
Site Address:	76 Bosmere Gardens, Emsworth, PO10 7NR		
Proposal:	Erection of 1No. 3 bed dwelling to extend existing terrace.		
Application No:	APP/16/00743	Expiry Date:	23/09/2016
Applicant:	Mr J Durkin		
Agent:	Mr Airey	Case Officer:	Tina Pickup
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is located on the north side of Bosmere Gardens and comprises an end of terrace, two-storey dwelling of red brick and tile construction. The site is a corner plot having a rear garden to the north for the existing dwelling and a side garden to the east, which extends up to the curved highway edge where an evergreen hedge provides boundary screening. Within this side garden area is a large old conifer tree and in the north eastern corner, just beyond the application site within the curtilage of No 74, is a significant ash tree that overhangs the application site. There is an area of hard standing at the front of No 76 which provides on site parking for up to 2 vehicles. The existing dwelling has a rear flat roofed dormer and a single storey flat roofed linked side/rear porch/outbuilding.

The land is level and the surrounding area residential in character, mainly terraced two storey dwellings with some bungalows to the west.

2 Planning History

APP/15/00784 - Application for Lawful Development Certificate relating to single storey rear extension., PERM,04/09/2015

3 Proposal

The proposal is for the erection of 1No. 3 bed dwelling to extend the existing terrace. The proposed ground floor footprint would leave a walkway/ginnet through to the rear garden with the first floor above therefore having a larger footprint. The overall width of the addition would be 7m by the full depth of the existing terrace with eaves and ridge to match. The existing rear garden would remain for No 76 and the proposed dwelling would have its amenity area to the side. Two additional car parking spaces would be provided to the front by extending the existing drop kerb and removing a small section of front boundary fencing.

Amended plans have been submitted during the course of determining this application with a revised landscaping and parking layout and revised internal layout with revised fenestration. Additionally an Arboricultural Impact Assessment has been provided for the trees on/adjacent the site.

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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)

Borough Design Guide SPD 2011
and Parking SPD 2016

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

5 Statutory and Non Statutory Consultations

Estates Manager - no comment
Arboriculturalist - informative tree report which meets with the protection needs for retaining the Ash. As long as the tree protection and mitigation planting is conditioned then I have no objections to this application.
Building Control - location of solid waste not shown on plan and must comply with Approved Document H
Development Engineer - no objection subject to provision of a new dropped kerb for the 2 new parking spaces
Waste Services Manager - None received
Crime Prevention - None received
Public Spaces
Traffic Management - no adverse 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: 5 letters of objection have been received (3 to the original plans and 2 additional to the amended plans)

Summary: property currently divided and rented; could become hostel rather than private dwelling; tenants comings and goings at all hours a nuisance; since on obscured corner concerned at additional cars with no safe access where children walk & play in cul-de-sac; vehicle congestion causing hazard and hinder emergency vehicles; new dwelling would invade privacy; existing exterior security light causes nuisance;

2 additional comment on amended plans - whilst still object pleased Ash tree retained and protected and Cypress to be replaced;

- 1 letter has also been received to the amended plan from No 46 who had not previously objected commenting that they should have received a letter re the changes and now object to the changed windows in the rear elevation which feel is intrusive to privacy; note dormer already overlooks rear garden

Comment: the existing dwelling is a C3 dwelling - if rooms are let out then provided no more than 6 residents are living there as a single household then there is no material change of use; if the house is in use as a 'House In Multiple Occupation' (HIMO) with between 3-6 residents then this is a C4 use but there is a permitted change of use from C3 to C4. Any more than 6 residents would require planning permission. The nuisance from the light should be dealt with by the applicant directly or Environmental Health. The lack of re-notification on the final amended plans was a judgment made and whilst not undertaken the neighbour has nevertheless found them online and expressed their opinion and hence not been compromised. Other matters raised will be considered below:

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 streetscene
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Effect on trees and landscaping
- (vi) Contributions

(i) Principle of development

The application site is situated within an urban area as defined by Policy CS17 where further development is considered acceptable subject to the usual development control criteria. Therefore the principle of the additional dwelling is acceptable.

(ii) Impact upon the streetscene

No 76 is an end of terrace dwelling set on a corner plot and as a result is in a particularly spacious plot. The presence of the mature evergreen hedge on the eastern boundary provides both a pleasant appearance to the street scene and provides a suitable screen creating privacy to the side garden area . This hedge is shown for retention in the proposal.

The eastern end elevation of No 76 is set back from the front elevation of the terrace

to the north such that the proposed addition would only marginally project beyond the front facade of these dwellings (by about 500mm) The separation distance to the dwelling to the north is 15m and as a rear to side separation this meets the standards in the Design Guide SPD. Additionally a clear separation of 7.2m from the eastern highway edge would be retained. These separations would retain a spacious setting to the site and the proposal would not appear overly intrusive or dominant on the corner. The proposal is therefore considered compliant with policy CS16 1.c).

The proportions of the proposed dwelling match that of the existing terrace and the revised fenestration mainly repeats the pattern of window sizes and spaces from the existing terrace on the two main elevations (ie front and rear). This is considered visually appropriate to the street scene.

