GENESIS
TOWN PLANNING
PLANNING | REGENERATION | ENVIRONMENT

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The Planning Inspectorate
Registry/Scanning Team
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

COPY

KS/10072

18th November 2010

Dear Sirs

PLANNING APPEAL – 110 Bosmere Gardens, Emsworth PO10 7NR

On behalf of our clients, Mr. and Mrs. Slater, we enclose a planning appeal against the refusal of Havant Borough Council to grant planning permission (APP/10/00126) for additions, alterations and conversion of existing house to for 2no. 2 bed houses at 11o Bosmere Gardens, Emsworth PO10 7NR.

The appeal forms are accompanied by a copy of the application form and decision notice issued on 1st July 2010 with our full grounds of appeal in accordance with the written appeal procedure. We have requested the appeal is dealt with under the Written Procedure and confirm that a copy of the appeal documents referred to in the appeal grounds have been forwarded to Havant Borough Council as required.

Yours sincerely
for Genesis Town Planning Ltd

Kerry Simmons MA
Senior Planner
kerry@genesistp.co.uk

Copy: Havant Borough Council
Client

HAVANT BOROUGH COUNCIL
19 NOV 2010
RECEIVED

SWEET & MAXWELL CHECKED 2010 EXPERT WITNESS

The Planning Inspectorate

www.planning-inspectorate.gov.uk

For official use only
Date received

PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0117 372 6372. **To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".**

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice or, for "failure" appeals, within 6 months of the date by which they should have decided the application. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name MK AND MRS SLATER

Organisation name (if applicable)

Address

Postcode

Daytime phone Fax

I prefer to be contacted by Post Email *

*Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name

Organisation name (if applicable) GENESIS TOWN PLANNING

Address 26 CHAPEL STREET CHICHESTER

WEST SUSSEX Postcode PO19 1PL

Your reference 10072

Daytime phone 01243 534050 Fax 01243 534051

I prefer to be contacted by Post ✓ Email *

*Email address CAROLYN@GENESISTP.CO.UK

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA HAVANT BOROUGH COUNCIL

LPA's application reference number APP/10/00126

Date of the application

Did the LPA validate and register your application? Yes ✓ No

Date of the LPA's decision notice (if issued) 01 07 10

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address 110 BOSMERE GARDENS
EMSWORTH

Postcode PO10 7NR

Note: Failure to provide the full postcode may delay the processing of your appeal.

Please answer the questions below:

1 Is the appeal site within a Green Belt? Yes No ✓

2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet. Yes No ✓

E. DESCRIPTION OF THE DEVELOPMENT

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? Yes No

ADDITIONS, ALTERATIONS AND CONVERSION OF EXISTING HOUSE TO FORM 2NO. 2BED HOUSES

Area of the whole appeal site (i.e. the boundary) in hectares 0.04

Area of floor space of proposed development in square metres

F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

1 Refused planning permission for the development described in Section E. 1 ✓

2 Granted planning permission for the development subject to conditions to which you object. 2

3 Refused approval of the matters reserved under an outline planning permission. 3

4 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4

5 Refused to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5

Or

6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE

W ✓ *

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions and changes of use).

* Please answer the questions below.

a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ✓ No

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. Yes ✓ No

IN ORDER TO VIEW THE SITING OF THE PROPOSED EXTENSION.

2 THE HEARING PROCEDURE

H . ◈

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure.

◈ Please answer the question below.

a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. Yes No

3 THE INQUIRY PROCEDURE

I ▲

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.

▲ Please answer the questions below.

a) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

b) How many witnesses do you intend to call? No. of witnesses

c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Yes No

H. GROUNDS OF APPEAL

See section H of the guidance leaflet to help you decide what to include in your grounds of appeal.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ✓ No

PLEASE SEE ATTACHED SHEET.

H. GROUNDS OF APPEAL *(continued)

Please continue on a separate sheet if necessary.

I. (part one) APPEAL SITE OWNERSHIP DETAILS

This must be completed for all appeals. See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

*Please tick **ONE** box only* ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served (this must be within the last 21 days)

OR

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form. C/D

I. (part two) AGRICULTURAL HOLDINGS CERTIFICATE

This must be completed for all appeals. See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

*Please tick **ONE** box only* ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding: A ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name	Address at which the notice was served	Date the notice was served (this must be within the last 21 days)

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the 6 month appeal period we will not accept your appeal.

You **must** send the documents listed 1-7 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

1 A copy of the original **planning application** sent to the LPA. 1 ✓

2 A copy of the **site ownership certificate** and **agricultural holdings certificate submitted** to the LPA at application stage (these are usually part of the LPA's planning application form). 2 ✓

3 A copy of the **LPA's decision notice** (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. 3 ✓

4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. 4 ✓

5 Copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. 5 ✓

Please number them clearly and list the numbers here or on a separate sheet:

1, 2, 3, 4, 5, 6, 7

6 Copies of any **additional** plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). 6

Please number them clearly and list the numbers here or on a separate sheet:

7 A copy of the **design and access statement** sent to the LPA (if required). 7 ✓

You **must** send copies of the following, if appropriate:

8 Additional plans, drawings or documents relating to the application but **not previously seen by the LPA.** Acceptance of these will be at the Inspector's discretion. 8

Please number them clearly and list the numbers here or on a separate sheet:

9 Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. 9 ✓

10 If the appeal is against the LPA's refusal or failure to approve the **matters reserved under an outline permission**, please enclose:

a) the relevant outline application; 10a

b) all plans sent at outline application stage; 10b

c) the original outline planning permission. 10c

11 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. 11

12 A copy of any **Environmental Statement** plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). 12

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out.

1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge. ✓

2 I have enclosed **all** the essential supporting documents listed in section J. ✓

3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal). ✓

4 I have signed and dated the form (unsigned forms will be returned to you). ✓

Signature R Simmons. GPP. Date 18 11 10

Name (in capitals) R SIMMONS

On behalf of (if applicable) GENESIS TOWN PLANNING.

