were to function as an addition to the main dwellinghouse.

- 7.8 The location, scale and layout of the annex is considered to enable the creation of effectively a separate unit of accommodation which could quite easily be accommodated independently from the main dwellinghouse. In this scenario, there would be two households living on the site with all of their associated activity. Occupants using the annex would have to access the proposed dwelling through the garden of No. 17 Sea View Road resulting in potential disturbance and loss of amenity to No.17. It is not considered that the site can appropriately accommodate two separate dwellings and associated activity on the site without giving rise to an inappropriate relationship between the units of accommodation and a form of backland development which would be out of keeping with the established character of the surrounding properties. This would have a harmful effect on both the existing and future occupiers of the site and the neighbouring properties to the rear and adjacent to the side boundaries.
- 7.9 There is a separation distance of just under 13 metres (approximate) from the rear of the adjacent residential property to the west (55 Seaview Road) and the front of the proposed annex. Whilst it is noted that there is a significant proportion of tight knit development within the surrounding area, these relationships appear to be characterised by either rear to rear or side to rear orientations. The application site benefits from a long albeit narrow rear garden, however, the location and orientation of the proposed annex is considered to give rise to an unacceptable impact in context with the surrounding residential property's in terms of the additional associated activity as a result of the annexe in what is currently private amenity space.
- 7.10 Having due consideration to all of the above, the proposal is considered to be contrary to Policy CS16 of Havant Borough Councils Core Strategy, 2011.

(iv) Parking and Access

- 7.11 There is no further parking provision required so long as the annex is not a separate unit of accommodation as the level of parking to the front of the existing dwellinghouse would continue to meet the Havant Borough Council Adopted Parking Standard.
- 7.12 Concerns have been raised as part of the neighbour consultation process with regards to access for emergency services. Essentially, this would be a matter which would need to be pursued by Building Control, however, this matter could be overcome through the provision of a sprinkler system if necessary.

(v) Trees

- 7.13 Concerns have been raised as part of the neighbour consultation process with regards to the existing trees sited to the boundary adjacent to the proposed annex. There are no tree protection orders within the rear garden of the application site nor the rear gardens of the adjacent/surrounding residential properties. Furthermore, the property is not located within a designated Conservation Area. It is the responsibility of the developer to ensure that the building works do not cause damage. Where the proposal to be approved, it is recommended that this matter would be the subject of an informative.

(vii) Flooding issues

- 7.14 Whilst this application has been submitted as a "granny annex", the proposed annex by reason of its substantial size and scale is tantamount to a separate dwelling and is set up to be utilised as a separate unit of accommodation. The application site falls

within the boundary of Flood Risk Zone 2 as identified on the Environment Agency flood zone map. Paragraph 101 of the NPPF requires that Local Planning Authorities steer new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential test approach should be undertaken by the LPA in this regard to decision making. The advice contained within the EA's Demonstrating the flood risk Sequential Test for Planning Applications, has been followed to this regard to test the planning application subject of this report.

- 7.15 The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development, (for example extension to existing dwellings), or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). However, the site subject of this report is categorised as a windfall site and the EA advise that, in the absence of a flood risk windfall policy it may be possible (where the data is sufficiently robust) for the LPA to apply the Sequential Test taking into account reasonably available sites, historic windfall rates and the distribution across the district relevant to flood zones. Where historic and future trends evidence indicate that housing need in the district through windfall can be met largely/entirely by development outside flood risk areas, this may provide grounds for factoring this into consideration of reasonably available alternative sites at the planning application stage.
- 7.16 With regard to identifying future housing sites to meet the housing need within the Borough, the LPA has produced and published a draft Local Plan Housing Statement (July, 2016). The statement has been subject to a public consultation process and is due to be considered by Cabinet in December 2016. It has been produced in light of the Objectively Assessed Housing Need Update and the South Hampshire Spatial Position Statement, both published by the Partnership for Urban South Hampshire (PUSH) on 7th June 2016 and in light of the requirements of the National Planning Policy Framework (NPPF), most importantly the key requirement that Local Planning Authorities must boost significantly the supply of housing. In order to achieve this, the NPPF also requires Local Planning Authorities to keep Local Plans up-to-date and review them to respond flexibly to changing circumstances, in this case a change in the need for new homes.
- 7.17 The Local Plan Housing Statement sets out the direction of travel for the preparation of the new Havant Borough Local Plan and how sustainable greenfield sites outside of the urban area will be considered prior to the adoption of the new Havant Borough Local Plan. Once adopted by the Borough Council, it also provides a clear position statement as to which sites the Borough Council considers constitute sustainable development under the NPPF. The housing statement provides a means for the Council and communities to manage housing need and react quickly to prospective planning applications and appeals.
- 7.18 In *Hunston (R (Hunston Properties Ltd) v SSCG and St Albans City and District Council* [2013] EWCA Civ 1610), the Court of Appeal held that it was improper to blame a local planning authority if the OAN produced a shortfall in the absence of an up-to-date Local Plan: "Planning decisions are ones to be arrived at in the public interest, balancing all the relevant factors and are not to be used as some form of sanction on local councils. It is the community which may suffer from a bad decision, not just the local council or its officers."

