

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**1A Milton Road, Waterlooville, Hampshire
PO7 6AB**

**Local Planning Authority Reference:
APP/16/00020**

**Planning Inspectorate Reference:
APP/X1735/W/16/3151493**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR MIAH AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR; First floor and two storey rear extensions; alterations to the roof including raised eaves levels to front and sides to form 2No. two bedroom properties following demolition of the front porch, and garage with associated parking and landscaping.

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LPA REF: APP/16/00020

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The application site consists of a detached two storey dwelling with rooms at first floor level built into the eaves. The dwelling has been extended to the rear by a single storey flat roof rear extension which forms the full width of the rear elevation. To the north west is a driveway leading to a double garage. To the front is additional parking.
- 1.2 To the south west is the rear garden area of two dwellings, the most southerly (70 Hambledon Road) is a detached two storey dwelling with hipped roof, the other, (no 72 Hambledon Road) is a modest sized bungalow, both dwellings face out to Hambledon Road. A 1.8m fence, trellis and hedge form the shared boundary.
- 1.3 To the rear is the end section of a rear garden; a thin hedge forms the boundary.
- 1.4 To the north east is a two storey detached dwelling with dormers facing out over the application site.
- 1.5 To the front is a 1.0m wall and a bungalow is sited opposite. This part of Milton Road is characterised substantially by bungalows with vegetated and hard standing gardens and intervening skyline visible between buildings and above the rooflines.

2.0 PLANNING HISTORY

92/57037/000 - Remove conifer trees and existing front wall and replace with 4ft wall and railings, PERM,28/02/1992

APP/12/00020 - Rear extension, first floor extension and canopy to front., REF,12/03/2012

APP/12/00866 - Creation of additional accommodation by first floor and two storey rear extensions; alterations to roof including raised eaves levels to front and sides. Addition of front porch and provision of parking spaces. (Revised Application.), REF,30/10/2012

APP/13/01214 - First floor and two storey rear extensions; alterations to roof including raised eaves levels to front and sides. Addition of front porch and demolition of garage to rear (Resubmission of APP/12/00866)., REF,28/02/2014 but subsequently allowed at appeal.

3.0 THE APPLICATION

- 3.1 The application the subject of this appeal was made valid on 15 January 2016 and the application was refused under delegated powers on 11 March 2016 for the following reasons:

1. Development of the site in the manner proposed would amount to an over-intensive use of the site, in that it would give rise to unsatisfactory plot sizes and to a cramped and congested layout, to the detriment of the amenities of future occupiers of the development. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide SPD 2011 and the National Planning Policy Framework 2012.

2. The proposal does not incorporate adequate facilities to enable a vehicle to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of road safety and the convenience of other road users, and without which the residual cumulative impacts of the development would be severe. The proposal is therefore contrary to policies CS16, CS20, and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3. The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Partnership, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority which seeks to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. It is therefore contrary to Policy CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

- 3.2 The application seeks the erection of first floor and two storey rear extensions; alterations to the roof including raised eaves levels to front and sides to form 2No. two bedroom properties following demolition of the front porch, and garage with associated parking and landscaping.

4.0 POLICY CONSIDERATIONS

- 4.1 The application has been determined against the National Planning Policy Framework and local planning policy. With regards to local planning policy, the application was determined against the relevant policies from the Havant Borough Local Plan (Core Strategy), which was adopted on 1 March 2011. The relevant Core Strategy policies are CS16, CS20, CS21, DM13 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, copies of these policies have been forwarded to the Inspector.

- 4.2 Policy CS16 (High Quality Design), advises that development proposals would only be permitted where it can be demonstrated that they respect the local context and use characteristics of the locality to help inform the design of new development. Development proposals should avoid causing detrimental impact on the neighbouring and proposed properties. The Havant Core Strategy can be found at; <http://www.havant.gov.uk/havant-11597>

4.5 On 1 August 2013, the Community Infrastructure Levy (CIL) was brought into force by Havant Borough Council. CIL income can be used to fund additional infrastructure required to support new development including roads, schools, green spaces and community facilities.

