

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

**STATEMENT OF  
HAVANT BOROUGH COUNCIL**

**16 Latchmore Forest Grove  
Waterlooville  
PO8 8XG**

**Local Planning Authority Reference:-APP/14/01166  
Planning Inspectorate Reference:-  
APP/X1735/W/15/3124785**



## **HAVANT BOROUGH COUNCIL**

### **TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**

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**APPEAL BY Mr J Tate against the decision of Havant Borough Council to REFUSE to grant planning permission for the Demolition side extension to No.16. Erection of 1No. 2 bed detached bungalow with associated landscaping and utilising existing access. (Revised application). At 16 Latchmore Forest Grove, Waterloooville, PO8 8XG**

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#### **1.1 THE APPEAL SITE AND ITS SURROUNDINGS**

The application site lies on the north side of Latchmore Forest Grove and comprises a detached dwelling of traditional character and render and tile finish. It is located within a long rectangular plot on the north side of Latchmore Forest Grove, west of its junction with London Road and adjoining the rear gardens of properties in Morley Crescent. The bulk of the proposed development would be located at the rear of the site and would be accessed via a new driveway utilising the existing vehicular access onto Latchmore Forest Grove.

- 1.2 Latchmore Forest Grove is a primarily residential area characterised by mainly detached, but with some semi-detached dwellings. No. 16 Latchmore Forest Grove comprises a detached dwelling sited on the north side of the Road. Planning permission for Construction of detached 3 bedroom house with associated parking and new access to Latchmore Forest Grove was granted in 2004 under planning reference 04/64661/003, and this development (14B Latchmore Forest Grove) has now been constructed, although it does not appear to be occupied. The site falls in the region of 1 to 1.5m to the rear.

#### **2.0 PLANNING HISTORY**

04/64661/003 Construction of detached 3 bedroom house with associated parking and new access to Latchmore Forest Grove Permit 4/11/2004

APP/14/00625 Demolition side extension to No.16. Erection of 1No. 2 bed detached bungalow with associated landscaping and utilising existing access. Refused 29 Sept 2014

### 3.0 THE APPLICATION

- 3.1 The proposal is for the formation of a new access between and alongside the existing dwellings at No 16 and 14B Latchmore Forest Grove to serve a 2 bedroom bungalow to be sited to the rear. The existing single storey side extension to No16 would be demolished to provide space for the drive. The proposed bungalow which would lie to the rear of properties in Latchmore Forest Grove and Morley Crescent would be served by 2 parking spaces which would abut the rear garden with No16. The existing dwelling at No 16 would be served by 3 parking spaces to the front, and would retain a rear garden of approx. 11 m depth. The main garden for the proposed dwelling would be some 7m by 12m.
- 3.2 The proposed bungalow would have a gross floor area of 60 sq m and externally measure approx 10m by 6.9m extending to 8.5m and a height to ridge of 4.665m. It would be sited 3.9m from the rear boundary with properties in Morley Crescent, a minimum of 1 m from the boundary with 16A Latchmore Forest Grove, and approx. 7.3m from the boundary with 14B Latchmore Forest Grove.
- 3.3 The application subject of this appeal was submitted on 12 November 2014 and sought planning permission for the Demolition side extension to No.16. Erection of 1 No. 2 bed detached bungalow with associated landscaping and utilising existing access. (Revised application).

3.4 The application was refused on 7 January 2015 for the following reasons:

*1 The proposal owing to the cramped nature of the site and proximity of proposed development to the boundaries would result in a detrimental impact on the quiet enjoyment of the properties surrounding the site, and in particular those at 14B and 16 Latchmore Forest Grove by virtue of the close proximity of the access and resultant vehicular and pedestrian activity would be adversely impacted. 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 The development proposed is considered to provide an unsatisfactory layout with a poorly located access drive and extensive hardsurfacing onto Latchmore Forest Grove to the detriment of the amenities of the site and the character of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Borough Design Guide and the National Planning Policy Framework 2012.*

