
Site Address:	45 Hulbert Road, Havant, PO9 3TA		
Proposal:	Part demolition of existing outbuilding and construction of 1No. 2 bedroom bungalow and associated parking.		
Application No:	APP/16/00767	Expiry Date:	26/09/2016
Applicant:	Mrs Jones		
Agent:	Mr M Saunders	Case Officer:	Heather Lealan
	PDP Architecture llp		
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site lies on the west side of Hulbert Road and comprises a detached house with relatively long rear garden. The site lies within the built up area and is surrounded by residential development. The adjacent property to the south (43 Hulbert Road) is a detached chalet bungalow with a kitchen window in the side elevation. The property at No. 43 Hulbert Road is sited approximately 1m from the side boundary which comprises 1.8m high close boarded fencing. The existing dwelling with the application site is a two storey detached dwelling house. The dwelling to the north of the site, No.47 is a detached single storey dwelling.

2 Relevant Planning History

APP/12/01230 - Extension of existing outbuilding to form 1No. 2 bed detached bungalow with associated landscaping and parking utilising access from Hulbert Road., REF,22/01/2013

3 Proposal

Part demolition of existing outbuilding and construction of 1No. 2 bedroom bungalow and associated parking. This application for a new dwelling which differs from the siting and design of that allowed on appeal under APP/12/01230 has been submitted after the applicants discovered an underground culvert that transverses the site. This has necessitated a revised design and layout of the proposed bungalow to avoid the culvert and associated easement.

4 Policy Considerations

National Planning Policy Framework

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)

Supplementary Planning Documents

Parking
Housing
Borough Design Guide

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Comments as per previous application. No concerns so long as tree protection measures are conditioned.

Building Control

Fire access will need to be considered as part of building regulations application.

Officer Comment - Agent has been made aware

Crime Prevention

No comments

Development Engineer

No adverse comments

Waste Services Manager

no comments

Public Spaces

no comments

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: 11

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary:

- a) Undesirable backland development out of keeping with the existing area
- b) Development of new dwelling, parking arrangement and access would impact occupiers of adjacent dwellings peaceful enjoyment of own home
- c) Revised layout may lead to flooding issues off site through the removal of existing garage and paving to front garden

Officer comment a-c: Planning permission was granted on appeal for the development of a 2 bed bungalow on the same application site as that the subject of this application.

- d) No replacement fencing is proposed to be erected after the existing garage is removed

Officer comment: A condition is recommended to address this omission

7 Planning Considerations

- (i) Principle of development
- (ii) Effect on the character of the area and the streetscene.
- (iii) Effect on existing residential properties.
- (iv) Consideration of residential amenity of any future occupants
- (v) Effect on highway safety.
- (vi) Other matters

(i) Principle of development

7.2 With regard to the principle of the development, the site lies within the urban area where residential development is considered acceptable in principle subject to a thorough assessment of other development control criteria. The principle of a new dwelling within the rear garden of this property was determined as acceptable by an appeal Inspector under APP/12/01235. However, the design has been amended to allow for a 'no development' easement next to an underground culvert that transverses the site, and the elevational treatment of the bungalow has also been revised - the impact of this revised design and siting is considered further below.

(ii) Effect on the character of the area and effect on streetscene

7.3 The effect on the character of the area of subdividing the land to the rear of 45 Hulbert Road was considered at appeal stage as being acceptable. The appeal Inspector concluded that the new dwelling to the rear of the existing would accord with the pattern of development to the south of the site. There are other examples of backland development within the streetscene and glimpses of rear dwellings are visible through gaps in the frontage properties. The revised proposal within this site would accord with this pattern in a very similar manner to the scheme approved at planning appeal.

Therefore it is considered that the proposal will accord with Local Plan Core Strategy policy CS16 (c).

(iii) Effect on existing properties

7.4 The proposed drive would run along the boundary with 43 Hulbert Road and remains unchanged from the parking layout as approved by the planning appeal Inspector. This neighbouring property is sited approximately 1m from the side boundary and has

a kitchen window in this elevation. The new driveway would run the length of the dwelling of 43 Hulbert Road. When considering the previous application, the appeal Inspector found the use of the driveway to be acceptable. The revised layout accords with the layout previously permitted and it meets the requirements of the Borough Design Guide which seeks, amongst other objectives, to ensure that new development is designed to appropriate standards. However, one letter of representation submitted to the LPA raises concerns about the impact of the development on their right to peaceful enjoyment of their home. The Human Rights Act confers a number of rights, of which the following is relevant in this case; First Protocol, Article 1: The right to peaceful enjoyment of possessions.

In this regard it is necessary to balance the right to use the application site as the owner wishes, against the need to protect the amenities of the occupiers of the surrounding residential properties from inappropriate development. The development on the land is in accordance with the Council's adopted policies. It is considered that the use of the garden area for a further dwelling and introduction of a new driveway is in accordance with both national and local planning policy. Furthermore, it is considered that the layout meets the intended objectives of the Local Plan to protect the character of the area, and the amenities of the occupiers of the surrounding residential properties from inappropriate development.

7.5 It is not considered that the revised proposal will exacerbate drainage issues off site. The applicant is aware of the culverted pipe and has revised plans in the knowledge of this pipe and building control requirements. The layout of hardstanding accords with that of the previously approved scheme.

7.6 The proposed dwelling is to be single storey and is set sufficient distance from existing dwellings such that it is considered that its siting would not result in unacceptable loss of privacy or outlook from the existing or new dwellings. The orientation of the main rooms within the new dwelling has changed since the appeal scheme and the main rooms now face south west. However the boundary screening will prevent overlooking and the distance of separation from the two closest dwellings is acceptable. Details of boundary treatment should be conditioned to replace the garage wall; to treat the boundary between the application site and the adjacent dwelling to the south.

(iv) Consideration of residential amenity of any future occupants

7.7 The division of the plot would leave acceptable garden lengths. Due to the positioning of the proposed and existing dwellings within the plot it is not considered that the existing dwelling will have an overbearing impact on the amenities of the future occupiers of the proposed dwelling.

(v) Highways implications

7.8 The Development Engineer expressed that the parking provision and turning on site was acceptable and should be conditioned.

(vii) Other matters

7.9 The Solent Recreation Mitigation Project payment has been received along with the required signed agreement. The applicant has completed a CIL exemption form.

8 Conclusion

- 8.1 It is considered that the revised layout for the erection of a dwelling within this plot would be acceptable in terms of the impact on the amenities of the area and the impact of the proposed parking and access road on the amenities of the occupiers of the existing adjacent dwellings. The conditions as placed on the previous scheme have been recommended for this application with the addition of one condition with regard to boundary treatment.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00767 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:

Supporting Design statement received 26 July 2016
Site Location Plan drwg.no 27936-PD510 rev A received 26 July 2016
Site Block Plan drwg.no 27936-PD509 rev A received 26 July 2016
Site Layout & Roof Plan drwg.no 27936-PD500 rev A received 26 July 2016
Ground Floor Plan drwg.no 27936-PD501 rev A received 26 July 2016
Proposed Elevations drwg.no 27936-PD502 rev A received 26 July 2016

Reason: - To ensure provision of a satisfactory development.
- 3 Unless otherwise agreed in writing with the Local Planning Authority 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.
- 4 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.
- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension or roof alteration shall be constructed within the curtilage of the site without the prior approval of 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 Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the window in the ground floor on the north-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.

- 7 No development shall take place until all trees that are to be retained within or adjacent to the site have been 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.

- 8 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure to be provided to replace the southern wall of the garage to be demolished have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.