
Site Address:	22 Haslemere Gardens, Hayling Island, PO11 9SD		
Proposal:	Side and rear extension, roof extension and conversion, and division of building and plot into two semi detached dwellings.		
Application No:	APP/14/00803	Expiry Date:	14/11/2014
Applicant:	Mr S Clark	Team:	Team 1
Agent:	Mr Murray	Case Officer:	Stephen Andrews
	I J Murray Associates		
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site is currently made up of a vacant detached bungalow with hipped concrete tiled roof and red brick walls. There is a plastic clad porch addition to the front and rooflight in the rear roof slope. There is a small outbuilding to the rear and detached garage, with vehicular access to the side of the dwelling. The bungalow faces, but is set back from, Haslemere Gardens by some 8m.

The area is residential in nature comprising predominantly of detached bungalows and chalet style dwellings. Although there is variety in architectural style the general pattern of development is consistent (detached dwellings in medium size plots, set back from the road). The spacing and boundary treatments give Haslemere Gardens a verdant and spacious character.

The application site lies within an area identified as Flood Zones 2 and 3 by the Environment Agency.

2 Planning History

None

3 Proposal

Planning permission is sought for the extension of the existing three bedroom, single storey, bungalow, with existing roof accommodation. The extension works would enable the existing bungalow to be converted into two number three bedroom bungalows, with accommodation in the roof.

The proposed extensions and alterations would not result in an increase in roof height or the inclusion of dormer windows. However the existing hipped roof of the dwelling would be altered to create a pitched roof with gable ends, whilst the extended rear section would be hipped with a flat roof top so as to allow for the additional accommodation without exceeding the ridge height of the main dwelling.

The new roof would include two front rooflights and four rear rooflights.

A bin store is shown within the rear gardens of both dwellings whilst to the front each dwelling would have tandem parking for two cars.

4 Policy Considerations

National Planning Policy Framework, 2012

Technical Guidance (Flood Risk) to the National Planning Policy Framework, 2012

Planning Practice Guidance

Havant Borough Local Plan (Core Strategy) March 2011

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
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Havant Borough Design Guide SPD 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency - Objection

The FRA submitted with this application does not comply with the requirements set out in Paragraph 103 of the National Planning Policy Framework and Paragraph 30 of the Planning Practice Guidance. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Demonstrate what the flood risk is to the proposed development and how this risk will be safely managed over its lifetime.

Engineering/Drainage - No objection

Building Control, (Fire Access Consultation) - No objection provided windows in side elevation are no more than 1 square metre in size if the elevations are within 1m of the boundary.

Development Engineer - No objection

Waste Services Manager - No objection

Crime Prevention -Minor Apps - No objection

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for

Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 6

Summary:

6 letters of objection

Character and Design

- Out of keeping
- Open front gardens for parking is not in keeping with the street scene all dwellings have parking on site with front boundary treatment
- Cramped form of development close to the side boundaries
- Undesirable precedent
- Design is out of character
- The area is largely characterised by smaller dwellings for retired persons. The introduction of two family dwellings would be out of character and disturb local ambience.

Neighbour Amenity

- Overbearing effect
- Impact on neighbour amenity due to size of development and proximity to boundaries
- Loss of privacy
- Overlooking

Other

- Increased traffic and parking pressure
- Impact and/or loss of fruit trees
- Asbestos on-site - some of which has been burnt on-site
- Disturbance during demolition and construction

Comment:

The issues raised in respect of character, design, neighbour amenity, loss of trees, parking and highway safety are discussed in detail within section 7 below.

Asbestos on site and the burning of it would be for the attention of the Environmental Health team and does not form a material planning consideration for this proposal.

It is accepted that there will be a degree of disturbance during demolition and construction works. However, this is usually for a limited period and would not form a reasonable basis to withhold a grant of planning permission.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development

- (ii) Impact on the character and appearance of the area
- (iii) Impact on neighbour amenity
- (iv) Flood risk
- (v) Parking and highway safety
- (vi) CIL and SDMP considerations

(i) Principle of development

The application site is located within the settlement area of Hayling Island where the principle of development is acceptable provided the development is in accordance with the Development Plan and all other material planning considerations.

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development and begins by identifying that:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”* (Paragraph 7, NPPF, 2012).

