

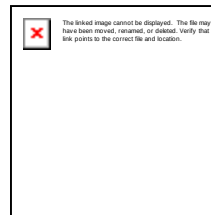
**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**48 Hart Plain Avenue
Waterlooville
PO8 8RX**

**Local Planning Authority Reference:
APP/13/01078**

**Planning Inspectorate Reference:
APP/X1735/W/15/3004757**



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Landmark Estates Ltd/Mr Olds against the refusal of Planning Permission for the construction of 2 no 3 bed detached chalet style bungalows and replacement garage at 48 Hart Plain Avenue, Waterlooville, PO8 8RX

Planning Inspectorate Reference: APP/X1735/W/15/3004757

LPA Ref: APP/14/01078

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The application site comprises 0.15ha on the north side of Hart Plain Avenue. The site contains a detached single storey dwelling of traditional character and render and tile finish, located within a long rectangular plot on the north side of Hart Plain Avenue, west of its junction with Glenmore Gardens and opposite Cowplain Community School. The bulk of the proposed development would be located at the rear of the site and would be accessed via a driveway, utilising the existing vehicular access and running alongside the western boundary of the property.
- 1.2 The rear part of the application site mostly comprises a grassed area with a selection of fruit trees, and the front part of the site is also mainly grassed. Both areas have established boundary treatments consisting of fencing and hedging. With the exception of the large school site and a Meeting Rooms building to the east, the area predominantly comprises residential development of a broadly traditional character.

2.0 PLANNING HISTORY

- 2.1 None.

3.0 THE APPLICATION

- 3.1 The application subject of this appeal was submitted on 24 October 2014 and sought planning permission for the construction of 2 No. 3 bed detached chalet style bungalows and a replacement garage for the host property. During the application process amended plans were submitted, showing a revision to the roof shape of Plot 2 of the proposal.
- 3.2 The application was refused on 6 February 2015 for the following reasons:

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

2: Having regard to the size and shape of the plots and their relation to adjoining development, the proposed development would be detrimental to the visual amenities and the quiet enjoyment of the adjoining properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3: The proposal, without the completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the National Planning Policy Framework 2012 and the Council's Policy on mitigating the impacts of development which,

in accordance with Policy DM24 of the Local Plan, seeks to mitigate the impact of new residential development on the Solent Special Protection Area.

4.0 PLANNING POLICIES

National Policies

4.1 National Planning Policy Framework (NPPF)

Havant Borough Local Plan (Core Strategy) March 2011

- 4.2 CS9: Housing
- CS14: Efficient Use of Resources
- CS16: High Quality Design
- CS17: Concentration and Distribution of Development within the Urban Areas
- CS20: Transport and Access Strategy
- CS21: Developer Requirements
- DM13: Car and Cycle Parking on Residential Development

Havant Borough Local Plan (Allocations Plan) July 2014

- 4.3 AL1: Presumption In Favour of Sustainable Development
- AL2: Urban Area Boundaries and Undeveloped Gaps between Settlements
- DM24: Recreational Disturbance to Special Protected Areas from Residential Development

Supplementary and other Planning Documents

- 4.4 Residential Parking and Cycle Provision (2010)
- Housing (2011)
- Borough Design Guide (2011)
- Developer Contributions: Draft Guide (2013)

5.0 REPRESENTATIONS

Statutory and Non Statutory Consultations

- 5.1 Arboriculturalist: Agrees that Tree 1 Oak, Tree 12 Goat Willow and Tree 15 Goat Willow are the trees of merit on this site, with the remainder being fruit trees and trees of poor quality and low value. Protection measures advocated in the Tree Report and on the Tree Protection Plan submitted are adequate in respect of Trees 12 and 15. However, the prime tree on this site is the Oak (Tree 1) at the front of the site. My concerns are that the access is currently laid to tarmac apron and brick setts in the drive. If this is to remain in place then fine BUT if this is to be lifted and the access widened and re-vamped (as it appears on the plans) then this trees roots are under threat and a detailed Method Statement will need to be submitted, inclusive of protection measures for encasing the trunk during construction works to protect it (boxed hoarding) and a schedule of arboricultural expert site supervision and monitoring when the access is being formed.
- 5.2 Development Engineer: No adverse comment. Suggest shared area in front of the proposed units, shown on drawing 14A067006, is conditioned to be used for the parking and turning of vehicles in order to ensure that the parking meets the HBC Parking Standard. Also suggest a condition should be applied with regard to cycle facilities.
- 5.3 Building Control (Fire Access Consultation): Consultation with Hampshire Fire and Rescue Service should be carried out to comment on access and lack of turning facilities.
- 5.4 Waste Services Manager: No Concerns.
- 5.5 Public Spaces Development Manager: No Implications.