- 7.19 This approach has been reinforced by a Direction issued by the Secretary of State in the recent determination of an appeal at Sewell Park in Hertfordshire, (APP/B1390/A/12/2180486 & APP/B1930/A/13/2201728). In refusing outline planning permission for 116 dwellings and 72 bed care home, the Secretary of State agreed with the Sewell Park Inspector concluding “it will be for the local plan examination process to establish the accuracy, credibility and plausible nature of the assumptions applied” despite the Council being unable to demonstrate a five year supply of housing land. At paragraph 114, the Inspector also comments “.... given the extent of the housing land supply available, this is not of great significance as there has been substantial progress in the production of the plan and a clear timetable towards adoption.” (IR14).
- 7.20 With the adoption of the Local Plan Housing Statement, the Borough Council will be able to demonstrate at least 4.42 years supply of housing with the delivery of ‘early release sites. As such, the Borough’s only modest shortfall against the five year housing requirement together with the steps being taken to bring the Local Plan up-to-date must be considered in the overall planning balance in the determination of planning applications.
- 7.21 Therefore, the individual merits of development proposals must continue to be considered on a case by case basis having regard to the three mutually dependent dimensions of sustainable development: social, economic and environmental in accordance with paragraphs 8, 9 and 14 of the NPPF and the policies which apply locally. It is considered that the provision of a further new dwelling within flood zone 2 cannot be justified in this case as there are sequentially better sites available, and the provision of housing within this site would not be sustainable with regard to the environmental impact. An exception test is not required as set out in table 1 and 3 of the technical guidance of the NPPF.

8 Conclusion

- 8.1 It is considered that the annex is not appropriately located for its intended use, and could readily be used as a separate unit of accommodation which would give rise to an undesirable form of backland development resulting in unsatisfactory living conditions within this plot. Furthermore, the location and orientation of the proposed annex is considered to result in an unacceptable impact on neighbour amenity with regards to the additional associated activity and is considered to be an over intensive use of the site. To this regard the development would not accord with the requirements of CS16 of Havant Borough Councils Core Strategy, 2011 and is therefore recommended for refusal.
- 8.2 The site falls within Flood Zone 2 and the development proposed is classified by the Environment Agency as a More Vulnerable Use. The National Planning Policy Framework requires that the Local Planning Authority undertake a Sequential Test to steer development to areas with the lowest probability of flooding. It is considered that there are sequentially better sites within the Borough and that the LPA is currently updating the Local Plan to establish an achievable level of housing supply. Therefore, there is no overriding justification for the development of an additional dwelling within the site which is defined as having a probability of flooding and would result in an unacceptable risk to life and property from tidal inundation. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/16/00977 for the following reasons;

- 1 The proposed annex by reason of its substantial size and scale, separation from the main dwelling house, and internal room layout is considered tantamount to a separate unit of accommodation. The position of the annex to the rear of the plot would constitute an undesirable form of backland development, an over intensive use of the site and would result in excessive building bulk adjacent to an existing residential property, having an adverse effect on the amenities of both the existing and future occupiers and conflicting with the character of the locality. The proposal is therefore contrary to Policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.
- 2 Whilst the proposal has been submitted as a "granny annex", the proposed annex by reason of its substantial scale and size is considered to be tantamount to a separate dwelling and is therefore considered to be a windfall site situated within Flood Zone 2. The National Planning Policy Framework requires that the Local Planning Authority undertake a Sequential Test to steer development to areas with the lowest probability of flooding and It is considered that there are sequentially preferable sites within the Borough. Therefore, there is no overriding justification for the development of an additional dwelling within a Flood Zone 2 which would result in an unacceptable risk to life and property from tidal inundation. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.