*3 The proposal would provide inadequate separation between existing and proposed windows resulting in loss of privacy to the existing dwellings in Latchmore Forest Grove. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, The Havant Borough Design Guide and the National Planning Policy Framework 2012.*

*4 The proposal, without the completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the Council's Policy on mitigating the impacts of development which, in accordance with approved Policy DM24 of the Local Plan seeks to mitigate the impact of new residential development on the Solent Special Protection Area (SPA).*

## **4.0 PLANNING POLICY**

- 4.1 The Development Plan comprises the Havant Borough Local Plan (Core Strategy) 2011 the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

The following policies of the Havant Borough Local Plan (Core Strategy) 2011 (HBLP (CS) 2011) are considered to be particularly relevant to the determination of this appeal:

|      |                                                                 |
|------|-----------------------------------------------------------------|
| CS9  | (Housing)                                                       |
| CS16 | (High Quality Design)                                           |
| CS17 | (Concentration and Distribution of Development within the Urban |
| CS21 | Areas)                                                          |
|      | (Developer Requirements)                                        |
| DM13 | (Car and Cycle Parking on Residential Development)              |

The following policy of the Havant Borough Local Plan (Allocations) 2014 (HBLPA 2014) is also of relevance.

DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from

Also of relevance is the Borough Design Guide (2011)

## **5.0 CONSULTEE RESPONSES AND REPRESENTATIONS**

- 5.1 Copies of all responses have been forwarded with the questionnaire. In respect to the consultees responses there were no adverse comments. Three representation were received which was summarised in the delegated report as follows:-

- Over development of the original site
- Overlooked which will result in the loss of our privacy due to difference in ground levels.
- The visual impact of the development and the development is overbearing and out of scale for the neighbourhood
- ground stability and drainage from this proposed development.
- The Oak trees shown with TPO's in the plans are actually dead and have been given permission by the Council to be removed because they are unsafe. This has not been done yet and they will not provide any privacy to the occupants or ourselves.
- We are also concerned about the number of cars needing to park on site as both the original Bungalow and the latest build (2004) of a four bedroom detached property do not have garages. The amended proposal of a new 2 bedroom bungalow also does not have a garage. In addition the 4 bedroom property does not have a dropped curb. We are concerned where all these cars will park and object to having one parked alongside our garden fence where our 5 grandchildren currently play.

- Our final concern is that the latest build developed in 2004 has never been occupied and appears to be unsaleable due to poor build quality. We are concerned this new proposed build will be of the same standard.
- The loss of existing view from my own property that is directly situated north of the development and the loss of sunlight in to my south facing garden.

## 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

Impact on the application site and locality

- 6.2 The proposal seeks to introduce a new dwelling to the rear of properties in this part of Latchmore Forest Grove. This area is characterised by frontage development, and back land development is not a feature of the area. The construction of a dwelling to the rear has no regard to the existing pattern of development in terms of access, siting and relationship with neighbouring properties. It would amount to a incongruous and inappropriate form of development which does nothing to contribute to the character of the area, but undermines the established pattern of frontage development involving a piecemeal and ad hoc proposal. Whilst it is acknowledged that in many respect the details comply with the Council's Borough Design Guide, this 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. 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:-

*Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing building lines, plots widths and depths, materials and proportions of windows and doors.*

- 6.3 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.
- 6.4 Additionally the provision of access to the site would take the form of a new drive squeezed in between and extending the full width of the gap between the existing dwellings. The absence of space to provide appropriate landscaping and the narrowness of the gap together with the provision of a large extent of hard surfacing to provide parking for the existing dwelling would be out of keeping with the character of the area and visually intrusive and detriment to the street scene, which is generally characterised by a high degree of soft landscaping.

