



Statement of Case for:

1A Milton Road, Waterloooville, PO7 6AB on
behalf of Mr Miah.



LPA's Ref: APP/13/01214

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The Site and its Surroundings



The property at present comprises a detached two storey chalet style property situated in an established residential area, which has a variety of architectural styles and properties including detached bungalows, chalet style and two storey detached houses.

The property has an area of front garden part of which is used for car parking, there is a garage to the rear approached by a side vehicular access and a good sized area of private garden to the rear.

The construction of the property is of traditional brick elevations under a tiled roof. It is situated in an accessible and sustainable location close to local bus links and easily accessible to local schooling, shopping and health facilities.

The Proposal

The proposal is for a first floor and two storey rear extensions; alterations to roof including raised eaves levels to front and sides. Addition of front porch and demolition of garage to rear.

The new extensions and revised internal layout will provide the following accommodation:

Ground Floor

- New entrance leading to entrance hall way
- Living room
- Separate bathroom
- Kitchen
- Separate dining room
- Office
- Sun lounge
- Study

First Floor

- Four bedrooms
- Family bathroom

Background to the Application



This resubmission forms a redesigned application following the refusal of application APP/12/0866, which was subsequently refused on appeal (reference: APP/X1735/D/12/2188663).

The Appeal Inspector did not agree with all the Council's previous reasons for refusal and it is considered that this revised application takes into consideration the relevant comments made by the Appeal Inspector. This is confirmed in the Planning Officer's report to the Planning Committee, where the application was recommend for approval as follows.

"That, subject to the receipt of a satisfactory legal undertaking regarding the removal of the existing garage and restrictions on provision of further curtilage buildings, the Executive Head of Planning and Built Environment be authorised to GRANT PERMISSION for application APP/13/01214, subject to the following 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 The external materials to be used shall match in type, colour and texture those on the existing building. Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*
- 3 The development hereby permitted shall not be brought into use until a minimum of three parking spaces have been provided within the curtilage of the site 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 Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, there shall be no extensions to the dwelling, nor any alterations or additions to its roof (including the addition of additional windows, doors or other openings), nor shall any buildings or enclosures shall be erected within the curtilage without the prior written approval of the Local Planning Authority.*

Reason: In the interests of the amenities of the occupiers of nearby properties and to retain adequate amenity space around the buildings and having regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 *Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows, doors or other openings shall be constructed within the side elevations of the development hereby permitted, without the prior written approval of the Local Planning Authority. Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*
- 6 *The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 3571/500 Revision J (Site Layout Plan) 3571/200 Revision J (Roof Plan) 3571/4 Revision J (Proposed Ground Floor Plan) 3571/5 Revision J (Proposed First Floor Plan) 3571/6 Revision J (Proposed Elevations) 3571/8 Revision J (Proposed Cross Section)."*

A unilateral undertaking has been entered into by the applicant in respect of a Section 106 Agreement to demolish the existing garage in the rear garden of the property.

Reasons for Refusal

I would like to comment upon the Local Planning Authority's reasons for refusal as follows.

Reason One

The proposed extension by reason of its height, depth and proximity to the neighbouring dwelling at No.1 Milton Road, which contains important windows to its side elevation, would be overbearing on the outlook of the occupiers of the adjacent residential property. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework.

Reason Two

The proposed extension, by reason of its size would result in a building of significantly greater mass and would retain little space around it. Even taking into account the proposed demolition of the existing garage, the proposal would reduce the size of the garden to an unacceptable level, both in terms of the small remaining area for family relaxation and in view of the increased feeling of being

hemmed-in by the enlarged building. This would be inadequate for the amenities of future occupiers. It is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework.



The revised design has been significantly altered from the refused application with the main alterations as follows.

- i) Front (south east) elevation: Front canopy now extends across the whole elevation in place of central porch.
- ii) Side (north east) elevation: the rearward length of the first floor extension has been reduced by approximately 3.5m and its side wall set further back from the neighbouring property (no. 1 Milton Road).
- iii) The roof shape has been amended, eliminating a valley design from the north east side elevation and using a simpler hipped design.
- iv) Reduction of immediately facing part of proposal to single storey extension; Change in roof shape;
- v) One fewer rear-facing first floor windows. Minor changes to roof lights and one additional rear-facing window.
- vi) Site Layout: It is proposed to remove the existing detached garage.

With regard to the residential amenity of No. 1 Milton Road and other neighbouring properties the appeal inspector commented as follows.

"The limited shadow effect and slight loss of light, however, which the next door property would experience, would be at a level that is not unusual in urban areas and would not be unacceptable."

"The appeal property is sufficiently distant from any other neighbouring properties (to the south-west, west and north-west) not to harm the living conditions of these occupiers, in terms of overlooking, loss of outlook, overshadowing or loss of light. Moreover, any visual impact would be mitigated by the existing high hedges and fencing, which enclose the rear garden of the appeal property."

The two storey element of the extension is now set back some 8 metres from No. 1 Milton Road's side wall, with the remaining part of the extension only single storey. The Planning Officer's report states that this therefore addresses the Inspector's concern regarding the over bearing impact.

With regard to the visual impact of the previous proposal, the Appeal

Inspector commented as follows.



