
Site Address:	Land to rear of 17 Lovedean Lane, Waterloooville, PO8 8HH		
Proposal:	Construction of 1No. 2 bed detached bungalow with vehicular and pedestrian access onto Gladys Avenue.		
Application No:	APP/15/00718	Expiry Date:	20/08/2015
Applicant:	Principle Properties Ltd.	Team:	Team 2
Agent:	Mr Douglas	Case Officer:	Tina Pickup
	Jeffrey Douglas Chartered Architect		
Ward:	Cowplain		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site comprises a parcel of land measuring approximately 15m by 14.5m situated to the rear of 17 Lovedean Lane, fronting Gladys Avenue. It is fully enclosed by fencing and a hedge to Gladys Avenue, and is separated from the adjoining residential curtilages. Currently it is totally overgrown with bramble etc and is inaccessible. The land slopes down to the south and east such that the adjacent bungalow, No 60 Gladys Avenue is on lower ground.

The surrounding area is primarily residential in character with a mix of semi and detached properties. 17 Lovedean Lane comprises a detached cream painted render 2 storey dwelling having a rear garden depth/separation to the application site of 9m. No 15 Lovedean Lane is a two storey semi-detached dwelling having a long rear two storey projection; the curtilage of No 15 extends the length of the application site. On the western side of the Gladys Av/Lovedean Lane junction lies a nursing home. Gladys Avenue is primarily characterised by bungalows and No 60 has a drive and garage on its northern boundary abutting the application site.

Note - the photographs supplied in the submitted Design and Access Statement are out of date and do not accurately reflect the recent alterations to No 17 creating a full two storey dwelling and the severance of the site.

2 Planning History

The application site:

APP/10/00499

Construction of 1No. 2 bed bungalow and detached single garage with new access from Gladys Avenue.

Refused 29/11/2010 4 reasons: overly dense; overbearing excessive building bulk; inadequate amenity for future occupiers; lack of contributions

APP/13/00133

Construction of 1No. 2 bed bungalow and detached single garage with new access from Gladys Avenue

This was a revised scheme lowering the roof profile of the bungalow & windows

Refused 03/04/2013 4 reasons: overly dense; overbearing excessive building bulk; inadequate amenity for future occupiers; lack of contributions

17 Lovedean Lane:

10/56133/001

Raise ridge to form first floor accommodation, attached garage, rear conservatory and associated car parking. Permit 2010 *Now Implemented*

3 Proposal

The proposal relates to the construction of 1No. 2 bed bungalow with new access to Gladys Avenue on a plot of approximately 243 sq. m. The proposed bungalow would have an external footprint of some 79 sq m and would be set back approx 2.8 m from the edge of the pavement; 1.5m from the northern boundary with No 17; between 3 and 3.5m from the southern boundary with No 60 Gladys Avenue; and 2m from the rear boundary with 15 Lovedean Lane. Due to the sloping nature of the site the finished floor level would be some 0.63m lower than the footpath and the rear living area projection would be set down a further 0.75m.

This is a further revised scheme attempting to overcome some of the previous objections as considered relevant by the applicant. The main revision relates to the omission of the previously proposed detached double garage in favour of open parking, providing additional amenity space and a reduction in built area. Therefore a 10.8m long drive along the boundary with 60 Gladys Ave would provide tandem parking for 2 vehicles.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)

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)

The Borough Design Guide SPD, Dec 2011
and Residential Parking and Cycle Provision SPD, March 2010

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, (Fire Access Consultation) - No Adverse comments
Development Engineer - Highways - has no objection to this application subject to the provision of a dropped kerb. I would suggest the Planning Authority conditions the provision and retention of the two parking spaces shown on the submitted plan and the provision of cycle facilities to accord with the HBC Car Parking Standards
Crime Prevention - None received but previously requested front boundary hedge be reduced to one metre to improve natural surveillance

Engineering/Drainage- None received but previously required a drainage condition covering details of surface water drainage
Portsmouth Water Company - none 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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 6

Summary: highways - proximity of access to tight, busy Gladys Av/Lovedean Lane junction endangering traffic & pedestrians using Avenue; full safety assessment from Hampshire Highways needed; small 2 bed bungalow out of character with other bungalows in vicinity; overdevelopment of small plot of land available - too cramped; incongruous in street scene being forward of others; would exacerbate existing drainage problems; both No 17 & Gladys Av currently 'for sale'; no significant changes made since 2013 refusal except deletion of garage; design a visual intrusion - at 4m high will tower over garden close to partition fence; distance from No 17 only 10m; only 4.5m from kitchen of No 15 which is fully glazed; loss of privacy; size & massing does not respect adjacent houses; drainage - reduction on area to absorb moisture causing more run-off; slope of land causes drainage issues; concerns regarding accuracy of plans - measurement provided resulting in 228 sq m ie smaller than stated and include depth of boundary hedges; affect value and salability of home in future; should protect quality and spaciousness of area;