4.6 CIL represents a fundamental change from the current system of developer contributions through Section 106 (S106) planning obligations. While S106 will still be used for site specific measures required to make a development acceptable, the introduction of CIL means that the use of S106 will be limited.

4.7 The overall aim of these changes is to make the developer contributions system fairer, faster and more transparent than the previous system. It is intended to give developers more certainty over costs and give councils and communities more choice and flexibility in how to fund infrastructure. The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule (see Appendix B), which was adopted by the Council on the 20 February 2013. The Charging Schedule and supporting documentation can be found at: <http://www.havant.gov.uk/planning-policy-design/community-infrastructure-levy>

4.8 As such this scheme, which represents new residential development, may be liable for CIL at a rate of £80 per additional square metre. The CIL amount payable for this scheme is £4,227.14.

4.9 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. It is considered that the dimension most pertinent to this planning refusal is social in that the scheme does create a high quality built environment.

5.0 REPRESENTATIONS

- 5.1 The application which is the subject of this appeal was published in accordance with the Council's adopted publicity procedures, and 11 neighbour notification letters were sent. In addition a site notice was posted. 2 letters of representation were received by the Planning Authority.
A copy of the representation letters has previously been forwarded to the Planning Inspectorate. The contents of the letters were summarised in the officer report.

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the relevant policies of the Havant Borough Local Plan (Core Strategy) 2011, the NPPF and the reasons for refusal given in the Decision Notice dated 11 March 2013, it is considered that the main issues for consideration with regard to the refusal of this application are set out below.

- (i) Principle of development
- (ii) Impact upon the streetscene
- (iii) Nature of development
- (iv) Impact upon residential amenity
- (v) Impact on highway
- (vi) CIL and SRMP considerations

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposed extensions to the dwelling house were allowed at appeal in 2013 and so the merits of these additions, in terms of their built form and impact on adjoining properties, have been established as being acceptable. As such, the key considerations of the LPA for the refused application subject of this appeal assessed the impact of the subdivision of the building to form two dwellings.

(ii) Impact upon the streetscene

It is not considered that there will be a great impact to the streetscene, the form of the building has been accepted by the appeal Inspector. There would be a limited streetscene impact from the intensification of the use of this site, principally from the large area of hard surfacing required for car parking. However, given that such an arrangement could be achieved under normal permitted development rights this would not be great enough to warrant a refusal of the application.

(iii) Nature of development

It is considered that the subdivision of the site as proposed would result in a cramped and congested layout to the detriment of the amenities of future occupiers of the site. The garden areas would not accord with the adopted Borough Design Guide's minimum 10m depth and the arrangement of the parking area directly to the front of the dwellings would result in the area to the front of the building appearing cramped also. The tandem and close proximity of the parking spaces to each other would result in an inadequate layout that would be difficult to use for daily activities. The door to one of the proposed dwellings would be to the side elevation of the dwelling house resulting in an overall building that wasn't easily legible and that would have the appearance of being one dwelling not two. There may also be management issues as there would be a good degree of shared amenity space.

(iv) Impact upon residential amenity

It is considered that the intensification of the use of the site may impact the amenities of the occupiers of the surrounding dwellings but that the greatest impact will be to the amenities of any future occupiers of the site. The impact of the increased building bulk has previously been considered by the 2013 appeal Inspector as acceptable.

(v) Impact on highway

The Highway Engineer has raised concerns regarding the proposed parking layout and that adequate turning has not been demonstrated that will allow vehicles to enter and leave the site in a forward gear. This is considered a significant failing of the scheme given the site's location on the busy Milton Road, which is a bus route, and close proximity to the Milton Road/Hambledon Road roundabout, and the layout is considered likely to have a significant and unacceptable impact on the safe and convenient operation of the highway network as a result.