“Finally, the visual impact of the proposal facing Milton Road, including the fenestration and entrance, would have acceptable proportions and would not harm the character and appearance of the streetscene, which is already varied. The resultant building would therefore not be contrary to the design principles in the Framework (section 7) or Core Strategy policy CS16. I have examined the possibility of issuing a split decision, but I consider that the two parts of the proposal have a measure of interdependency.”

The Appeal Inspector found no harm to the character and appearance of the streetscene, which is already varied in nature. The proposed changes to the design will themselves have no further impact on the visual appearance of the property within the Milton Road streetscene.

It is not considered that the proposal will have any adverse affect on neighbouring property in relation to loss of light or overshadowing and this is confirmed in the Planning Officer’s report.

With regard to the garden space, the wording of the decision notice in relation to reason No. 2 this states that the proposal would reduce the size of the garden to an unacceptable level. This was the view of the Planning Committee, however it is not the view of the Planning Officer who confirms that a sufficient degree of external amenity space at the property can be provided subject to the removal of the existing garage.

The footprint of the garage is about 30sqm and the increased footprint of the property with the extensions both front and rear would amount to about 31.8sqm, however it should be noted that about 8.8sqm of the increased property footprint will be to the front of the property, which is hardsurfaced and will be used as the car parking area, therefore the available rear garden space will be increased under this proposal. Therefore the wording of the decision notice is incorrect when it states that the proposal would reduce the size of the garden.

Planning Policies

The decision notice states that the Planning Committee consider the application is contrary to policy CS16 of the Havant Borough Core Strategy 2011. I would therefore like to comment upon this and other relevant policies as follows.

Policy CS16: High Quality Design

This policy sets out design guidelines for new development in the borough.

There are at present a varied mix of property styles, materials and architectural designs in the immediate area including bungalows, chalet style houses and substantial two storey house. No particular architectural style or distinctiveness is prominent in this part of the Milton Road streetscene. I consider that the new design will harmonise well with its surroundings using materials where possible to match existing.

As set out in my response to the reasons of refusal I do not consider this proposal will significantly increase overlooking, loss of privacy or amenity to adjoining residents and will not significantly lead to any additional loss of light or overshadowing.

No landscaping features, trees or wildlife habitat will be removed by virtue of this proposal so that the biodiversity of the site will not be affected.

Policy DM13 of the Havant Borough Core Strategy: Parking Provision

It is noted that for a four bedroom property, which is what the application property will be extended to would require the provision of three car parking spaces. As can be seen on the application drawings five car parking spaces are shown on the site plan and it is noted that the Borough Council would require a planning condition to the effect that three of these should always be retained.

National Planning Policy Framework

Havant Borough Council also refers to the National Planning Policy Framework although they have not stated which particular sections of this National Planning Policy that they consider this application to be contrary to. I have therefore considered the proposal in relation to what I consider to be the relevant aspects of the NPPF.

Section 6: Delivering a wide choice of high quality homes

Paragraph 49 states that applications and should be considered in the context of presumption in favour of sustainable development.

The property is situated in a sustainable location close to local amenities and transport links.

The new construction will comply to up to date building regulation standards in relation to insulation.

Paragraph 50 states that Local Authorities should plan for a mix of housing and deliver a wide choice of high quality homes. This is an opportunity to provide a house offering adaptable family accommodation with exclusive parking and outside garden space and it will therefore add well to the mix of housing stock of the area.

Core Planning Principles

Included in the main planning principles of the NPPF are that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. It also goes on to say that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning should always encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Section 7: Requiring Good Design

Paragraph 56 states that 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.

Paragraph 57 states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including buildings, public and private spaces and wider area development schemes.

Paragraph 58 states decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging

appropriate innovation;



Paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that visual appearance and the architecture of individual buildings are very important factors but securing high quality and inclusive design goes beyond aesthetic considerations.

These Framework Policies emphasise the importance of inclusive design, which functions well for the lifetime of the development creating attractive and comfortable places to live. They also emphasise the importance of sustainable development.

In this case the proposal will make efficient and effective use of the site, which is capable of the proposed extension to provide a family house with adaptable accommodation whilst still retaining an adequate level of car parking space and garden space.

It will add well to the mix of housing stock in the area without having any adverse impact upon the streetscene or neighbour amenity.

Conclusion

I consider the main issues of this application have been satisfactorily complied with as follows.

- ✓ Contrary to the decision notice reason No. 2 there will be no loss of garden space, in fact the rear garden area will be increased and will be secured by way of a Section 106 Agreement.
- ✓ The Planning Officer's report considers that neighbour amenity in relation to No. 1 Milton Road and other nearby properties will not be affected by this proposal.
- ✓ I consider that the proposal respects rather than conflicts with relevant local and national planning policies as set out in this statement.
- ✓ The conclusion of the Planning Officer's report to the Planning Committee stated as follows: "*The proposed extensions, roof*

alterations and canopy would be acceptable in principle and would not have a detrimental impact on the amenities of the locality or the occupiers of neighbouring properties. Sufficient provision for parking can be accommodated on the site and, subject to the provision of an acceptable legal undertaking to remove the existing garage and conditions to control future outbuildings and extensions, the proposal would not have a detrimental impact on the proportion of amenity space and character and appearance of the application site. It is therefore recommended that the application be approved.”

I would respectfully ask the Inspector to allow the appeal.