Comment: Most of these issues will be considered below; the affect on value of adjacent properties is not a material planning consideration

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 street scene and character of the area.
- (iii) Impact on neighbouring properties.
- (iv) Highway considerations
- (v) Drainage
- (vi) Developer Contributions

(i) Principle of development

7.2 The site is located within a defined urban area where further development may be acceptable, in principle, provided it respects the environmental quality of the area and

complies with the National Planning Policy Framework, and the policies set out in the Local Plan.

(ii) Impact on street scene and character of the area.

- 7.3 Developing garden areas can have a detrimental impact on the character of an area and the amenities of occupants, and decisions should be informed by the quality of a scheme in relation to its context. The street is characterised by detached and semi detached dwellings generally set back from the road by distances in excess of 5m. The cluster of 5 dwellings between nos 13 Lovedean Lane to no 58 Gladys Avenue equates to 10.6 dwellings/ha.
- 7.4 By comparison, the proposed bungalow would have a significantly shorter plot than the existing properties in Gladys Ave, and would sit substantially closer to the road with only a 2.8m set back whereas No. 60 Gladys Ave is set back 7.2m. Whilst the side wall of No.17 Lovedean Lane sits closer to Gladys Ave and is only set back by 1.6m this property is situated on a corner plot and reads as fronting Lovedean Lane. The application indicates that the development would be at a lower level than the pavement, nevertheless, the proposed bungalow due to its significantly forward position compared to the other bungalows on the east side of Gladys Avenue, would appear visually incongruous and cramped in the street scene.
- 7.5 In terms of density, with a plot size of just 0.0242 ha, the proposed dwelling equates to a density of 41 dwellings/ha, compared with 10.6dph for this part of Gladys Avenue. National Guidance no longer sets a minimum density of 30dph and there is requirement to make effective use of land with a presumption in favour of sustainable development. In consideration of this point it is important that the local character and context is respected with the spacing and character of a development comparable to or sympathetic with that of the surrounding area. In this case it is considered that the combination of the much reduced spacings on this plot compared with its surroundings and the much greater density, indicate that the development has a more heavily built up character that does not respect the context of the area. Policy CS16 requires development to respect its local context with the characteristics of the area (including building lines, plot widths and depths) used to inform the design. The proposal clearly does not comply with this policy in that there is a clear conflict with the adjacent building lines and depths. Furthermore, the limited space about the proposed dwelling means the opportunity for planting, wildlife and recreation would result in the proposal having an adverse impact on the character of the area and the street scene.

(iii) Impact on neighbouring properties.

- 7.6 The main impact relates to the property to the east at 15 Lovedean Lane. As the land falls in an easterly direction this property is situated at a lower level, some 60 to 80 cm below the application site. The proposed bungalow would be sited between 2m and 7m from this boundary with the north eastern corner of the proposed bungalow just 4.5m from the south western corner of No 15. This separation distance is substantially below that recommended in the adopted Borough Design Guide 2011. Whilst there are no windows in the east elevation facing No 15 Lovedean Lane, the full extent of development would be clearly apparent above the existing 1.8m fence. This close proximity to the garden and dwelling at 15 Lovedean Lane, extending along virtually the full length of its rear garden, would adversely impact the outlook and amenities of occupiers of that property. Furthermore since the proposed amenity space adjoins the rear garden of 15 Lovedean Lane, the increased activity and noise from the proposed dwelling on the site, concentrated into this small space close to neighbours at No.15

would inevitably result in reduced tranquility and privacy.

7.7 The amenity area for the proposed dwelling would be located to the rear and comprise an 'L' shaped area behind the proposed drive, having a maximum depth of 7m and width of 10m. The omission of the previously proposed detached garage has enlarged the available on site amenity space, but it is nevertheless considered a contrived space. Strictly it still does not meet the minimum required in the adopted Borough Design Guide 2010 which states at para 5.13 garden depths should be "10 metres in length". The proposed amenity space only has a length of 7m. The somewhat contrived nature of the available space does not reflect the more spacious garden sizes of the surrounding area. Furthermore, in terms of its use by future occupiers, the area could be overlooked from 15 & 13 Lovedean Lane. Being two storey dwellings these would have views across the bungalow and into the site affecting the enjoyment of the limited rear garden for future occupiers.