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we RECEIVE your appeal form and ALL supporting documents within the 6 month time limit. See section M of the guidance leaflet

1 COPY to us at:

The Planning Inspectorate
Registry/Scanning Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Helpline: 0117 372 6372

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

Published by The Planning Inspectorate August 2008. Printed in the UK August 2008 on paper comprising 100% post-consumer waste.

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St Clements House
2-6 Colegate
Norwich
NR3 1BQ

GROUNDS OF APPEAL

This appeal is against the refusal of Havant Borough Council to grant planning permission for additions, alterations and conversion of existing house to form 2no. 2 bed houses at 110 Bosmere Gardens, Emsworth PO10 7NR.

The Grounds of Appeal are as follows:

1. The appeal site is located within the built up area of Emsworth. The site is located within a sustainable location and forms part of a relatively dense residential area. The surrounding residential area is predominantly made up of semi detached and terraced houses, many of the houses have been altered and extended.

2. 110 Bosmere Gardens comprises a semi detached house set within a large plot with a sizeable garden that stretches north-east behind 84 and 86 Victoria Road. The appeal proposal involves the subdivision of the existing plot to create two plots of equal proportion and in keeping with the established pattern of residential development along Bosmere Gardens and Victoria Road.

3. The appeal proposal has been specifically designed to sit comfortably within the existing site and to maintain an appropriate and acceptable relationship with the neighbouring properties.

4. This has been achieved by continuing the existing ridge height to present the appearance of terraced houses, which are familiar to the street scene. The proposed side extension would extend only 2 metres from the existing side elevation and as such would maintain a gap of 2.3metres between the side (north) elevation and the shared boundary resulting in a significant gap of 7.2 metres with the nearest point of 86 Victoria Road, with only high level obscure glazed windows in the north elevation to prevent any additional overlooking of 86 Victoria Road. The appeal proposal complies with the guide lines set out in the Council's Development Control Advice Note 7: Home Extensions.

5. The form, scale, siting and layout of the appeal proposal is appropriate to the site's urban location and residential context and as such the resultant building would not detract from the established character and appearance of Bosmere Gardens and would not materially harm the amenities of neighbouring properties.

6. The appellant's are agreeable to the required infrastructure contributions and a Unilateral Undertaking will be submitted in due course.

7. For the reasons outlined above, the appeal proposal should be allowed. We will be preparing a full written Statement of Case in due course and reserve the right to comment on the Local Planning Authority's Statement.

Signed: ..... (Genesis Town Planning Ltd)

On Behalf of Mr & Mrs Slater

Date: 18th November 2010

Havant
BOROUGH COUNCIL

Civic Offices
Havant
Hampshire PO9 2AX

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Fax(023)9244 6588
DX50005 Havant
www.havant.gov.uk

The Planning Inspectorate
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Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our Ref:DC/MG/ APP/10/00126

Your Ref:APP/X1735/A/10/2141166/NWF

Direct Line:(023)92446529.

Ask For: Miss K Gardner

E-mail:planning.development@havant.gov.uk

15 December 2010

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - APPEAL BY:
Mr and Mrs A Slater
SITE AT: 110 Bosmere Gardens, Emsworth, PO10 7NR

Please find enclosed page 7 of the Council's electronically submitted appeal questionnaire relating to the above appeal.

Yours faithfully
S Weaver

Mr Steve Weaver
Interim Development Services Manager

CC. Agent or Applicant

The Planning Inspectorate

For official use only
(Date received)

15-Dec-2010 12:57

QUESTIONNAIRE (Online Version)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

Appeal Ref:	APP/X1735/A/10/2141166
Appeal By:	Mr and Mrs Slater
Address	110 Bosmere Gardens Emsworth
Postcode	PO10 7NR
Grid Reference: Easting	4743360
Northing	1061723

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1 Despite our initial letter, do you consider that this appeal can be dealt with by the written representation procedure? ☑ YES ☐ NO

Do you wish to be heard by an Inspector at;

☐ a local inquiry? or

☐ a hearing ?

How long do you expect an inquiry would last? _____ days

How many witnesses do you intend to call? _____

What are the preferred Inquiry/Hearing dates you have agreed with the appellant/agent?
(2 dates should be provided, or more if possible.)

Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2 a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? ☐ YES ☑ NO

b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? ☑ YES ☐ NO

Please explain:

To view the proposed works in terms of size and proximity to neighbouring property

2 c. Are there any known health and safety issues that would affect the conduct of the site inspection? ☐ YES ☑ NO

3 Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name Mrs K Wooden Phone 02392 446529

Email karen.wooden@havant.gov.uk

4 Does the appeal relate to an application for approval of reserved matters? ☐ YES ☑ NO

5 Was a GDPO 1995 Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application? ☑ YES ☐ NO

6 Did you give publicity to the application in accordance with either Article 8 of the GDPO 1995, Section 67/73 of the Planning (Listed Buildings & Conservation Areas) act 1990 or Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990? ☑ YES ☐ NO

☑ Document provided

7 Is the appeal site within;

a. A Green Belt? ☐ YES ☑ NO

b. An Area of Outstanding Natural Beauty? ☐ YES ☑ NO

8 Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? ☐ YES ☑ NO

☐ Document provided

9 a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? ☐ YES ☑ NO

Please give our reference numbers and if necessary attach details:

☐ Document provided

b. Are there any other appeals or matters relating adjacent or close to the site still being considered by us or the Secretary of State? ☐ YES ☑ NO

Please give our reference numbers and if necessary attach details:

☐ Document provided

10 Would the development require the stopping up or diverting of a public right of way? ☐ YES ☑ NO

Please provide an extract from the Definitive Map and Statement for the area, and any other details.

☐ Document provided

11 a. Is the site in a Conservation Area? ☐ YES ☑ NO

Please attach a plan of the Conservation Area

☐ Document provided

b. Does the appeal relate to an application for conservation area consent? ☐ YES ☑ NO

12 a. Does the proposed development involve the demolition, alteration or extension of a listed building? ☐ YES ☑ NO

Date of listing: ☐ I ☐ II* ☐ II

b. Would the proposed development affect the setting of a listed building? ☐ YES ☑ NO

Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historical Interest.