### Impact on neighbouring amenities

- 6.5 The cramped and congested nature of the proposed development is such that the access would be sited up to the boundary with both No's 16 and 14B Latchmore Forest Grove. The drive would be directly abutting the adjacent buildings and their gardens resulting in motor vehicles and pedestrian activity in close proximity with associated noise and nuisance to the detriment of the amenities of the occupiers of the adjacent properties.
- 6.6 Additionally the proposed dwelling would be sited approx. 3.9m from the boundary with properties to the north, 1m from the western boundary and 7m from the property to the east, and whilst the existing out buildings will help screen and reduce the impacts, the proximity to boundaries and limited space around the dwelling would result in nuisance to neighbouring properties from the activities and noise associated with a dwelling, which would adversely impact the quiet enjoyment of both dwellings and gardens.
- 6.7 In respect to loss of privacy and overlooking, the previous scheme allowed for a 20m separation between main windows of properties in Latchmore Forest Grove in accordance with the Borough Design Guide. The current scheme shows a reduced separation of less than 18m, which is below the 20m guide. The shortfall is small and the proposed development is only single storey, but because of the difference in levels even with the provision of 2m high fencing there would be a direct line of sight between existing windows and the ground floor windows of the proposed bungalow and an associated loss of privacy to the detriment of residential amenities to these dwellings.
- 6.8 Therefore whilst in many respects the proposal observes the Design Guide criteria, it 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 privacy, overlooking and noise.

### **7.0 COMMENTS ON THE GROUNDS OF APPEAL**

- 7.1 At paragraph 1.3 it is stated that the area was previously used as a pet shop, there is no record of any planning permission for such as use which is likely to have been ancillary to the main residential use of the site.
- 7.2 Paragraph 2.1 and 2.2 relate to the decision for the erection of the dwelling at 14B Latchmore Forest Grove and in particular the approved parking arrangements for the frontage. Unlike the present proposal that decision did not provide for a new access to the rear of the site and the present proposal is substantially different in this respect, introducing a further area of hardstanding to provide the drive and thus further increasing the extent of hardsurfacing and diminishing the opportunities for landscaping. Properties fronting Latchmore Forest Grove are in the main characterised by landscaped frontages. The erosion of the frontage would be visually detrimental and adversely impact the character of the area. 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 contrary to Local Plan Policy CS16 1/1c
- 7.3 At paragraph 3.1 reference is made to advice from the planning officer, the advice was offered on the basis of addressing as far as possible the reasons for refusal but identified that it was unlikely that all the issues could be fully resolved. It also provided an opportunity for the agent to rectify inaccuracies with the previously submitted plans.

7.4 In respect to the paragraphs 3.3 and 3.5 and refusal reason 4 the 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 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 this year requires a payment of £172 per dwelling to the Solent Disturbance Mitigation Project. At the time of determining the planning application this payment had not been received and in the absence of the payment/agreement the application was refused on this ground (reason No. 4). The payment has now been received and hence reason 4 no longer applies.

7.5 Paragraphs 4.2 x refers to Local Plan Policy CS17 (Concentration and Distribution of development within the Borough). Whilst not directly referred to in the officers report the requirements of this policy were considered under section 7(i) Principle of development which stated:-

*The application site is located within a defined urban area for development plan purposes. The construction of a new dwelling on the site is therefore considered appropriate in principle, subject to consideration of detailed development control criteria, which includes the provisions of the Borough Design Guide SPD as well as Core Strategy policies which promote high quality designs which respect the amenity of the locality and local residents.*

7.6 Whilst considerable weight is given to the need to provide sites for new homes it is not by itself sufficient for a site to be situated within the urban area, the development should not unacceptably diminish the character of the area and the amenities of the neighbouring properties. As set out in the Council's statement the proposal would cause unacceptable harm to the character of the area and the amenities of neighbouring residents. The Council has an up to date Local plan including the allocation of sites to meet its housing requirement, and the development of unsuitable sites is not supported and would undermine the adopted local plan policies. Similar considerations apply to Policy CS9 and paragraphs 4.10 to 4.13 of the appellant's statement. The development of the site for residential purposes is acceptable and supported in principle but the proposal cannot be satisfactorily accommodated on site as set out in the Council's statement.