Paragraph 8 goes on to say:

“These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

Paragraph 6 makes clear that regard must be had to the document as a whole in determining what the Government's view of sustainable development means in practice. It promotes the effective use of land through the re-use of previously developed land. Paragraph 49 states that *“housing applications should be considered in the context of the presumption in favour of sustainable development.”*

Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 seeks to reflect the requirements of the NPPF at a local level. It too encourages the principle of development within the settlement area, provided that any new development pays proper regard to the character and appearance of the area, design and neighbour amenity. This general approach is further developed in the guidance set out in the Borough Design Guide SPD.

(ii) Impact on the character and appearance of the area

Haslemere Gardens is characterised by detached bungalows and chalet style dwellings in modest sized plots. The dwellings are set back from the street scene with screened on-site parking to the fronts and/or sides of the dwellings.

Whilst the dwellings along Haslemere Gardens vary in style and design there is a distinct pattern and form of development in terms of layout and spacing. This gives Haslemere Gardens a consistent, attractive and verdant character.

Having regard to the prevailing planning policies and guidance set out in Section 4 above, when considering new development regard must be given to how the new development integrates with the existing character, form and appearance of an area. Paragraph 56 of the NPPF makes it clear that *"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*

Paragraph 60 of the NPPF makes it clear that policy should not *"impose architectural styles or tastes or stifle innovation"*. However, it does require that new development promotes and reinforces local distinctiveness. In this instance the scale, layout and nature of the proposed development would significantly alter and harm the distinct character and appearance of Haslemere Gardens. The introduction of a pair of semi-detached dwellings extending across virtually the whole width of the site would see an erosion in the space afforded to the site and that of the street scene. Further, whilst it is accepted that each application is assessed on its own merits, if this application was approved it would set a significant character change, which if replicated would have wider implications for the prevailing character and appearance of Haslemere Gardens.

The failure to provide a development that has appropriate regard to local context, in particular the pattern of development and important spacing, both to the front and sides, will result in an incongruous and visually harmful proposal. The combined scale and built form of the development, with a large flat topped roof section, and the level of hardstanding proposed to the site frontages for parking results in a discordant urbanising form of development that has no regard to existing area characteristics. Paragraph 64 of the NPPF stipulates that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*

It is therefore considered that the layout, design, width and form of the new dwellings would represent a dominating form of development within the street scene of Haslemere Gardens. The proposal would therefore be out of keeping with the modest, well spaced detached dwellings along Haslemere Gardens within their verdant plots. The introduction of such a development would not only be visually incongruous and out of keeping but would also introduce an undesirable form of development, which if replicated would have wider implications to the existing character and appearance of the area.

The development is therefore considered to conflict with the requirements of the NPPF, particularly within Chapter 7 and policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 criteria 1(a), (b) and (c); as well as the guidance contained in the Borough Design Guide SPD with regard to infill residential development.

It is noted that the proposal would result in the loss of some fruit trees on site, however

these are not protected and could be replaced by an effective landscaping scheme. No objection is therefore raised to the loss of fruit trees on the site.

(iii) Impact on neighbour amenity

The proposed development would largely retain the approximate 27m distance from dwellings on the opposite side of Haslemere Gardens (west). Whilst the proposal would see the new dwellings extended towards the rear a back to back distance of 25m is provided from dwellings to the east. These distances, which exceed those recommended in the Borough Design Guide SPD, coupled with the intervening boundary screening, would ensure that the development does not harm the residential amenities of dwellings to the east and west of the application site.

The built form of the proposal will extend closer to the side boundary shared with 20 Haslemere Gardens to the south. Here it was noted on site that 20 had an attached garage to the side meaning that there is a distance of 4.6m between the proposed dwelling and the flank wall of 20, with a block wall along the shared boundary. Whilst there is a first floor window in the flank elevation of 20 this is obscurely glazed and as such is unlikely to be the main light source to a habitable room.

That said, the proposal would be sited significantly closer to the shared boundary with 20 than the existing dwelling and be sited further forward also at that point. It is considered that the proposed built form, with gable end 0.9m from the shared boundary would result in a dominating and oppressive form of development that would have an adverse impact on the amenity of occupiers of 20 Haslemere Gardens particularly in relation to reduced outlook and overbearing effect.