☐ Document provided

13 Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? ☐ YES ☑ NO

14 a. Would the proposals affect an Ancient Monument (whether scheduled or not)? ☐ YES ☑ NO

b. Was English Heritage consulted? ☐ YES ☐ NO

Please send a copy of any comments.

☐ Document provided

15 Is any part of the site subject to a Tree Preservation Order? ☐ YES ☑ NO

Please send a plan showing the extent of the Order and any relevant details.

☐ Document provided

16 Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning and Compulsory Purchase Act 2004) relating to the application site? ☐ YES ☑ NO

Please attach a copy of the relevant order.

☐ Document provided

17 Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? ☐ YES ☑ NO

18 a. Is the appeal site in or adjacent to or likely to affect an SSSI or an Internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)? ☐ YES ☑ NO

Please attach the comments of Natural England

☐ Document provided

b. Are any protected species likely to be affected by the proposals? ☐ YES ☑ NO

Please attach details.

☐ Document provided

19 **Environmental Impact Assessment**

Environmental Statement (ES)

Schedule 1

a. (i) Is the proposed development Schedule 1 development as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO

(ii) Under which description of development? (ie Nos 1-20) [ ]

Schedule 2

b. (i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO

(ii) Under which description of development in Column 1? (ie Nos 1-13) [ ]

(iii) Is the applicable threshold/criteria in Column 2 exceeded/met? ☐ YES ☑ NO

c. Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO
☐ *Document provided*

Please provide details in the box below:

Screening

d. (i) Have you issued a screening opinion (SO)? ☐ YES ☑ NO
Please attach a copy of the SO that was placed on the planning register, and any other related correspondence.
☐ *Document provided*

(ii) Did the SO state that the proposed development is EIA development as defined by the EIA Regulations? ☐ YES ☑ NO
If you decided that the proposed development is not EIA development as defined by EIA Regulations, please attach brief descriptions for your opinion.
☐ *Document provided*

Environmental Statement (ES)

e. Has the appellant supplied an environmental statement? ☐ YES ☑ NO
Please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99.
☐ *Document provided*

Publicity

f. If applicable, please supply a copy of the site notice and local advertisement published under Article 8 of the GDPO 1995, as required for EIA development.
☐ *Document provided*

20 Have all the notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? ☑ YES ☐ NO
Please attach copies of any comments that you received in response.
☑ *Document provided*

21 **Copies of the following documents must, if appropriate, be attached to this questionnaire;**
Tick the 'Applies' checkbox to the right of each applicable document, then select whether you intend to send it by post or attach it now.

a. a copy of the letter with which you notified people about the appeal; ☑ Applies

b. a list of the people you notified and the deadline you have for their comments to be sent to us; ☑ Applies

Deadline: 14 Jan 2011

c. all representations received from interested parties about the original application; ☑ Applies

d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes; ☑ Applies

e. any representations received as a result of a GDPO 1995 Article 7 (or Regulation 6) notice; ☐ Applies

f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan) You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination; ☑ Applies

List of Policies: D1, T10 & IMP1

g. extracts of any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, that you consider necessary. Please attach a copy of the Direction and a copy of the letter from the Government Office which accompanied the Direction. ☐ Applies

List of Policies:

h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when; ☐ Applies

i. extracts from any supplementary planning document, that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached; ☐ Applies

j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement; ☑ Applies

k. any other relevant information or correspondence you consider we should know about; ☐ Applies

22 **For appeals dealt with by written representations only.**

Do you intend to send a 6 week statement about this appeal? ☑ YES ☐ NO

a. the relevant planning history, including a full list of the plans submitted with the application; ☐ Applies

b. any supplementary reasons for the decision on the application or what the decision notice would have said; ☐ Applies

c. matters which you want the Inspector to note at the site visit; ☐ Applies

d. how the relevant development plan policies relate to the issues of this appeal; ☐ Applies

23 **For the Mayor of London cases only**

a. Was it necessary to notify the Mayor of London about the application? ☐ YES ☐ NO
Please attach a copy of that notification ☐ Document provided

b. Did the Mayor of London issue a direction to refuse planning permission? ☐ YES ☐ NO
Please attach a copy of that notification ☐ Document provided

Council's Reference: APP/10/00126

☑ I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

Completed by Mrs Karen Wooden (name)

On behalf of Havant Borough Council

STATEMENT
Do you wish to attach your statement of case? ☐ YES ☑ NO
☐ Document provided

Appeal Ref:	APP/X1735/A/10/2141166
Appeal by:	Mr and Mrs Slater
Site Address:	110 Bosmere Gardens Emsworth PO10 7NR

The following documents should be sent to us within 2 weeks of the 'starting date' *(unless otherwise specified)*

Description	No. Sent
**********	
* The Documents Listed Below Will Follow By Post *	
**********	
** 6a. Copy of the notice published	
** 6b. Representations received	
** 20. Has all notifications or consultations taken place?	
** 21a. A copy of the letter with which you notified people about the appeal	
** 21b. A list of the people you notified and the deadline you gave for their comments	
** 21c. All representations received from interested parties.	
** 21d. The planning officers report on the application and any other relevant documents.	
** 21f. Extracts from any relevant statutory development plan policies	
** 21j. A list of comprehensive conditions which you consider should be imposed if planning permission is granted.	

Completed By	Mrs Karen Wooden	**Date**	15 December 2010
LPA	Havant Borough Council		

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US.

PLANNING PROPOSAL

Application Number: **10/00126/**

Proposed development at: **110 Bosmere Gardens, Emsworth, PO10 7NR**

I give notice that:

is applying to **HAVANT BOROUGH COUNCIL** for permission for:

Additions, alterations and conversion of existing house to form 2No. 2 bedroom houses. (Revised application.)

The reason for this notice is that the proposal :-

Is considered to be a Minor Development likely to be of wider interest

Members of the public may inspect copies of the applications, the plans and other documents submitted with it at:

Customer Services Reception, Civic Offices, Civic Centre Road, Havant, Hants between the hours of 9.00am and 5.00pm Monday to Friday

Anyone who wishes to make representations about this application should write to the Head of Development & Technical Services, Civic Offices, Civic Centre Road, Havant, Hants PO9 2AX or e-mail representations@havant.gov.uk by: **09 June 2010**. To check on the progress of an application please email: planning.development@havant.gov.uk

All objections and representations will become available for public inspection. No action can be taken on letters indicating that they are to be dealt with in confidence and no reliance should be placed on having made representations as to a similar application in the past.