7.8 In respect to the impact on No 17, the proximity of the bungalow to the shared boundary would result in the outlook from No 17 being affected - the building to building separation would only be 10.2m and the proposed bungalow would span virtually the full width of the garden. This would result in a loss of the previously spacious setting and outlook, to the detriment of the amenity of the occupiers of No 17. The attached garage of 60 Gladys Avenue abuts the side boundary and would provide a buffer to noise and disturbance from the use of the proposed drive, as well as some privacy protection from the proposed south facing patio doors in the living room. Given the proposed lower height of the living room the relationship with No 60 is considered acceptable.

(iv) Highway considerations

7.9 The submitted plans indicate 2 tandem parking spaces in accordance with current standards and the Development engineer does not raise objection subject to conditions, including the provision of secure cycle storage. The omission of the garage has resulted in no on site secure cycle storage and no alternative has currently been proposed - a secure shed is often provided - but this could further impact on the amenity space available.

7.10 The letters of objection refer to concern over highway safety from the creation of another access point close to the busy and tight Gladys Av/Lovedean Lane junction. However Gladys Avenue is not a classified road and as such the creation of a new access point would not require permission in its own right (if required in connection with other permitted development). The access point would be some 40m from the junction, adjacent the existing drive serving No 60. The Development Engineer has raised no objection and it is not considered that this element of the proposal could substantiate a highway reasons for refusal.

(v) Drainage

7.11 Had all other matters been found to be acceptable then the detailed matter of the surface water concerns raised by residents would have been addressed and further details requested or conditioned.

(vi) Developer Contributions

7.12 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 £80 per square metre on new floorspace (measured as gross internal area) in Waterloooville.

- 7.13 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the dwelling totals 67 sqm which generates a total CIL liability of £5,360. The applicant has been advised of this figure but the necessary Assumption of Liability forms have not been returned.
- 7.14 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 all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures. This is set at £174 per dwelling to the Solent Disturbance Mitigation Project. For the proposed dwelling, plus admin and monitoring fee, a payment of £202.70 is due but has not been paid nor the relevant forms returned by the required date. The proposal therefore fails to accord with Policy CS21 (Developer Contributions) and DM24. .
- 7.15 Since the application is recommended for refusal the absence of the SDMP financial contributions can form a further reason for refusal, and in the event of an appeal, both this contribution and the CIL payment can be subsequently made to address these issues.

8 Conclusion

- 8.1 The proposed dwelling to the rear of No.17 Lovedean Lane would result in a contrived and cramped form of development, out of character with the appearance of the site and street scene, contrary to Policy CS16 and the Borough Design Guide 2011. The proposed bungalow would have an over dominant impact upon the outlook of the neighbouring properties at both 17 and 15 Lovedean Lane, to the detriment of their residential amenity, also contrary to Policy CS16. The omission of the detached garage is not considered sufficient of an amendment to overcome the more fundamental objections to this development. Furthermore, the appropriate financial contribution has not been received, nor CIL paperwork. The recommendation is therefore refusal.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00718

(A)

(B) for the following reasons

- 1 The size and depth of the plot would not allow for development of a standard compatible with the existing surrounding development. As such the proposal would be an incongruous feature within the street scene and an overly dense form of development to the detriment of the visual amenities and character of the area and contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework.
- 2 The proposed development by reason of its siting and mass, in such close proximity to No 15 Lovedean Lane, would be overbearing and result in an excessive building bulk adjacent to 15 Lovedean Lane, detrimental to the visual outlook, privacy and amenities of the occupier of that property. Furthermore the proximity of the development to No 17 Lovedean Lane would result in the loss of the previously spacious setting and outlook, to the detriment of the occupiers of that property. As such the proposal would be contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework, the adopted Havant Borough Council Borough Design Guide Supplementary Planning Document 2011, and the National Planning Policy Framework.
- 3 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory amenity provision for future occupiers being a substandard contrived area and being overlooked by 15 and 13 Lovedean Lane. The use of this amenity space would also have an adverse effect on the amenities of occupiers of the adjacent property at 15 Lovedean Lane. As such the proposal would be contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework, the adopted Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.
- 4 The submitted details do not provide adequate provision for on site secure cycle storage in accordance with the Local Planning Authority's adopted standards. The provision of secure storage could add to the built form on the site to the detriment of the available amenity space for future occupiers. The proposal is therefore contrary to the adopted Residential Parking and Cycle Provision SPD, March 2010, Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 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 Havant Borough Local Plan (Allocations) 2014 seeks to mitigate the impact of new residential development on the Solent Special Protection Area (SPA).