To the north, the footprint of the western part of the development would have a similar relationship to adjoining neighbour 24 as that existing, close to the shared boundary and forward of the neighbouring dwelling. Here it is noted that the only material change between the current dwelling and the development proposed would be the alteration from a hipped roof to a gable end. However this change is considered to represent a material alteration in respect of built form. The current roof slope moves away from the shared boundary reducing its overall form and mass. In contrast the change to a gable end would increase the height of the brick work, close to the shared boundary and the overall mass and form of the dwelling. Behind this, the rear extension proposed will hip away from the boundary, behind an established hedge. Whilst 24 features a window on its southern elevation, the hipped nature of the extension at this point is considered to mitigate the impact of the new work.

Notwithstanding this, in relation to the impact of the development on 24 it is considered that the new gable end by reason of its height, built form and forward projection close to the shared boundary, would create an unacceptable reduction in light and outlook to this immediate neighbour and have an overshadowing and overbearing effect.

In relation to its impacts upon Nos 20 and 24 Haslemere Gardens, therefore, it is considered that the development would have an unacceptable impact on neighbour amenity and would therefore fail to accord with policy CS16 1(e) of the Havant Borough Local Plan (Core Strategy) 2011 and the objectives of the Havant Borough Design Guide 2011.

(iv) Flood risk

The application site lies within Flood Zones 2 and 3 which is land assessed as having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (Flood Zone 2) and land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year (Flood Zone 3).

A dwellinghouse is classified as a more vulnerable use when considering development within flood zones. Paragraph 101 of the NPPF requires that Local Planning Authorities steer new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be undertaken by the LPA in this regard to decision making. The advice contained within the EA's *Demonstrating the flood risk Sequential Test for Planning applications*, has been followed to this regard to test the planning application subject of this report.

The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development, (for example extension to existing dwellings), or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). However, the site subject of this report is categorised as a windfall site and the EA advise that, in the absence of a flood risk windfall policy it may be possible (where the data is sufficiently robust) for the LPA to apply the Sequential Test taking into account reasonably available sites, historic windfall rates and their distribution across the district relative to Flood Zones. Where historic and future trends evidence indicate that housing need in the district through windfall can be met largely/entirely by development outside high flood risk areas, this may provide grounds for factoring this into the consideration of 'reasonably available alternative sites at the planning application stage.

To this regard the LPA can demonstrate a 5 year housing supply within the current Strategic Housing Land Availability Assessment (SHLAA) and has an Adopted Allocations plan that identifies provision for 143 new dwellings, on Hayling Island alone, within two sites identified as policy HY1. The largest of which, for 129 dwellings, (Land at Goldring Close) has planning approval, lies in a flood zone 1 and is currently under construction. It is therefore considered that the provision of a further new dwelling within flood zones 2 and 3 cannot be justified in this case as there are sequentially better sites available, which are deliverable and provide the Borough's 5 year housing supply requirement.

In addition for developments within flood zone 2 development would only be acceptable provided that the application is accompanied by an appropriate Flood Risk Assessment (FRA).

This application is accompanied by a brief FRA submitted by the applicant, with no technical detail provided. Instead the submitted statement largely relies on the 'area benefiting from flood defences' and that there have been residential permissions granted nearby.

The Environment Agency has considered the proposal alongside the submitted FRA and concluded that the FRA submitted with this application does not comply with the requirements set out in Paragraph 103 of the National Planning Policy Framework and Paragraph 30 of the Planning Practice Guidance. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising

from the proposed development.

The EA has stated that in particular, the submitted FRA fails to:
Demonstrate what the flood risk is to the proposed development and how this risk will be safely managed over its lifetime.

With regard to the above information it is considered that the applicant cannot demonstrate that the development can be undertaken without posing an unacceptable flood risk or increasing the risk of flooding to existing or future occupants or those of the surrounding area. In addition the exception test has not been applied to this site, as required by reason of its inclusion within flood zone 3. Although it is considered that having regard to the fact that Havant Borough Council has a five year housing land supply that there is no pressure to build on sites within flood zones 3. The ability to meet the five year housing land supply therefore negates the requirement to accept windfall sites that do not meet all policy requirements of the adopted Core Strategy including areas at risk of flooding.

The development therefore conflicts with paragraph 103 of the National Planning Policy Framework, 2012, paragraph 30 of the National Planning Practice Guidance, the Technical Guidance to the National Planning Policy Framework, 2012 and the requirements of policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

(v) Parking and highway safety

The development proposes tandem parking at the front of the site for two vehicles for each of the three bedroom dwellings. The highway engineer has confirmed that the parking provision is in line with the adopted parking standards and that the reversing of vehicles on to the quiet road of Haslemere Gardens would not be prejudicial to highway safety.