Under the provisions of the Local Government (Access to Information) Act 1985, any written comments that you submit will be made available for both inspection and copying. They will also be copied to the Planning Inspectorate in the event of an appeal. You should therefore only include information that you are happy to be seen by the public and available over the internet.

The Council operates a deputation scheme enabling individuals, including applicants, to speak at Committee meetings when a decision is being taken. If you wish to arrange this please contact the case officer responsible for the application by telephoning Customer Services Reception on 023 9244 6015.

Mr Chris Lyons
Development Services Manager
On behalf of Havant Borough Council
Date: 12 May 2010

Havant
BOROUGH COUNCIL

Notice under Article 8 Town and Country Planning (General Development Procedure) Order 1995
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Havant
BOROUGH COUNCIL

Civic Offices
Havant
Hampshire PO9 2AX

Tel (023)9247 4174
Fax(023)9244 6588
DX50005 Havant
www.havant.gov.uk

The News
7 West Street
Havant
Hants

Our Ref: APP/10/00126
Your Ref:
Direct Line:(023)92446529.
Ask For: Miss K Gardner

14 December 2010

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Site : 110 Bosmere Gardens, Emsworth, PO10 7NR
Proposed Development: Additions, alterations and conversion of existing house to form 2No. 2 bed houses.
Planning Application Number: APP/10/00126
Planning Inspectorate's Appeal Reference: APP/X1735/A/10/2141166/NWF
Appeal Start Date: 03 December 2010 **Appellant's Name:** Mr and Mrs A Slater

I am writing to let you know that an appeal has been made to the First Secretary of State in respect of the above site. The appeal form as completed by the applicant/agent for the appellant is available for public viewing at the Council Offices. Should you wish to view this and/or the original planning application file you may do so. As the file may be being worked on by the case officer, you are requested to give at least 24 hours notice if you wish to view the file/papers. Whilst the appeal form and the planning application file are immediately available for inspection, the Council's completed questionnaire will not be available until 2 weeks and the Council's statement until 6 weeks following the appeal start date. Additionally, the appellant's further statement may not be available until 6 weeks after the start date. If you wish to see this please contact the officer named above. The appeal is to be decided by an Inspector following an exchange of written statements by the appellant and the Council and a site visit.

Any written representations made to the Council about the original application for planning permission (unless they are expressly confidential) will be forwarded to the Planning Inspectorate and copied to the appellant and will (unless withdrawn in writing within six weeks from the appeal start date) be considered and taken into account by the Inspector in deciding the appeal.

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs. The Inspectorate may publish details of your comments, on the internet (on the Appeals area of the Planning Portal). Your comments may include your name, address, email address or 'phone number. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party, please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Should you wish to make representations concerning the appeal, or withdraw, modify or add to any previous comments you may have made, you must forward three copies, in writing, direct to The Planning Inspectorate, Room 3/19, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, quoting the Planning Inspectorate's Appeal Reference noted in the heading to this letter to ensure they are received no later than 14 January 2011. You may also request your own copy of the appeal decision letter upon application in writing to the Planning Inspectorate at the address detailed above. In some circumstances, the Inspector may agree to view the proposed development from neighbouring land, if you wish him/her to do so I suggest that you include such a request in any correspondence with the Planning Inspectorate.

Yours faithfully

S Weaver

Mr Steve Weaver
Interim Development Services Manager

APP/10/00126
110 Bosmere Gardens, Emsworth, PO10 7NR
NEIGHBOURS/REPRESENTEES

1	The Occupier / Owner 95 Bosmere Gardens Emsworth PO10 7NR	Type
2	The Occupier / Owner 97 Bosmere Gardens Emsworth PO10 7NR	Type
3	The Occupier / Owner 99 Bosmere Gardens Emsworth PO10 7NR	Type
4	A & J Sellen 101 Bosmere Gardens Emsworth Hants PO10 7NR	Type
5	Mr A Dawkins 108 Bosmere Gardens Emsworth Hants PO10 7NR	Type
6	The Occupier / Owner 82 Victoria Road Emsworth PO10 7NJ	Type
7	Mrs J M Sadler 84 Victoria Road Emsworth Hants PO10 7NJ	Type
8	Mr & Mrs P Chilton 86 Victoria Road Emsworth Hants PO10 7NJ	Type
9	Councillor D Gillett 7 Diana Close Emsworth Hants PO10 7UQ	Type
10	Councillor V Wilson-Smith The Old School House 5 School Lane Emsworth Hants PO10 7BG	Type
11	Councillor B Gibb-Gray 6 Chequers Quay 37 Queen Street Emsworth Hants PO10 7AD	Type

APP/10/00126
110 Bosmere Gardens, Emsworth, PO10 7NR
CONSULTEES

1	S York FAO: Crime Prevention Officer Havant Police Station Civic Centre Road Havant Hants PO9 2AN	Type XCOND

Hampshire Constabulary
Chief Constable Alex Marshall

Waterlooville Police Station
Swiss Road
Waterlooville
Hampshire
PO7 7FX

Mrs. R. McMurray
Development Control
Havant Borough Council
Civic Centre Road
Havant
Hampshire
PO9 2AX

03 JUN

Telephone: 0845 045 45 45
Direct dial: 023 9289 1831
Fax No: 023 9289 1650
Deaf/speech impaired minicom: 01962 875000
Email:

Our ref: cpo/alo/2010
Your ref: APP/10/00126

28th May 2010

110 BOSMERE GARDENS, EMSWORTH, PO10 7NR

Dear Mrs. McMurray,

Thank you for your letter of the 12th May 2010 and the opportunity to comment upon the application. Having considered the application I have the following comments to make with reference to crime prevention.

The proposal creates two accesses to the rear gardens to the side of the proposed dwelling. Unfortunately this access route cannot be seen from the new dwelling, which increases its vulnerability to crime. To reduce the opportunities for crime I recommend the installation of longer windows fitted with clear glazing in the northern elevation of the proposed dwelling.