(iii) Impact upon residential amenity

Future occupiers would have the side garden as their private amenity space - this measures 7.2m wide and would have a depth of some 11.5m. This represents sufficient area to be useable private amenity space compliant with the Design Guide, and whilst it is unusual to have the private garden adjacent a highway, the existing evergreen hedge provides sufficient screening to create a private area. The retention of this hedge can be conditioned to secure long term privacy for future occupiers. The existing dwelling would retain the garden to the rear and this is compatible with other terraced dwellings in the area.

Since the existing rear garden is staggered to the footprint of the proposed dwelling and there is an element of overlap, the windows in the rear elevation have been revised to ensure that the window that would sit directly above the existing garden, which will become a mid-terrace dwelling in separate occupation, would be obscure glazed to minimise direct overlooking. As a result of this change an additional first floor window in the rear elevation serving a bedroom results which would be aligned with the front/side area of No 74 to the north. Whilst the occupiers of this dwelling have objected to this additional window being only 1m from their curtilage, it is considered that the area that it would overlook is a more public open area and not the private sitting out area of No 74. The area in question is lawned and highly visible to pedestrians passing by and offers limited *private* amenity area - such that it is considered that the additional bedroom window would not materially harm the use of this area in this densely built up residential area.

The other objections to overlooking come from those to the east. The current gable end facing these dwellings contains a first floor window and the proposal would improve this scenario as there are no first floor windows proposed in the east end elevation, just ground floor patio style doors to the proposed garden area. Accordingly the proposal is considered to have an acceptable impact on residential amenity, for both existing and future occupiers.

(iv) Highways and parking

Each dwelling would have 3 bedrooms and under the new Parking SPD this triggers a minimum requirement of 2 spaces per dwelling. Amended plans have been received showing the 2 spaces per dwelling with an extended dropped kerb area. Being close to the corner the landscape officer recommended the hedge be removed where necessary for visibility with a replacement tree and low shrubs/landscaping on the corner - this would improve visibility for drivers using the parking spaces and hence represents an improvement to highway safety. (This element of hedge removal does

not impinge on the remainder required for privacy purposes).

The surface finish of the parking spaces can be conditioned to ensure an appropriately porous and visually acceptable finish to what will be a significant area of hardsurfacing. The proposal is considered compliant with both Policy DM13 and the parking SPD.

(v) Effect on trees and landscaping

The lawson cypress tree is a mature category C tree and to be replaced by virtue of its siting impinging the logical position of proposed fencing. A replacement tree can be provided within the corner landscaped area that will offer better visual enhancement to the street scene. The landscape officer suggests an Amelanchier (juneberry) tree.

The ash tree in the north eastern corner is a young category A tree with considerable value to the street scene. It is sited a sufficient distance from the proposed development to not be unduly affected and provided it is protected during construction works then does not represent a constraint to development. The Arboricultural Officer raises no objection with appropriate tree protection and mitigation conditions.

(vi) 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 £100 per square metre on new floorspace (measured as gross internal area), plus indexation in Emsworth.

It is considered that there is a CIL liability for this site. The completed CIL planning form indicates that the total gross internal floor space will be 103 sqm and as such this will require a CIL payment of £12,369.20. The applicant has been advised of this sum accordingly and returned the Assumption of Liability Notice together with a Self-Build Exemption claim. .

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, 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 Disturbance Mitigation Project. For the proposed dwelling, plus admin and monitoring fee, the appropriate payment of £204.80 has been paid and the relevant form has been completed by the applicant.

8 Conclusion

The proposed scheme for an additional end of terrace dwelling is considered to be of an appropriate design, and, with appropriate conditions, will not give rise to any undue amenity issues and is acceptable in highway terms. The proposal is therefore considered to accord with the relevant Local Plan and Allocation Plan policies and the guidance set out in the Borough Design Guide SPD, Parking SPD and the NPPF. The application is therefore recommended for permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00743

(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 external materials to be used shall match in type, colour and texture those on the existing dwelling at 76 Bosmere Gardens, unless agreed otherwise in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 3 The development shall not be brought into use until a minimum of 2 parking spaces each have been provided for both No 76 Bosmere Gardens and the proposed dwelling as shown on the hereby approved plans, and thereafter all of those spaces shall be kept available for such purposes.
Reason: In the interests of highway safety and having due regard to the Parking Supplementary Planning Document, 2016, and policy DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 4 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of the car parking spaces and any other open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The materials shall be porous and provide a visual definition between the two plots. The development hereby permitted shall not be first occupied until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan

(Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The existing hedge along the eastern boundary of the site, as shown on the hereby approved plans, shall be retained in perpetuity to a minimum height of 1.5m, except where required to provide improved visibility for the car parking spaces.
Reason: To provide adequate screening to form a private amenity area for future occupiers and to protect the appearance and character of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for the south eastern corner of the site has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify the species and size of the replacement tree and the species, planting sizes and densities of ground cover to be planted, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 The first floor bathroom window in the rear, north, elevation, shall:-
(i) consist of at least two lights divided horizontally with only the top light capable of being opened, and shall be maintained in that condition at all times; and
ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.
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 2012.
- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Class A of the 1995 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To enable the Local Planning Authority to maintain control of such additions in the interests of the amenity of neighbouring residents, to ensure an adequate amount of amenity space and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.
- 9 No development shall take place until the ash tree in the north eastern corner that is to be retained is enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the

period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Proposed additional Dwelling, Drawing No PL01 received 5/10/2016

Arboricultural Method Statement dated September 2016

Design and Access Statement dated July 2016

Reason: - To ensure provision of a satisfactory development.