(vi) CIL and SRMP considerations

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 20 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 £80 per square metre on new floor space (measured as gross internal area).

It is considered that there is a CIL liability for this site. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space will be 44 sqm and as such this will require a CIL payment of £4,227.14.

This development would 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 developments within this zone is that it is likely to have a significant effect on the SPA unless mitigated. The measures of mitigation adopted by the LPA at the end of June 2014 requires a payment of £176 per dwelling to the Solent Recreation Mitigation Partnership.

An assessment of the proposed development has therefore been conducted under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to a net increase in population (households), which would be likely to lead to a significant effect (as described in Regulation 61 (1) (a) of the Habitats Regulations) on the Solent Special Protection Area (SPA). The development is not necessary for the management of the SPA. The applicant has proposed a mitigation package based on the methodology set out above - 2 new homes are proposed in lieu of 1 existing. As such, the scale of mitigation has been calculated as £176 (plus monitoring and administration fees).

The applicant has stated within his submission that he would be happy to enter into an agreement to pay this contribution and the relevant paperwork has been sent out by the LPA accordingly. The LPA would not uphold this reason for refusal once the applicant has confirmed to both the LPA and the Inspectorate that the deed has been signed and monies paid.

7.0 COMMENTS ON THE GROUNDS OF APPEAL

The issues raised within the appellants grounds of appeal have largely been covered within section 6 of this report.

The application has been considered against both Local and National Planning Policy and it has been found in section 6 that such a form of development would not be social sustainable and thus would not meet the requirements of Havant Borough (Local Plan) (Core Strategy) Policies CS16, CS20, CS21, DM13 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, or the NPPF.

8.0 CONCLUSION

8.1 It is considered that the scheme will result in a congested and cramped site layout to the detriment of the amenities of any future occupiers of the site, and it has not been demonstrated that vehicles can enter and leave the site in a safe and convenient manner. Therefore it is considered that the scheme does not accord with the requirements of the NPPF and policies CS16 and DM13 of the Core Strategy.

8.2 It is therefore considered that the proposal is not socially sustainable for the reasons given in 8.1 and expanded upon in Section 6 and that this outweighs the economic need for new dwellings in the Borough as more suitable sites are available.

8.3 The Inspector is therefore respectfully requested to dismiss this appeal. Should, however, the Inspector be minded to allow the appeal and grant permission for the proposal, the Council would request that the planning conditions set out in the separate submitted document are attached to any permission.

APPENDICES

- (A) Site location plan.
- (B) Havant Borough Community Infrastructure Levy Charging Schedule
- (C) SRMP Documentation

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List of suggested conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Construction of the extensions hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 3 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use 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 CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 4 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 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 locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 5 The development shall not be brought into use until the parking spaces have been laid out in accordance with the approved plans, thereafter all of those spaces kept available for such purposes.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 6 The development hereby permitted shall be carried out in accordance with the approved plans.

Reason: - To ensure provision of a satisfactory development.