The proposal creates a shared access way (leading up to the side accesses) to the side of the proposed dwelling. Such shared surfaces have the potential to cause a number of neighbour disputes. Such scenarios could be; a vehicle on the driveway is damaged was it the neighbour (or their associates) passing the car? The access route becomes blocked? Items are left of the shared access way.

The proposal does not clearly define the (implied) right of access route. The owner of the proposed property might be inclined to position vehicles towards the north of the parking area to provide a clear route to the front door.

The proposed rear access to the existing dwelling is not shown as being gated. For the safety and security of those properties abutting this route a gate should be fitted at the junction with the shared access. The gate should be of robust construction and at least six feet high and with the fittings to make the gate secure.



As per your request the application is returned if I can be of any further assistance please do not hesitate to contact me.

Yours sincerely.

S York
Crime Prevention Officer

DISCLAIMER

This survey is based on information supplied by yourself and the current crime trends. I can only give a view on what measures might reduce the risk of crime and there can be no guarantee that the measures will prevent crime. The advice is given free with no intention of creating a contract. Neither the Home Office or the Hampshire Constabulary take any other legal responsibility for the advice given.

Havant Borough Council

The Town and Country Planning Act 1990

Consultation on Planning Application

From : Head of Development & Technical Services

To: Waste Strategy Team Leader

DC Case Officer Mrs R McMurray **Ext: 9244 6546**

Date: 12 May 2010

Application No. APP/10/00126

Site Address: 110 Bosmere Gardens, Emsworth, PO10 7NR
Proposed Development: Additions, alterations and conversion of existing house to form 2No. 2 bedroom houses. (Revised application.)

I attach a copy of the above application that has been received under the Town and Country Planning Acts.

Any views you should wish to make should be returned to me together with the application papers no later than 26 May 2010.

C A Lyons

Mr Chris Lyons
Development Services Manager

Return to: Mrs R McMurray

From: Waste Strategy Team Leader **To: Development Services Manager**

Standard front boundary collection from wheeled bins.

Signed: [signature] **Date:** 17/5/10

RM.

HIGHWAYS

PLANNING APPLICATION OBSERVATIONS

APPLICATION NO: 10/73369/000 SENT DATE: 01 February 2010

HAVANT BOROUGH COUNCIL DEVELOPMENT CONTROL 08 FEB 2010 RECEIVED

SITE ADDRESS : 110 Bosmere Gardens, Emsworth, PO10 7NR

PROPOSED DEVELOPMENT: Additions, alterations and conversion of existing house to form 2No. 2 bed houses.

CONTRIBUTION REQUIRED

FLOORSPACE credit for existing 3 bed

CALCULATION unit: £3,745

total 2 new 2 bed: 2 x £3745

contribution: £3,745

REFUSE

REASONS FOR REFUSAL

DEFER

REASONS FOR DEFERMENT

APPROVE SUBJECT TO CONDITIONS

FOLLOWING CONDITIONS TO APPLY

1) D45 (2 spaces)

2) D35 alteration / the addition of

3) dropped kerb

4)

INFORMATION TO BE ADDED TO DECISION NOTICE

Dropped Kerb.....Section 38.....Section 278.....

SECTION 106 REQUIRED.....

GENERAL COMMENTS:.....

Highway Engineer [signature] Initial P.J.M Date 2/1/10

RM

APP/10/00126

ACK 24/5/10 DEC

84. Victoria Road
Emsworth.
Hants
PO10 7NJ.

Site Address
110 Besmere Gardens
Emsworth
PO10 7NR.

19/5/2010

HAVANT BOROUGH COUNCIL
24 MAY 2010
RECEIVED

Dear Sir or Madam,

Regarding the letter you sent me, about the (Revised application) for the Proposed Development

I have written twice before Regarding this, I have said before, I am against this, because it going to Effect the Value, of my House. Privacy and outlook. Natural Habitat We get Lots of Birds etc. We have enough Buildings all around us now, also it will mean digging up the Pavement, which has been Renewed last September, it will mean more Cars, has if there isn't enough all ready.

Your faithfully.

J. M. Sadler (Mrs)

HAVANT BOROUGH COUNCIL
DEVELOPMENT CONTROL
24 MAY 2010
RECEIVED

APP/10/00126

24-5-10.

RM

ACK 27/5/10

HAVANT BOROUGH COUNCIL
27 MAY 2010
RECEIVED

101 BOSMERE GARDENS
EMSWORTH
HANTS
PO10 7NR

Dear Sir/Madam.

We feel by adding another house to the already well populated Bosmere Gardens, it will only add to the increase in parking problems that we already have.
Plus all the disruption we will have to endure whilst this work is being carried out, outside of our house.

Sincerely
A + J. SELLEN.

REF DEVELOPMENT TO
110 BOSMERE GARDENS
EMSWORTH.

Imp & Act
17/5/10 KG

NMC

Karen Gardner

From: Alison Chilton [a.chilton2@ntlworld.com]
Posted At: 15 May 2010 16:14
Conversation: proposed development at 110 Bosmere Gardens
Posted To: Representations
Subject: proposed development at 110 Bosmere Gardens

Dear Mr Chris Lyons

Please find attached our letter in response to the revised application for the proposed development at 110 Bosmere Gardens, Emsworth. Ref APP/10/00126.

Yours sincerley

Alison and Paul Chilton

86 Victoria Road
Emsworth
Hants
PO10 7NJ

01243 377912
a.chilton2@ntlworld.com
To report this mail as spam please forward this mail as an attachment to the following
spam@emailsystems.com

Saturday 15th May 2010

86 Victoria Road

Emsworth

Hants

PO10 7NJ

Ref. APP/10/00126

Dear Mr Chris Lyons,

We are writing in response to your letter received today 15.05.10 referring to the second application for the proposed development at 110 Bosmere Gardens and would like to make the following comments.

We consider that the 'refined'(4.17) 'sensitive'(4.20) proposed development designed 'to improve the relationship with the existing neighbouring property' (4.17) would still result in a negative effect on the daylight to our property and the outlook from our property. There would still be considerable overshadowing and the proposed development would still have a visually overbearing impact upon our property. We would welcome another visit to our property and our back garden from anyone considering these proposals.