It is also considered that the vehicular movements associated with the new development would not be to a degree that would significantly alter the characteristics of the area or result in increased risk to highway safety. Whilst there are no on street parking restrictions allowing vehicles to park on the highway sufficient on-site parking is provided for the scale and nature of development proposed.

The development therefore accords with the adopted parking standards for the scale of development proposed and would not result in matters prejudicial to highway safety.

(vi) CIL and SDMP 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 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre on new residential floor space (measured as gross internal area).

It is considered that there is a CIL liability for this site. A credit can be given for the existing floor space of the dwelling within the site and therefore only the additional floor space is CIL liable. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space will be 97.5 square metres.

As such this development will require a CIL payment of £9,750 in the event that it were approved and commenced.

This development would also increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard to all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June 2014 requires a payment of £172 per additional dwelling to the Solent Disturbance Mitigation Project. In this instance the proposal would generate the requirement to provide a payment of £172 for the additional dwelling to off set the impact the development would otherwise have on the SPA. This payment has not been received and as such the proposal fails to provide appropriate mitigation for the Solent SPA contrary to policy DM9 of the Havant Borough Core Strategy and policy DM24 of the Havant Borough Local Plan Allocations..

8 **Conclusion**

Having regard to the above information it is considered that the development fails to account for the character and appearance of the area, introducing an incongruous form of development harmful to visual amenity, prevailing pattern of development and spacious character of the streetscene.

In addition the built form close to the shared boundaries with 20 and 24 Haslemere Gardens would be unacceptably harmful to the residential amenities of the adjoining neighbours by reason of overbearing effect, overshadowing and loss of outlook.

The development would also result in an unacceptable flood risk, within flood zones 2 and 3 and fails to provide any evidence to demonstrate that flood mitigation could be provided or that the development is compatible with these high flood risk zones.

In the absence of any mitigation to off set the impact of the development on the Solent SPA the development, in combination with other residential development, would result in a cumulative impact on the SPA.

For the reasons specified above the application is recommended for refusal.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/14/00803 for the following reasons:

- 1 The combined scale and built form of the proposed development, which would occupy virtually the entire width of the plot with a large flat topped roof section, and amount of hardstanding proposed to the site frontages for parking would result in a discordant urbanising form of development that has insufficient regard to existing area characteristics or local context. The layout, design, width and form of the new development would therefore represent a dominating and visually incongruous form of development within the street scene of Haslemere Gardens out of keeping with the modest, well spaced detached dwellings within verdant plots.

The introduction of such a development would not only be visually incongruous and out of keeping but would also introduce an undesirable form of development, which if replicated would have wider implications to the prevailing character and appearance of the area.

The development is therefore considered to conflict with the requirements of the National Planning Policy Framework, with particular reference to Chapter 7, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 criteria 1(a), (b) and (c), and the guidance contained within the Havant Borough Design Guide SPD 2011.

- 2 The proposal development by reason of its combined height, built form and proximity to the shared boundaries with 20 and 24 Haslemere Gardens would create an unacceptable reduction in light levels to immediate neighbours 20 and 24 Haslemere Gardens. The proposal would also reduce outlook and have an overshadowing and overbearing effect from the front habitable windows and amenity spaces of these neighbouring dwellings. The development would therefore have an unacceptable impact on neighbour amenity and would therefore fail to accord with policy CS16 1(e) of the Havant Borough Local Plan (Core Strategy) 2011.
- 3 The site is a windfall site situated within Flood Zones 2 and 3 and the development proposed is classified by the Environment Agency as a More Vulnerable Use. The National Planning Policy Framework requires that the Local Planning Authority undertake a Sequential Test to steer development to areas with the lowest probability of flooding. It is considered that there are sequentially preferable sites within the Borough and that the Local Planning Authority can demonstrate a 5 year housing supply. Therefore, there is no overriding justification for the development of an additional dwelling within Flood Zones 2 and 3 which would result in an unacceptable risk to life and property from tidal inundation.

The development therefore conflicts with paragraph 103 of the National Planning Policy Framework, 2012, paragraph 30 of the National Planning Practice Guidance, the Technical Guidance to the National Planning Policy Framework, 2012 and the requirements of policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 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 to all new housing development within this zone is that it is likely to have a significant effect on the SPA. In the absence of any mitigation provision to offset the impact of the new residential development the development would result in a cumulative impact to the Solent SPA. The development 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.