
Site Address:	43 Elizabeth Road, Waterloooville, PO7 7LZ		
Proposal:	Erection of 1No. 3 bed detached house with integral garage and creation of new access onto Stakes Hill Road (revised application).		
Application No:	APP/15/00790	Expiry Date:	17/09/2015
Applicant:	Mr Gill	Team:	Team 1
Agent:	Mr Gard	Case Officer:	David Eaves
	ACE Designs		
Ward:	Stakes		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The site forms part of the rear garden of No.43 Elizabeth Road. The existing property is accessed via a footpath from Elizabeth Road and there is an informal access to Stakes Hill Road at the rear which has been used by vehicles.

The existing property is a two storey semi-detached house with pitched roof and single storey side mono-pitched element. The land is undulating with a general slope from east to west across the site. Panel fences are provided to the side boundaries with a green vegetated frontage to Stakes Hill Road.

To the north of the site is 136 Stakes Hill Road, a two storey house with a lower rear wall and south-west facing dormer window. To the west of the site is a low unoccupied dwelling of single storey. To the south-east is the attached neighbour No.45 Elizabeth Road which has a rear single storey extension. In the rear garden of No.45 are Holm Oak trees.

2 Planning History

07/72450/000 Two storey side extension. Permitted August 2007

APP/14/00802 Erection of 1No. 4 bed detached house with integral garage and creation of new access onto Stakes Hill Road. Withdrawn Oct 2014

3 Proposal

The proposal is for the erection of a two storey house with attached single storey side garage. The building would be of traditional pitched roof design finished with brick and concrete tiles. A new access and drive would be formed from Stakes Hill Road and the existing access would be closed.

The plot would be divided between the original dwelling and the proposed dwelling. This would result in the retained dwelling having a rear garden of 8m depth and the new dwelling having a rear garden depth of approx 11m. An access drive would be constructed to the northern side of the new dwelling and this would serve two parking spaces to No.43. Parking for the new dwelling would be to the front of the proposed dwelling and within the side garage.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Havant Borough Council Borough Design Guide SPD 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist:

Officer comment - Discussed with Arb Officer and advised that planning permission being refused and the presence of adjacent Holm Oaks in neighbouring property. If appeal submitted a condition to secure Arb Impact assessment and Arb mitigation would be recommended to inspectorate.

Building Control:

No comments

Development Engineer - Highways

The Highway Authority has no adverse comment to this application subject to the following condition.

- the existing dropped kerb to be reinstated to footway
- the existing dropped kerb to the west of the site is increased in width.
- each plot has two parking spaces and cycle facilities
- each plot has turning provide and kept to allow vehicles to turn on site and exit in a forward gear.

Waste Services Manager

No comments received

Crime Prevention -Minor Apps

No comments received

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary:

Loss of light and privacy.

Overlooking

Impact on wildlife (foxes, birds and squirrels).

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 upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on Trees
- (v) Impact on wildlife
- (vi) Highway issues
- (vii) CIL

(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.

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

The proposed dwelling would front onto Stakes Hill Road and would not be readily visible from Elizabeth Road. The dwelling would be set back from Stakes Hill Road with a parking area in front and wide grass verge to the highway beyond. The proposed building would be positioned in a similar alignment to the road as No.136, and would not be out of keeping with other development to the north and south. It is considered that the proposal would have an acceptable impact on the character and appearance of the area.

(iii) Impact upon residential amenity

There are considered to be two main aspects to be considered in relation to residential amenity, the first relates to the amenities of the new dwelling and the second to the impact on adjoining residents including the original dwelling No.43.

With regard to the amenities of the proposed dwelling, it is considered that the proposed dwelling would in itself have adequate amenity space with a rear garden

depth of 11m being achieved. The back to back distances between No.43 and the new dwelling would however not meet the Councils design guidance set out in the Borough Design Guide. The back wall to back wall distance would be 19m with the required standard being a minimum of 20m. This is considered to result in an unacceptable degree of overlooking to the rear private garden area and rear rooms of the new house. It should be noted that there is no natural screening between the two properties to reduce this impact.

No.43 itself would be left with a rear garden of approximately 8m depth including within it rear parking and turning further limiting the rear amenity space available for the property. Most significantly, the rear garden and rear rooms would be overlooked by the new dwelling. This is due in part to the inadequate separation distance between the buildings but also to the levels which would result in the new dwelling being set higher than the existing. The impact of levels and the openness of the site are particularly noticeable on site. The change in levels is also demonstrated by the raising of ground levels for the new dwelling shown on the section drawing.

With regard to the impact on other neighbours the main impacts are considered to be to No.45 Elizabeth Road and to the new dwelling (apparently unoccupied) to the south west of the site. Whilst it is recognised that there would be a degree of overlooking to the rear of both these properties (again increased by the levels changes) it would be much less direct than that to No.43 due to the angles between properties. It is not considered that the impacts on these properties would in themselves be sufficient to warrant a refusal of planning permission.

In conclusion it is considered that the relationship between the existing and proposed dwelling would be unsatisfactory and would result in an unacceptable level of amenity for the residents.

(iv) Impact on Trees

The proposed turning and parking area is close to some off site trees in the rear garden of No.45. It is considered that the works would be within the Root Protection Area of the trees and if planning permission were to be recommended it would be necessary to ensure that the construction was carried out to mitigate any impacts on these trees both in terms of the design of the drive and during the construction phase. If an appeal is lodged the LPA will recommend planning conditions be imposed by the planning inspectorate.

(v) Impact on wildlife

The site forms part of an existing garden and it is not considered likely that protected species would be impacted by the development. Had permission been recommended an informative in relation to the wildlife and countryside act requirements would have been added to the Decision Notice to alert the applicant to any requirements under that act.

The development would require a financial contribution towards the Solent Recreation Mitigation Partnership as set out in the Councils Developer Contributions Guide 2013 and policy DM24 of the Local Plan (Allocations). Without such contribution being secured the development would lead to increased recreational pressure at the coast and an unacceptable impact on the SPA.

(vi) Highway issues

The proposal would result in a new access serving both the existing and proposed dwelling from Stakes Hill Road and the closure of the existing access. The Development Engineer raises no objection subject to conditions which would have been imposed had permission been recommended. Car and Cycle parking could be provided to meet the Councils standards.

(vii) CIL

The proposal would require a CIL contribution of $120 \times £80 = £9,600$. An informative is recommended to be added to the Decision Notice.

8 **Conclusion**

In conclusion, the proposed development would result in an unneighbourly relationship between the proposed and existing dwelling on the site. Furthermore at the time of the decision contributions towards the mitigation of recreational pressure at the SPA have not been secured. It is therefore recommended that planning permission be refused.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00790

(A) for the following reasons

- 1 The dwelling would by reason of its full two storey design, inadequate separation distances, changes in levels and fenestration result in an unneighbourly form of development to the residents of No.43 Elizabeth Road and to the future occupants of the new dwelling. The proposal would lead to direct overlooking between the properties to both private rear garden areas and between habitable rooms and be harmful to privacy and amenity. Furthermore the proposal leads to inadequate private rear amenity space for No.43 Elizabeth Road. The development therefore conflicts with 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, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the LPA 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 policies 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