We would like to draw your attention to comments made in the Design and Access Statement referring to the impact on our property, 86 Victoria Road and to comments made previously by Mrs R McMurray (Planning Officer.) She wrote in her letter ref GEN/73369/001 dated 16.07.09 'Although the principle of development was considered acceptable, some concern was expressed as to the relationship and impact of the proposal on neighbouring properties and in particular no. 86 Victoria Road.'

We would like to question the comment in the Design and Access Statement (4.12) that 'the proposed development would not have an adverse impact on neighbouring properties and therefore complies with policy D1.' We would suggest again that the impact would in fact be considerable.

The Design and Access Statement makes reference to the fact that the proposed development would occur in a 'relatively dense residential area' (2.2) and yet suggests that it would 'contribute positively to its' surroundings' (4.5) How? By making the residential area even denser? It also states (4.9) that it would 'make more effective and efficient use of the previously developed land.' We question whether the proposed development would be a 'more effective and efficient use of land ' in an already 'dense residential area.'

Section 4.1 makes reference to the 'large site which can comfortably accommodate 2 dwellings.' We would question whether the squeezing in of an additional dwelling space on land clearly designed for one is indeed 'comfortable' and would again like to draw your attention again to the restrictive covenants imposed by the Council in 1988, particularly the following two-'You must only use the house as a single private dwellinghouse for one family' and 'You must not do anything which would obstruct the passage of light over the windows of neighbouring properties.' We have already

had communication from and to Guinness Hermitage on this issue-letters dated 17.11.08, 20.11.08, 25.11.08 and 29.01.09 which we would happily make available to you if required. These covenants are there for very good reasons eg. to prevent overcrowding and will only be released if planning permission is granted.

Parking continues to be an issue in Bosmere Gardens and we would like to again question whether there would in fact be adequate space for 4 cars (2 for each property) at the front of the property. We note with interest the comment in the application form that the dropped kerb is 'to be undertaken after agreement with the Highways department of HCC' and would like to inform you that that work was in fact carried out last year.

We ask that you carefully consider the comments we have made and questions that we have raised when making your decision about the second proposed development at 110 Bosmere Gardens.

Yours sincerely,

Alison and Paul Chilton

a.chilton2@ntlworld.com

01243 377912

MC

Imp 9/6/10 MAH ✓
Ack ✓

Michelle Houghton

From: Andrew Dawkins [wikkiwikkiwaa@hotmail.com]
Posted At: 09 June 2010 09:20
Conversation: Planning Application No. APP/10/00126 – 110 Bosmere Gardens
Posted To: Representations
Subject: Planning Application No. APP/10/00126 – 110 Bosmere Gardens

Dear Mrs McMurray,

Please find my letter of objection to the 110 Bosmere gardens planning application attached.

Best regards

Andrew

Get a free e-mail account with Hotmail. Sign-up now. To report this mail as spam please forward this mail as an attachment to the following spam@emailsystems.com

108 Bosmere Gardens
Emsworth,
Hants
PO10 7NR

24th May 2010

Mrs R. McMurray
Planning Development
Havant Borough Council,
Civic Offices
Havant, Hants
PO9 2AX

Dear Mrs McMurray,

Re. Planning Application No. APP/10/00126 – 110 Bosmere Gardens

I wish to object to the above Planning Application on safety grounds. Bosmere Gardens is already very crowded. Cars are parked on both sides of the road and the visibility when driving is very poor. There are two schools close by which increases the volume of traffic in the area. (One is a primary school, the other is 'special needs'). Apart from the obvious increase in traffic which this causes, there are also a high number of children and parents walking to and from school.

The housing in the area was built before the majority of people had cars and the area was not designed to accommodate so many cars per household. Increasing the number of houses invariably increases the number of cars and thus the risk.

Yours faithfully,

Andrew Dawkins

HAVANT BOROUGH DISTRICT- WIDE LOCAL PLAN



Adopted by Havant Borough Council September 2005

Havant Borough District Wide Local Plan 1996-2011

D1 HIGH QUALITY DESIGN

Development will be permitted provided it achieves [in terms of siting, massing, scale, proportion, alignment, rhythm, layout, materials (finishes, details, features) spaces and views] all of the following:
(i) Creates an attractive environment that has its own distinctive identity but which respects and enhances local character.
(ii) Ensures the efficient use of land.
(iii) Provides safe and convenient access to facilities and public transport.
(iv) Does not adversely affect the amenities of occupiers of neighbouring properties.
(v) Includes existing built and natural features such as trees, walls, watercourses and historic boundaries.
(vi) Reduces the possibility of crime or anti-social behaviour.
(vii) Maximises solar gain and energy conservation.
(viii) Maximises water conservation and utilises sustainable urban drainage systems.

109. This policy encourages proposals which respond to the local context rather than off-the-peg designs or poor imitations of architectural styles. Designs should interpret the opportunities presented by the site and its setting to create sustainable, locally- distinctive development which complements the existing character of the area. By focusing attention on the structure, appearance and character of the built environment this policy aims to make it easier for people to acquire a clear image of their surroundings. The implementation of this policy will require townscape appraisals and the adoption of planning guidance including design guides, design frameworks and development briefs. Legal agreements may also be sought to secure the maintenance and operation of some of the policy requirements. Consultation with planning officers is advised, and in relation to criterion (viii) with the Environment Agency, at an early stage in the preparation of planning proposals.

110. The appearance of buildings has a significant effect on townscape and influences the image of the Borough as a place to invest in and visit. A key requirement is the relationship of new development with existing buildings and the layout of public spaces which should be distinctive and impressive. Good design should also create a townscape with variety and interest and is particularly relevant for maintaining the environment for existing residents. However, it is essential that designs do not simply reaffirm existing low density patterns of development since they use land ineffectively and would increase urban sprawl if repeated on greenfield sites on the edge of the built-up area. Good quality designs also contribute to regeneration and the viability of town, district and local centres. The frameworks for guiding improvements and developments in Havant and Waterlooville Town Centres and the Creating Quality Places project in Leigh Park are based firmly on urban design.

