

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

28 Lodge Road, Havant, Hampshire PO9 3LL

**Local Planning Authority Reference:
APP/13/00841**

**Planning Inspectorate Reference:
APP/X1735/A/14/2211227**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR MACKLIN AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING HOUSE AND ERECTION OF REPLACEMENT 4 BED HOUSE WITH DETACHED GARAGE AND A 2 BED BUNGALOW 28 LODGE ROAD, HAVANT, PO9 3LL.

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1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The site is located to the end of the residential cul-de-sac that is Lodge Road. The cul-de-sac consists of a mix of two storey detached and semi detached properties. The semi-detached properties dominate the road and are of a particular architectural style with a central ridge with hipped ends and the roof extended to ground floor level to either end of the pair of dwellings.
- 1.2 There is a footpath which runs adjacent to the western boundary of the site providing a link between Lodge Road and Bedhampton Hill.
- 1.3 A detached dwelling is located towards the front of the appeal site in similar line to the general building line of the cul-de-sac as it curves around at the end of the road. The massing of the existing house gives the appearance of a pair of semi detached houses from the wider streetscene due to the width of the front elevation. This site currently has a vehicular access from the road and parking on a driveway and garage for at least three cars.
- 1.4 The rear garden is of a good size, at a depth of 35m and the boundaries are treated with a 2m (approx) Close Boarded Fence and mature vegetation.
- 1.5 The properties to the southern end of the cul-de-sac have rear gardens of between 10 and 20m in depth and the properties that surround the turning circle to the northern end of Lodge Road are generally more generous in size, between 20 and 30m in depth.

2.0 PLANNING HISTORY

APP/13/00064

This is the initial application submitted for the redevelopment of the site which is currently subject of a concurrent appeal **APP/X1735/A/13/2208899**.

- Demolition of the existing dwelling and erection of 2No. semi-detached 3 bed houses and 1No. 2 bed bungalow with associated parking and garages - Refused 22/5/13 following Development Management Committee consideration for the following reasons;

- 1. The proposal would result in overdevelopment of the plot and an undesirable form of tandem development which would be out of keeping with*

the character of the locality and detrimental to the amenities of the area. It is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.

2. The proposed driveway and associated hardstanding by reason of their proximity and relationship with Nos. 26 Lodge Road and 12 Brookside Road and the future occupiers of Plot 1 and Plot 2 would adversely affect the quiet enjoyment of the occupiers of those properties contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.

3. The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. It is therefore contrary to policies CS21 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2011.

3.0 THE APPLICATION

- 3.1 The application the subject of this appeal was made valid on 2 September 2013 and the application was refused by the Council at the Development Management Committee meeting on 28 October 2013 for the following reasons:

1. The proposal would result in an undesirable form of tandem development which would be out of keeping with the character of the locality and detrimental to the amenities of the area. It is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

2. The proposed driveway and associated hardstanding by reason of their proximity and relationship with Nos. 26 Lodge Road and 12 Brookside Road and the future occupiers of proposed house to the front of the plot would adversely affect the quiet enjoyment of the occupiers of those properties contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 3.2 The application proposed the demolition of the existing house and erection of a replacement 4 bed house with detached garage and a 2 bed bungalow.
- 3.3 The proposed two storey detached property is sited towards the front of the site. Vehicular parking for the house is provided within a garage and on hardstanding to the western side of the dwelling.
- 3.4 The proposed single storey dwelling located to the rear of the plot is accessed via a driveway which is proposed to run adjacent to the eastern boundary of the site, two parking spaces are provided to the front of this dwelling. This dwelling has a rear garden of an average 12-13m in depth.

4.0 **POLICY CONSIDERATIONS**

4.1 The application has been determined against the National Planning Policy Framework and local planning policy. With regards to local planning policy, the application was determined against the relevant policies from the Havant Borough Local Plan (Core Strategy) 2011, which was adopted on 1 March 2011. The relevant Core Strategy policy is CS16.