7.7 Paragraph 4.6 provides a detailed comparison of the size of the site, garden, density and extent development for the appeal and 14b Latchmore Forest Drive, however, there is no consideration of the different nature of development in that 14 B fronts onto the road and the appeal development would be a back land site, with a close relationship with surrounding properties –with the proposed bungalow only 1m from one site boundary 3.9m from the rear boundary and 6.7 and 7.3 m from the other 2 boundaries. This close relationship and cramped nature in respect to the neighbouring properties is fully demonstrated on the submitted site plan- 0356-212, and illustrates that the proposal does not have regard to the surrounding development and character of the area. It is also relevant to note that the approved site plan for 14b Latchmore Forest Drive showed a much larger garden extending to Morley Gardens, which would have been in character with the existing pattern of development. As such the current arrangement whilst a consideration is not considered to set an appropriate precedent.

- 7.8 In paragraph 4.8 the appellant refers to the back to back distance between the new dwelling and 14B and 16 Latchmore Forest Grove as 17.7m. The Borough Design Guide refers to a minimum of 20m separation for back to back window distances. Whilst the Design Guide does not explicitly refer to bungalow development, the aim is to provide a reasonable relationship between new dwellings and neighbouring properties. The existing properties in Latchmore Forest Grove are sited at a higher level, such that the proposal would result in direct overlooking between the existing and proposed dwelling. Given this relationship the 20m minimum distance referred in the Design Guide is relevant and is a material consideration.

## **8.0 CONCLUSIONS**

- 8.1 Whilst the appeal site is in a sustainable location and the principle of development is supported, and local plan policy seeks to concentrate development to such areas, the proposal would result in unacceptable detriment to the character of the area and the amenities of neighbouring properties.
- 8.2 The proposal owing to the cramped nature of the site and proximity of proposed development to the boundaries would result in a detrimental impact on the quiet enjoyment of the properties surrounding the site, and in particular those at 14B and 16 Latchmore Forest Grove by virtue of the close proximity of the access and resultant vehicular and pedestrian activity would be adversely impacted. 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 The development proposed is considered to provide an unsatisfactory layout with a poorly located access drive and extensive hardsurfacing onto Latchmore Forest Grove to the detriment of the amenities of the site and the character of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Borough Design Guide and the National Planning Policy Framework 2012.
- 8.4 The proposal would provide inadequate separation between existing and proposed windows resulting in loss of privacy to the existing dwellings in Latchmore Forest Grove. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, The Havant Borough Design Guide and the National Planning Policy Framework 2012.
- 8.5 The Inspector is respectfully requested to dismiss the appeal as it would be contrary to the policies of the adopted plan and the provisions of the Borough Design Guide.

## **APPENDICIES**

- A 1:120 Site Location Plan



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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 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**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.

3 Construction of the dwellings hereby permitted shall not commence until samples and details of the types and colours of all external roofing and external facing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

**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.

4 Construction of the dwellings hereby permitted shall not commence 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.

5 Construction of the dwellings hereby permitted shall not 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 occupied 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.