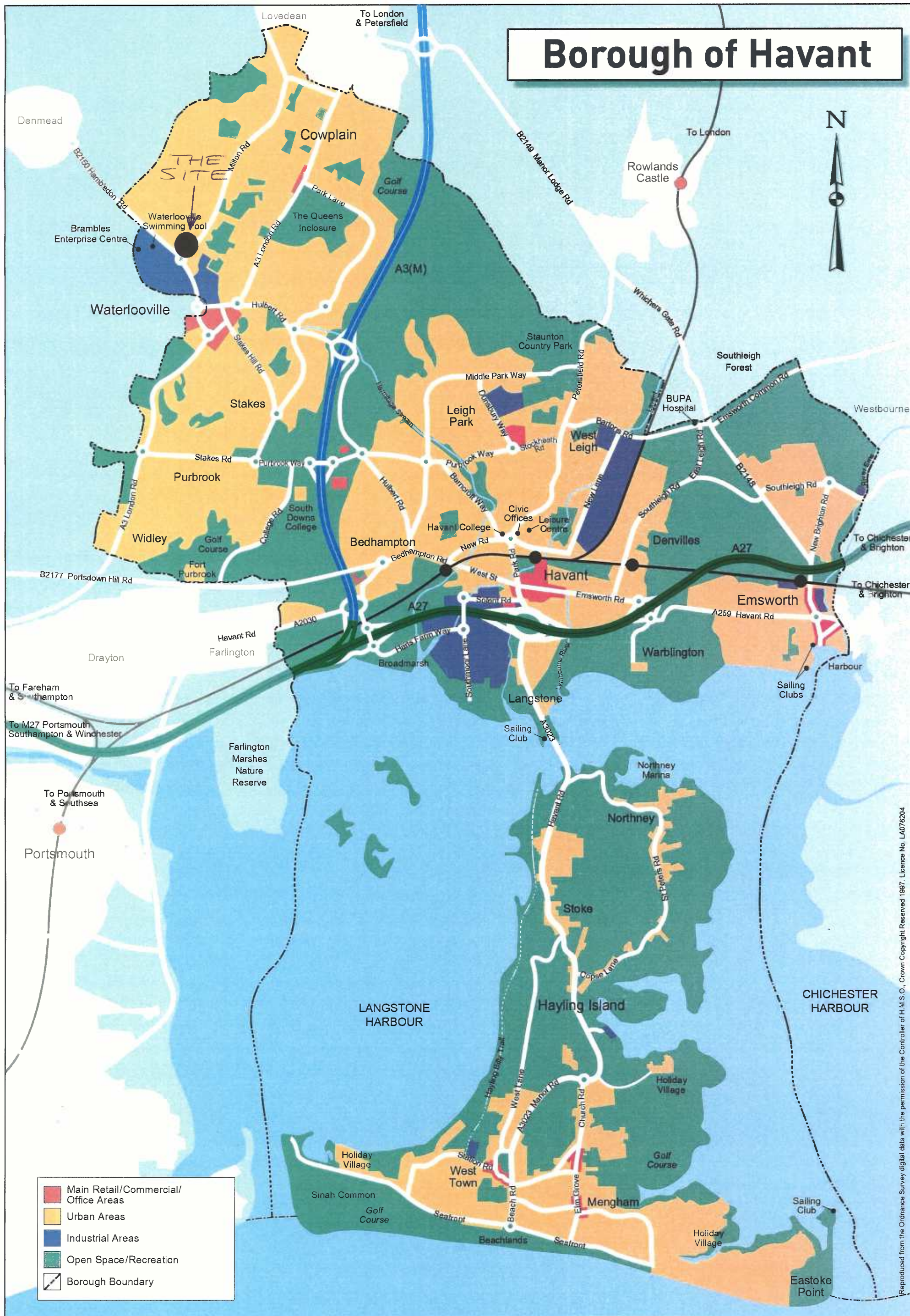
- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no alteration to the roof of the dwellings hereby approved including the addition of windows permitted by Part 1, Classes B of the Town and Country Planning (General Permitted Development) Order 2008 as amended, shall be constructed without the prior written approval of the Local Planning Authority.