111. The design qualities identified in the policy can be clarified as follows:

Siting
Refers to the way a development relates to other buildings and adjoining routes and open spaces.

Massing
Is the three dimensional arrangement of component parts of a building including height, bulk and silhouette in relation to neighbouring development and spaces.

Scale
Is the size of a building and all its parts relative to the human being and other buildings.

Proportion
Refers to the relationship between parts of a building, the ratio of solid to void in the facade and the way the windows are arranged.

Alignment
Continuous building lines, for example, provide enclosure for public spaces.

Rhythm
Is the arrangement and size of elements of the facade.

Layout
This provides the basic plan for the form and uses of a development.

Materials
Materials determine the colour and texture of a building. Combined with well-designed details and features, such as opening2, bays and balconies, materials contribute significantly to local distinctiveness.

Space
This refers to the public realm defined by the building development and includes streets, avenues, squares and parks.

Views
Views of well-designed buildings can contribute to the image of the Borough.

112. The potential for achieving these qualities is greater in higher density designs in contrast to standardised suburban developments. Even where a distinctive townscape character exists, designs should not simply copy existing development although this approach has been successful in some places. Development built in a modern style may fit satisfactorily into an older environment provided the other qualities have been interpreted to accord with the character of the existing development.

113. This policy also refers to extensions and alterations since these can have a detrimental effect on the character and appearance of the surrounding area. The main points to consider in applications for alterations and extensions, including porches, dormers, garages and carports, are contained in the Borough Council's Development Control Advice Note No.7: Home Extensions A Design Guide.

114. Guidelines contained in publications such as Secured by Design show how crime can be discouraged by the layout and form of development, thus reinforcing initiatives such as Neighbourhood Watch. There may be potential for additional deterrents including straightening approaches to subways or the siting of housing so that it overlooks shopping streets and bus stops. However, it is important to balance crime prevention with other design objectives such as local identity and linkage with existing routes to improve the accessibility of the surrounding area.

115. Aspects of design relating to energy efficient development are within the control of other legislation. However, the design and layout of development can be influenced by planning control. These aims will have to be balanced with such factors as visual amenity and the interests of neighbouring uses.

Site Address:	110 Bosmere Gardens, Emsworth, PO10 7NR		
Proposal:	Additions, alterations and conversion of existing house to form 2No. 2 bed houses.		
Application No:	APP/10/00126	Expiry Date:	01/07/2010
Applicant:	Mr and Mrs A Slater	Team:	Team 2
Agent:	Mrs K Simmons Genesis Town Planning	Case Officer:	Rachael McMurray
Ward:	Emsworth		

Recommendation: **REFUSE PERMISSION**

1 Site Description

1.1 The site is located in a residential area of Emsworth, in Bosmere Gardens, close to the junction with Victoria Road. No. 110 consists of a two-storey, semi-detached dwelling of brick and tile construction with painted pebbled dash render to the external façade. There is small front garden which is contained by a low boundary wall. Adjacent to this is a small area of hard standing which allows for the on site parking of two vehicles. The adjacent property to the north sits at an almost right angle to the application site and fronts onto Victoria Road. The north boundary of the site is marked by a 2m high hedgerow which extends into the rear property, along the shared boundary. The remainder of the rear garden is enclosed by a 1.8m high fence and semi-mature vegetation. There is a wooden, detached summerhouse situated in the rear plot, adjacent to the north boundary. The site levels do not vary.

2 Planning History

10/73369/000
Additions, alterations and conversion of existing house to form 2No. 2 bedroom houses. Refused - 19/3/10 for the following reason:

1. The proposed development, due to its size and proximity to the side, shared boundary, would result in an overbearing and unneighbourly impact on No. 86 Victoria Avenue, and is therefore also contrary to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1.

2. The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's policy on contributions towards transport infrastructure which, in accordance with Planning Policy Guidance 13, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. The proposal is therefore contrary to saved Policies T10 and IMP1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

3 Proposal

3.1 The proposal is for a revised version of the previsouly refused scheme. The proposal still consists of extensions to the property including a two-storey extension to the side of the property of 2.2m in width. This extension would extend back by 5.4m from the front building line, before dropping down to a single storey extension of a further 2.8m in depth. This single storey would wrap around onto the rear elevation, extending across the width of this elevation by 2.9m. Adjacent to this is, there is a proposed two-storey rear extension of 2.1m in width with a pitched roof set down 0.6m in height from the ridge of the main dwelling.

The main changes from the previoulsy refused version of the scheme are:

i. The introduction of a catslide roof to the side two-storey extension, which reduces the height of the eaves by 1m.

ii. Removal of the chimney from the side of the two-storey extension.

3.2 The proposed extensions are to create extra floorspace to allow for a subdivision of the main property into two, 2No. bed units. The front and rear gardens would also be subdivided to allow amenity space for each unit. The rear garden of the proposed end of terrace unit would be contained within the existing rear garden serving No. 110, being of the same shape as the existing garden. This would therefore mean that the rear boundary of the newly formed garden would be shared with the resultant garden of No. 110. It is proposed that this garden would be accessed by an access path which would run along the side boundary of the newly created garden. It is proposed that each unit would have 2No. on site parking spaces on the front hardstanding.

4 Policy Considerations

National Policies

PPS1 (Delivering Sustainable Development)
PPS3 (Housing)
PPG13 (Transport)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

D1	(High Quality Design)
IMP1	(Financial Contributions)
PC1	(Control of Potentially Polluting Uses)
T9	(Provision of Vehicle Parking and Turning Facilities)
TC10	(Control of Class A3, A4 and A5 Food and Drink Uses - Local Centres and Other Areas)

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

5 Statutory and Non Statutory Consultations

Arboriculturist:
Previous comments apply:
There are two ornamental trees in the rear garden. One is visible from the side of the property although offers very limited impact / contribution to the streetscene. No Arb objections.

Access Officer:
Broad compliance to Part 'M' Building Regs outlined in the D & A statement received on 22/1/10.