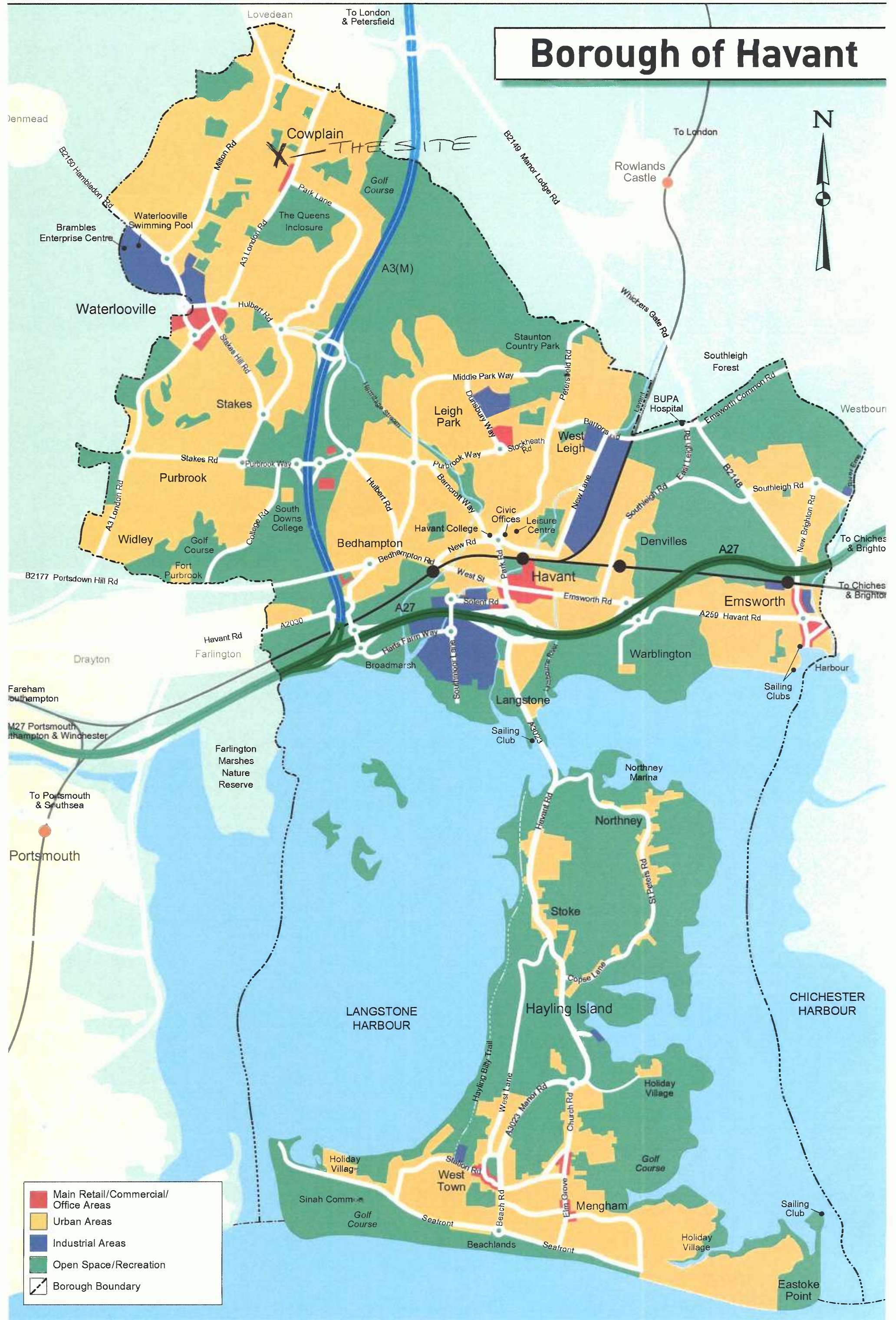
6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension, building, structure or development permitted by Part 1, Classes A, B, C, D and E and Part 14 of Schedule 2 of the 2015 Order (as amended), shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of residential and visual amenity and to prevent overdevelopment of the site and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

7 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the provision to be made for a material, equipment and machinery storage compound within the site have been submitted to and approved in writing by the Local Planning Authority. The approved compound shall be available prior to the commencement of any building works and throughout the contract period and no materials, equipment and machinery shall be stored anywhere else on the site.

**Reason:** To safeguard the amenities of the locality and to protect the adjacent SPA supporting habitat having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework.

# Borough of Havant





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Title:

APP/14/01166  
16 Latchmore Forest Grove  
Waterlooville

APP/X1735/W/15/3124785

Drawn By:

Scale:

1:1250

Drawing No:

Cleaner, Safer, More Prosperous