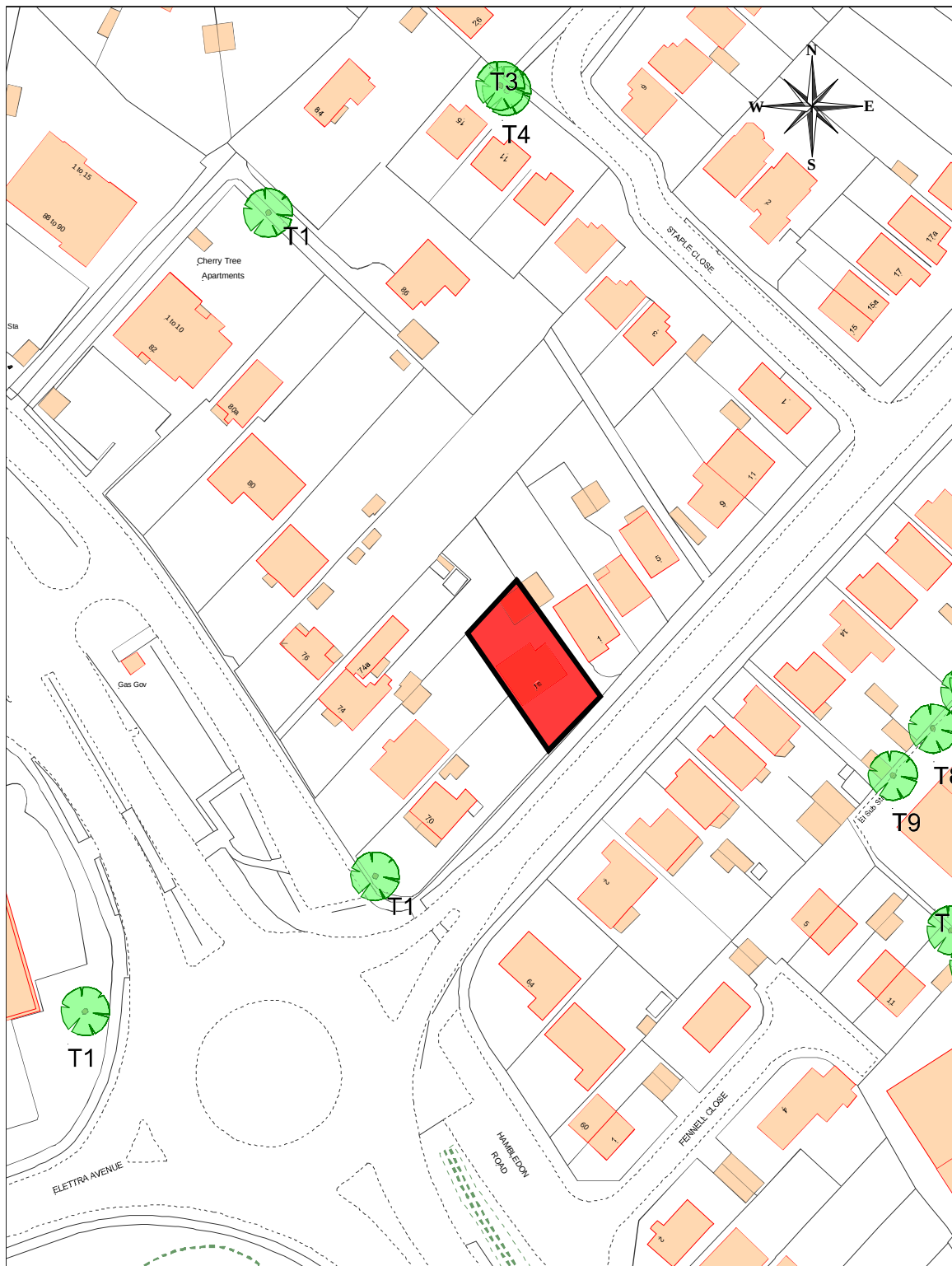
Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes **A/D/E** of the Town and Country Planning (General Permitted Development) Order 2008 as amended, shall be constructed without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and 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 National Planning Policy Framework, March 2012.

Borough of Havant





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Title:

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APP/16/00020

1A Milton Road, Waterlooville

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Scale:

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SOLENT RECREATION MITIGATION PARTNERSHIP FINANCIAL CONTRIBUTION

From the 30th June 2014, the Council is seeking a financial contribution towards the Solent Disturbance Recreation Project (SRMP) now known as the Solent Recreation Mitigation Partnership. Natural England has advised that a contribution of £176 per dwelling (updated 1 April 2016) will be required to mitigate against the effects of recreational disturbance on the Solent Special Protection Area (SPA).