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

4.3 **The Borough Design Guide** is a supplementary Planning Document to the Core Strategy and was adopted December 2011 which supports Core Strategy policy CS16. The design guide states that *“character helps to define a place and helps distinguish one place from another place. It is much more than building styles and appearance. The character of an area is a combination of the function and level of activity of the place, its existing structures and features, including open space and trees, the surrounding context of the site and how these all relate to one another”*. The Borough Design Guide can be found at; <http://www.havant.gov.uk/supplementary-planning-documents-and-other-material-considerations/borough-design-guide>

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

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

4.6 The overall aim of these changes is to make the developer contributions system fairer, faster and more transparent than the previous system. It is intended to give developers more certainty over costs and give councils and communities more choice and flexibility in how to fund infrastructure. The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule (see Appendix B), which was adopted by the Council on the 20 February 2013.

The Charging Schedule and supporting documentation can be found at: <http://www.havant.gov.uk/planning-policy-design/community-infrastructure-levy>

As such this scheme, which represents new residential development, is liable for CIL at a rate of £80 per additional square metre, (credit is given for the existing dwelling). The CIL amount payable for this scheme is £7320.00

4.7 **The National Planning Policy Framework** (NPPF) was published on 27 March 2012 and the NPPF sets out the three dimensions to sustainable development:

economic, social and environmental. It is considered that the dimension most pertinent to this planning refusal is environmental.

- 4.8 In respect of design **paragraph 56** of the NPPF advises:
The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 4.9 It continues in **paragraph 61**:
Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 4.10 And **64 paragraph** states :
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.

5.0 REPRESENTATIONS

- 5.1 The application which is the subject of this appeal was published in accordance with the Council's adopted publicity procedures, and 18 neighbour notification letters were sent. In addition a site notice was posted. 9 letters of representation were received by the Planning Authority, 5 against the proposal, (3 identifying their address as 28 Lodge Road) and 4 in support of the proposal. A copy of the representation letters has previously been forwarded to the Planning Inspectorate. The contents of the letters were summarised in the committee report.

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the relevant policies of the Havant Borough Local Plan (Core Strategy) 2011, the NPPF and the reasons for refusal given in the Decision Notice dated 28 October 2013, it is considered that the main issues for consideration with regard to the refusal of this application are set out below.
- (i) Impact on visual amenities and the character of the area
 - (ii) Nature of Development and Impact on Existing Residents and any Future Occupiers
 - (i) Impact on visual amenities and the character of the area
- 6.2 The appeal site lies within a primarily residential area comprising dwellings of mixed size and character. The cul-de-sac consists of a mix of two storey detached and semi detached properties. The semi-detached properties dominate the road and are of a particular architectural style with a central ridge with hipped ends and an extended section to ground floor level of roof sections to either end of the pair of dwellings. It is considered that the proposed detached building to the front of the plot would accord with the prevailing housing style as it mimics some architectural details. This conclusion is due to the variance in design of the dwellings within the streetscene and the appearance of the existing dwelling within the site which is

detached and is of a bland and uninspiring design which does not accord architecturally with any of the other properties within the street.

- 6.3 It is further proposed to develop the rear of the site from residential garden to a second dwelling in the form of a single storey 2 bed property. The character of the cul-de-sac is one of established residential development of mixed type with a highway frontage and gardens of a moderate size. The proposed development, being a tandem development would be out of character with the traditional frontage character of housing in the locality. It is therefore considered that the proposed scheme would constitute a discordant form of development, out of character and detrimental to the amenities of the area. As such, it is considered that the proposal is not environmentally sustainable as it does not respect the environmental quality of the area, and hence is contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, which states that new development should respond to, draw inspiration from and respect local context, and the Borough Design Guide, which is a Supplementary Planning Document to the Core Strategy, and paragraph 64 of the NPPF

(ii) Nature of Development and Impact on Existing Residents and any Future Occupiers