Highways:
Financial contribution of £3745 required towards HCC Transport Policy. Various policies should be applied to any permission including: D45 (2 spaces), D35 (addition of dropped kurb).
The relevant paperwork to secure the financial contribution was not dispatched as it was evident from an early stage that the planning application would not recieve support for the reasons given.

Crime Prevention -Minor Apps:
The rear access creates an additonal safety risk.

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: 3

Summary:

6.1 Adverse impact on the daylight to and outlook from No. 86 Victoria Road.
Comment: This is further discussed in planning considerations – section 7.

6.2 Restrictive covenants are being broken on the site.
Comment: Covenants are not a planning consideration.

6.3 A tree survey has not been carried out for the site. Should it have been?
Comment: No. Please see section 7.7 for further details.

6.4 It is questionable whether there would be adequate space for 4 No. cars to park on the frontage. This could result in parking problems.
Comment: The Development Engineer was consulted as part of the proposal and did not raise any concerns. Both front gardens are wide enough to facilitate 2 x 2.4m wide parking spaces.

6.5 Loss of light, outlook and privacy to No. 84 Victoria Road
Comment: It is not considered that No. 84 will be impacted upon as directly as No. 86. This is further covered in planning considerations – section 7.

6.6 Loss of value to No. 84 Victoria Road
Comment: This is not a planning consideration.

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 the Design and Effect on the Streetscene
(iii) Effect on the Neighbouring Properties
(iv) Parking Provision
(v) Effect on Trees
(vi) Financial Contributions

(i) Principle of development

7.2 The site is located within a defined urban area in the Local Plan and therefore development is acceptable in principle dependant on the acceptability of layout, design, parking provision, effect on neighbours etc.

(ii) Appropriateness of the Design and Effect on the Streetscene

7.3 The revised design is considered to be acceptable in terms of its relationship with the structural outline of the main dwelling and also proposes matching materials. The streetscene in Bosmere Gardens and Victoria Avenue is made up of properties of a similar design / scale, having been built as part of a specific development that mainly consists of semi-detached properties or short terraces. Some variations exist in terms of alterations such as porches, extensions etc. Due to the appropriateness of the design and appearance as a side extension to the main property, it is not considered that proposal would have an adverse effect on the character of the streetscene by forming an incongruous feature which would be harmful to the visual amenity or the character of the main property.

7.4 The subdivision of the plot would provide a rear garden for the new dwelling which is of a similar footprint, which is broadly comparable with those in the immediate vicinity and provides sufficient amenity space for future occupants. The resultant space which would be left for the existing No. 110 is of an unusual shape however, again this appears to provide an acceptable amount of amenity space when also compared to the immediate locality. The Crime Prevention Officer has raised that this access could be liable to safety issues however, it is considered that this could be designed out through the use of robust fencing and secure gates.

(iii) Effect on the Neighbouring Properties

7.5 Despite the reduction in eaves height and the removal of the chimney in the revised scheme, it is considered that the proposed two-storey extension to the side of the dwelling, would still have an adverse effect on the neighbouring property at No. 86 Victoria Road. This neighbour sits at an angle to the application site, and the rear amenity space of this property is arranged as such that the side wall of the existing No. 110 is already fairly overbearing. It is considered that a proposal which would bring this wall 2.2m closer to the shared boundary would be overly oppressive on the rear amenity space currently enjoyed by the neighbouring property, to such an extent that this would justify a refusal of the proposal on these grounds.

7.6 There is also a concern that this extension would result in a loss of sunlight to the rear amenity space however, it is considered that would only likely to be during a short part of the evening and would therefore not be overly harmful in this particular respect. The occupiers of this property also have concerns that there would be a loss of outlook from their rear facing windows. The angle of the property is such, that the windows do not face directly onto the site and whilst some of the building form would be visible, particularly at the rear, it is not considered that there would be an adverse loss of outlook.

7.7 No. 84 Victoria Road has also objected to the proposal on grounds of loss of outlook, light and privacy. In terms of privacy there is already an established degree of overlooking from the first floor windows and this would not change. This property is further away from No. 110 and due to orientation and distance, it is not considered that this property would suffer an adverse impact in terms of loss of outlook or light.

7.8 The two-storey extension to the rear would have less of an impact on No. 86 Victoria Road, as this extension would be set back from the shared boundary and would also have a dropped ridge height. In terms of any potential impact on No. 108, this rear extension would be set in by 2.4m from the shared boundary and as such, would not affect the first floor, rear outlook from this neighbour.

(iv) Parking Provision

7.9 Concerns have been raised as to the whether there will be sufficient space for the parking of 2No. cars on the front hardstanding area of each plot. The Development Engineer has been consulted on the application and has not raised an issue with the space sizes. Both parking areas provide can provide 2No. spaces of 2.4m in width and 4.8m in length, which is the required size. As such, it is considered that the proposal meets the Council's adopted parking standards.

(v) Effect on Trees

7.10 The Council's Tree Officer has been consulted and has advised that the two ornamental trees on site offer a limited contribution to the streetscene and as such, are not likely to have a TPO placed on them. Therefore there are no objections to the proposal on these grounds. Further to the comment received as to whether a tree survey was required, it is not considered that this should be requested as the Tree Officer has not raised any concerns.

(vi) Financial Contributions

7.11 A contribution of £3745 towards the Hampshire County Council Transport policy is required to be paid by a legal agreement. However, the relevant paperwork to secure the financial contribution was not dispatched as it was evident from an early stage that the planning application would not recieve support for the reasons given.

8 Conclusion

8.1 It is considered that the amended scheme would still have an adverse effect on the neighbouring property at No. 86 by reason of its overbearing presence and such, the application is recommended for refusal.

9 RECOMMENDATION:

That the Head of Development & Technical Services be authorised to **REFUSE PERMISSION** for application 10/73369/000 subject to the following reasons:

1 The proposed development, due to its size and proximity to the side, shared boundary, would result in an overbearing and unneighbourly impact on No. 86 Victoria Avenue, and is therefore also contrary to saved Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 1.

2 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which, in accordance with Planning Policy Guidance 13, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. The proposal is therefore contrary to saved Policies T10 and IMP1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

Case Officer:
Signed Date

Recommendation Agreed by DC Team Leader/Development Services Manager:
Signed Date