- 5.6 Crime Prevention: To provide for the safety and security of residents and visitors an appropriate level of lighting should be provided along the access route and within the parking area. Any planting along the access route should be such that it allows for good visibility along the access route.
- 5.7 Hampshire Fire & Rescue: Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations. Based on the plans provided, the access would appear not to meet these requirements. In particular the load bearing of the access road is not detailed. The width of the proposed access road would appear unsuitable and the lack of a hammerhead or similar arrangement is noted. The Fire Authority would be prepared to agree a compensatory feature such as a domestic sprinkler installation to allow use of the site.
- 5.8 Engineering/Drainage: There are 'issues' with drainage at all the runs of back gardens between Waterlooville and Cowplain – as each strip field was developed the drain along the hedgerow was lost (there are a few exceptions where these can still be seen). Water naturally still travels to these locations due to the lie of the land. Without wholesale drainage infrastructure being provided - difficult without trashing literally hundreds of gardens and demolishing some buildings – all that can be done is to mitigate the effects of this historical aberration. It seems the developer has this in hand.

Neighbour representations

- 5.9 Four neighbour representations were received in response to the application, objecting to the proposal on the following material planning grounds:

Density of development not in keeping with area

Overdevelopment of site

Development too close to Glenmore Gardens, therefore impacting on outlook

Insufficient drive way: width should be 5.5 metres. No vehicular passing places

Detrimental impact on adjacent property (number 50)

Garage at front of property not in keeping with area: similar proposals refused

Extremely large garage will impact on number 46 in terms of daylight, outlook, noise, smell and fumes

Exacerbation of surface water flooding problems

Exacerbation of parking problems

Impact on wildlife

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the relevant policies of the development plan and the reasons for refusal of this application, it is considered that the main issues arising from this appeal are:

Impact on the application site and locality

Impact on neighbouring amenities

Developer Contributions

Impact on the application site and locality

- 6.2 The proposal seeks to introduce a new line of development to the rear of properties in this part of Hart Plain Avenue. The development of Glenmore Gardens (to the east of the site) took place on a former educational site, with its associated buildings and paraphernalia, rather than within residential rear gardens. This site therefore provided a break in the Hart Plain Avenue residential frontage, and thus its redevelopment did not set the precedent the Appellant relies on in their appeal submission (at paragraph 5.3).
- 6.3 This break is reinforced by the presence of the Meeting Rooms (immediately to the east of Glenmore Gardens) and large residential home (immediately to the north). The Appellant's aerial photograph (at their paragraph 2.7) clearly shows this break in the urban pattern, with extensive

areas of hardsurfacing providing the most obvious evidence. The aerial photograph also shows how the individual and combined lengths of rear gardens in Hart Plain Avenue and Silvester Road to the north, are considerably shorter to the east of the break in the urban pattern than they are to the west, where the appeal site is located.