- 6.4 The proposed drive which would serve for access to the parking provision for the bungalow would run along the shared boundary with No.26 Lodge Road. The driveway would run past practically the entire length of the curtilage of the dwelling of No.26 and would result in a large area of hardstanding being adjacent to the rear garden area of both this dwelling and the dwellings to the east of the site; to some degree No.10 but more so to No.12 Brookside Road. No.12 is a dwelling with a very short rear garden and therefore it is considered that the use of the proposed drive and expansive area of hardstanding for parking and manoeuvring would result in noise nuisance to the detriment of the amenities of the adjacent residential properties to the south and east of the site. It is not considered that a more robust boundary treatment in the form of vegetation would be sufficient to overcome this concern and that acoustic fencing of sufficient height would not be appropriate to condition in this particular residential back garden location as it would form an incongruous feature.
- 6.5 In relation to the impact of the proposed rear dwelling itself on the amenities of neighbouring properties, it is proposed to be single storey, and sufficient distance from rear elevations and is not considered to result in unacceptable loss of privacy or outlook. However, it would introduce a new hub of activity into what is currently a quiet residential garden area and this would add to the impact of its inappropriate backland position
- 6.6 Having regard to the recommended garden sizes set out in the Borough Design Guide, it is considered that the division of the plot would leave acceptable garden sizes for each of the new dwellings albeit that they would be of an irregular form. Due to the positioning of the proposed dwellings within the plot it is not considered that they will have an overbearing impact on the amenities of the future occupiers of the proposed dwellings. However, it is considered that the proposed driveway and parking provision, which runs along the side elevation and entire length of rear garden of the proposed house to the front of the site, will have a detrimental impact on the quiet enjoyment of this dwelling by future occupants in terms of the resulting vehicular movement around the dwelling.

Other Matters

- 6.8 On the 1 August 2013, the Community Infrastructure Levy (CIL) was brought into force by Havant Borough Council. The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule (see Appendix B), which was adopted by the Council on the 20 February 2013. As such this scheme as new residential development is liable for CIL at a rate of £80 per additional square metre (credit is given for the existing dwelling). On the basis of the information supplied with the application the CIL amount payable for this scheme is £7320.00. The agent submitted a CIL Additional Information Form with the application and a Liability Notice would be issued by the Council should the appeal be upheld by the Planning Inspector.

7.0 COMMENT ON THE GROUNDS OF APPEAL

- 7.1 The issues raised within the appellants grounds of appeal have largely been covered within section 6 of this report.
- 7.2 The application has been considered against both Local and National Planning Policy and it has been found in section 6 that such a form of development would not be environmentally sustainable and thus would not meet the requirements of Core Strategy Policy CS16 or the NPPF.
- 7.3 It is not considered that the examples of other development within the locality listed in the appellants grounds of appeal are relevant to the consideration of the application site; this site has been considered on its individual planning merits and constraints and examples within different streets and contexts are not considered directly relevant to this case.

8.0 CONCLUSION

- 8.1 The site lies within the urban area, and, whilst the principle of residential development may be acceptable in this location, there are significant concerns regarding the impact of the proposal in terms of an undesirable form of tandem development, which would be out of keeping with the character of the locality and would introduce an additional hub of activity within a rear garden location. Furthermore the proposed driveway and associated hardstanding arrangements by reason of their proximity and relationship with Nos. 26 Lodge Road and 12 Brookside Road and the future occupiers of the development would adversely affect the quiet enjoyment of the occupiers of those properties.
- 8.2 It is therefore considered that the proposal is not environmentally sustainable for the reasons given in 8.1 and expanded upon in Section 6 and that this outweighs the economic and social need for new dwellings in the Borough as more suitable sites are available. The proposal is therefore contrary to policy CS16 of the of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, most particularly paragraph 64.
- 8.3 The Inspector is therefore respectfully requested to dismiss this appeal. Should, however, the Inspector be minded to allow the appeal and grant permission for the proposal, the Council would request that the planning conditions set out in the separate submitted document are attached to any permission.

APPENDICES

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

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List of suggested conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Construction of the dwellings 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 Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 3 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 by the Local Planning Authority.
Reason: In the interests of 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.
- 4 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 5 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 Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 6 The development hereby permitted shall be carried out fully in accordance with the Arboricultural Report prepared by Partridge Associates 1st revision dated 27 August 2013.
Reason: To protect the trees within the development site 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.
- 7 The development hereby permitted shall not be occupied until a Post 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 has attained a minimum standard of Level 3 in accordance with the Code.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 8 The development shall not be brought into use until a minimum of 3 parking spaces have been provided within the curtilage of the 4 bed dwelling and 2 parking spaces provided within the curtilage of the 2 bedroomed dwelling and thereafter all of those spaces kept available for such purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 9 The development hereby permitted shall be carried out in accordance with the approved plans.
Reason: - To ensure provision of a satisfactory development.
- 10 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no alteration to the roof of the dwellings hereby approved including the addition of windows permitted by Part 1, Classes B of the Town and Country Planning (General Permitted Development) Order 2008 as amended, shall be constructed without the prior written approval of the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local

Development Framework and National Planning Policy Framework, March 2012.

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

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