Policy CS21 of the Local Plan (Core Strategy) and Policy DM24 of the Local Plan (Allocations) provide the policy basis for the collection of this contribution, which will be applied to all new development of one or more dwellings. The Council has agreed two ways of securing the contribution:

- 1) Upfront payment prior to a decision being made (this can only be used for development of 1 to 4 dwellings)
- 2) Section 106 legal obligation (this must be used for applications of 5 or more dwellings, where there will be additional contributions payable)

For both options, administration and monitoring fees will be added.

Once your planning application has been validated, you will be contacted by your planning application case officer to agree the most appropriate method of payment.

For further details, please see the Developer Contributions Guide which provides background information on the contribution or the external link to the Solent Recreation Mitigation Partnership web pages (hosted by Portsmouth City Council).

COMMUNITY INFRASTRUCTURE LEVY PROCESS

An explanation of the CIL process can be found on;

- [Planning Portal - Community Infrastructure Levy \(external website\)](#).

It is recommended that applicants refer to these pages prior to making a planning application for development.

All the forms can be downloaded from:

- [Planning Portal - Community Infrastructure Levy Forms](#) (external website).

Please be aware that should you be liable for CIL and you fail to pay the liable amount by the due date, Havant Borough Council will apply surcharges and interest according to the regulations [Part 9 of The Community Infrastructure Levy Regulations 2010 - [external link](#)].

Further Information

In addition to the Planning Portal's information on CIL, we have produced a Developer Contributions Guide which explains in detail the CIL process from the grant of planning permission to collection and when each of the CIL forms need to be submitted to the council and how CIL works alongside S106.

A quick overview of the basic process is provided as follows:

Step 1 - When submitting a planning application for new retail or residential development you should also include the **CIL Additional Information Requirement Form**. This will enable the council to determine whether the proposal is liable to pay CIL and calculate the CIL

liability. When planning permission is granted the decision notice will indicate if the development is liable to pay CIL.

If you know at the point the planning application is to be submitted who will be the person or organisation that will pay the CIL liability, you should also submit **Form 1 – Assumption of Liability Notice** with the planning application.

Step 2 – As soon as is practicable after planning permission first permits development, the council will issue you with a **Liability Notice**. The Liability Notice will set out how much CIL is payable at the point the chargeable development is commenced.

Step 3 – Before the commencement of the CIL liable development, the following forms need to then be submitted to the council:

- **Form 6 – Commencement Notice.** Form 6 will notify the council when the chargeable development is to be commenced to allow us to collect the CIL payable. Form 6 must be submitted before the chargeable development commences and in addition to any notice regarding Building Regulations.

Step 4 – Following receipt of a valid **Form 6 Commencement Notice**, the council will then issue a **Demand Notice** to the person who has assumed liability to pay CIL. The Demand Notice will set out the precise details of the amount of CIL payable and payment options (including where CIL can be paid in instalments in accordance with the council's Instalment Policy).

It is also your responsibility to notify us if there is a change in the party liable to pay CIL which can be done through submitting **Form 3** –

Withdrawal of Assumption of Liability or **Form 4 – Transfer of Liability** as applicable.

Optional Steps - If you intend to claim a self build exemption for a whole dwelling, you need to complete 'Form 7: Self Build Exemption Claim Part 1' - and obtain approval before commencing development and follow this up with supplementary information in 'Form 7: Self Build Exemption Claim Part 2' - within 6 months of completion.

If you intend to claim an exemption for a residential annex or extension, you will need to complete either 'Form 8: Self Build Residential Annex Exemption Claim' – or 'Form 9: Self Build Residential Extension Claim' – and obtain approval before commencing development.