- 6.4 Consequently, the pattern of development to the east is of a greater density with closer physical relationships between dwellings. The recent development at 40 Hart Plain Avenue does not therefore provide the precedent the Appellant again relies on in their paragraph 5.3. The Appeal site lies in an area where rear gardens are generally much longer than those to the east of Glenmore Gardens, and the properties therefore have a different character. Furthermore, the development of no 40 contains a single dwelling to the rear, rather than the two proposed in the appeal case, which would lead to a more heavily built-up appearance.
- 6.5 It is acknowledged that the Appellant has used the Council's Borough Design Guide to inform the proposal. However, the Design Guide is intended as guidance in support of principal policy and the approach of following its criteria so precisely, combined with the physical constraints of the site, has pushed the design of the current proposal towards a contrivance that is not typical of the locality. In other words the design has been manufactured to fit the site 'on plan' rather than reflecting its characteristics, and those of the locality, in reality.
- 6.6 Whilst use of the Design Guide is generally encouraged, in this case the proposal fails to meet the higher level criteria of Local Plan Policy CS16 (1/1c) in that:
- Development of the site in the manner proposed would amount to over-development in the context of the locality;
 - Plot sizes would be unsatisfactorily small in the context of the locality;
 - The relationship between the proposed dwellings, supporting development and other buildings would be cramped and congested in the context of the locality.
- 6.7 The proposal therefore fails to respond to, draw inspiration from and respect local context and does not use the characteristics of the locality to help inform design.

Impact on neighbouring amenities

- 6.8 The cramped and congested nature of the proposed layout of the development is such that the east side elevation of the proposed dwelling on Plot 2 would be extremely close to the boundary of the site with properties in Glenmore Gardens. In particular, the rear windows and garden of 3 Glenmore Gardens would face directly on to a large area of blank roof, albeit that this would be sloping upwards away from the boundary.
- 6.9 It is acknowledged that rights to a particular view are not a material planning consideration. However, impact on outlook is material. In this case the proposal would restrict the available outlook for occupiers of 3 Glenmore Gardens to being little more than the proposal itself. Although minimum recommended Design Guide distances might have been observed, the siting of Plot 2 has not taken into account the sheer length and expanse of blank roof in relation to the neighbouring dwelling house and garden widths, which would almost fill the outlook along the rear boundary of the neighbour's garden, creating an overbearing and oppressive impact. As well as obviously impacting on visual amenity, it is reasonable to conclude that this would also adversely impact on the occupiers' quiet enjoyment of their dwelling (i.e. in terms of peace of mind).
- 6.10 Therefore, whilst Design Guide criteria might have been observed, in this case the proposal fails to meet the higher level criteria of Local Plan Policy CS16 (1e) in that:
- The development would cause unacceptable harm to the amenity of neighbours through the loss of outlook.

Developer Contributions

- 6.11 Binding arrangements have now been made to secure a contribution towards the Solent Disturbance Mitigation Project to the Council's satisfaction.

7.0 COMMENTS ON THE APPELLANTS SUBMISSION

- 7.1 The Appellant has explained in some detail how the Borough Design Guide has been used to inform the proposal, and this is discussed above. It is notable that (in paragraph 5.2), *'The appellants clearly understood that if their proposal did not satisfy adopted and specific criteria relating to separation distances between housing and back garden lengths then they would be likely to be refused planning permission'*. This suggests a purely criteria-based rather than site-specific approach in terms of impact on neighbouring amenity.
- 7.2 At paragraph 1.4 the Appellant makes reference to the decision to refuse the planning application being political, rather than representing a careful and fair assessment of the material planning considerations. The Appellant does not provide any evidence on this point and therefore does not 'argue' their point but rather makes an unsubstantiated assertion. For the benefit of the Inspector, an experienced Development Management Committee resolved to refuse the application, unanimously, for properly debated and considered planning reasons following a visit to the site and an adjoining property.
- 7.3 In paragraph 5.10 the Appellant seeks to use the development of Glenmore Gardens as a model for the current proposal and this is discussed above. It is accepted that *'...the three chalet bungalows [In Glenmore Gardens] were designed this way in order to prevent the overlooking of the rear garden of No.48'* - indeed the planning decision for that development was conditioned to control the addition of windows to the relevant elevations. However, the statement *'It is also considered likely that these dwellings were designed in such a way so as not to prejudice the future redevelopment of the large garden to the rear of No.48'* is pure supposition with no basis in evidence.

8.0 CONCLUSIONS

- 8.1 Development of the site in the manner proposed would amount to over-development, in that it would give rise to unsatisfactory plot sizes and to a cramped and congested layout. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 8.2 Having regard to the size and shape of the plots and their relation to adjoining development, the proposed development would be detrimental to the visual amenities and the quiet enjoyment of the adjoining properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 8.3 It is therefore respectfully requested that the appeal be dismissed.

APPENDIX A

Suggested Conditions

Notwithstanding the contents of this appeal statement, should the Inspector be minded to allow this appeal and grant planning permission for the proposal, the Council would suggest that the following condition would be appropriate:

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

14A 067 004 C Site Plans

14A 067 006 D Site Plan

14A 067 008 C First Floor

14A 067 010 C Elevations

14A 067 011 A Site Sections

14A 067 013 A Elevations

Reason: - To ensure provision of a satisfactory development.

3 The development hereby permitted shall not be commenced until an Interim Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

4 Notwithstanding the requirements of Condition 2, construction of the buildings 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 the National Planning Policy Framework 2012.

5 Notwithstanding the requirements of Condition 2, 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

6 Notwithstanding the requirements of Condition 2, no development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

7 Notwithstanding the requirements of Condition 2, 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 the National Planning Policy Framework 2012.

8 Notwithstanding the requirements of Condition 2, no development hereby permitted shall commence until details of security lighting to the proposed driveway have 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 lighting has been completed in full accordance with that specification.

Reason: In the interests of the amenities of occupiers of the proposed dwellings and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

9 Notwithstanding the requirements of Condition 2, no development hereby permitted shall commence until details of internal sprinkler systems to the proposed dwellings have 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 systems has been completed in full accordance with that specification.

Reason: In the interests of the amenities of occupiers of the proposed dwellings and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

10 Measures shall be undertaken to prevent damage to existing trees throughout implementation of the development hereby approved, in accordance with the Arboricultural Report prepared by John Shutler Tree Services on 2 October 2014 and received by the Local Planning Authority on 16 October 2014. All such measures shall be undertaken and fully adhered to at all times whilst such implementation is in progress. Any such tree which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than Extra Heavy Standard when planted.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

11 Notwithstanding the requirements of Condition 10, a detailed Method Statement relating to Oak Tree 1 (as identified within the Arboricultural Report), inclusive of protection measures for encasing the trunk during construction works to protect it (boxed hoarding) and a schedule of arboricultural expert site supervision and monitoring when the access is being formed, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby approved. All approved measures shall be undertaken and fully adhered to at all times whilst development implementation is in progress. If the tree is nevertheless seriously damaged during development, it shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than Extra Heavy Standard when planted.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

12 Measures shall be undertaken to prevent harm to biodiversity throughout implementation and occupation of the development hereby approved, in accordance with the Ecological Appraisal prepared by The Ecology Co-Op Environmental Consultants on 18 September 2014 and received by the Local Planning Authority on 27 October 2014. All such measures shall be undertaken and fully adhered to at all times whilst such implementation and occupation is in progress.

Reason: To safeguard the continued health and presence of fauna and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

13 The development shall not be brought into use until the parking spaces and turning area shown on the approved drawings have been provided within the curtilage of the site and thereafter all of those spaces shall be kept available for such purposes.

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

14 Notwithstanding the requirements of Condition 2 and unless otherwise approved in writing by the Local Planning Authority; The following windows shall at all times be and remain glazed with obscure glass (the particular type of glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4), up to a height of at least 1.7 metres above the internal first floor level and no part of the window which is less than 1.7 m above internal floor level shall be openable and it shall be maintained in that condition at all times:

Chalet 1:

- The first floor window to the front elevation
- The first floor window to the rear elevation
- The rooflight to west side elevation

Chalet 2:

- The first floor window to the front elevation
- The first floor window to the rear elevation
- The rooflight to east side elevation

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

15 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by the Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

16 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.

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

17 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows, doors or other openings shall be constructed within the first floor of the dwellings, without the prior written approval of the Local Planning Authority.

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

Borough of Havant

THE SITE



APPENDIX A2



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Title:

APP/14/01078
48 Hart Plain Avenue, Waterlooville PO8 8RX

Drawn By:

Scale:

1:1250

Drawing No:

Cleaner, Safer, More Prosperous