
Site Address:	29 Forest Close, Waterloooville, PO8 8JE		
Proposal:	Removal of existing detached garage and erection of 1No. 2 bed dwelling with access from Service Road to garage block.		
Application No:	APP/14/01066	Expiry Date:	16/01/2015
Applicant:	Mr Guest	Team:	Team 2
Agent:	Mr Jay	Case Officer:	Tina Pickup
	The Planning Service		
Ward:	Cowplain		

Recommendation: **REFUSE PERMISSION**

1 Site Description

Forest Close is a cul-de-sac serving high density 1970's style terraced dwellings with a garage parking court. This cul de-sac is off Forest Avenue, which in contrast is characterised by more spacious detached dwellings of mixed style. No 29 Forest Close is already a backland bungalow set behind No 30 Forest Avenue, taking access off Forest Close with a detached garage and drive at the eastern end. There is a wide grassy highway verge north of Forest Close adjacent the side boundaries of No 29 Forest Close and 30 Forest Avenue providing a spacious setting to this boundary.

The drive serving the rear garage of No 29 runs adjacent the access drive serving the rear garage court of the properties in Forest Avenue. To the north of No 29's detached garage and between the garages within the rear parking court is an area of overgrown scrub land, the ownership of which is unknown. An oak tree is located within this scrub land, close to the northern boundary fence of No 29, to the east of the detached garage.

The application site comprises part of the garden and existing detached garage serving No 29, plus the parcel of overgrown shrub land to the north.

2 Planning History

None

3 Proposal

It is proposed to demolish the existing detached garage serving No 29 and erect a 2 bedroom chalet bungalow having a footprint size of 10.1m x 9m. An a-symmetrical pitched roof is proposed enabling an internal half mezzanine floor providing the main bedroom and en-suite. The eaves height is therefore 3.4m at the south; 2.2m at the north; with a ridge height of 5.7m. It is proposed to site the bungalow immediately adjacent the southern boundary of the site, extending right up to the access road to the west. Parking would be for one car, provided to the north of the bungalow with vehicular access via the garage court access track. The private amenity area for the site would be to the south-east, extending behind the garage block, having a maximum depth of 8m.

The proposal involves the removal of the oak tree on the southern boundary. An additional plan has been provided showing alternative 3 parking spaces for No 29

following the loss of its detached 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)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

and The Borough Design Guide SPD, Dec 2011

and Residential Parking and Cycle Provision SPD, March 2010

5 Statutory and Non Statutory Consultations

Building Control, (Fire Access Consultation) - Fire brigade access - min 3.7m wide with turning facilities where vehicle has to travel greater than 20, vehicle access for pump appliance to within 45m of all points within house; suggest consultation with Hampshire Fire & Rescue Service

Development Engineer - Highways - congested layout; utilises 3m wide access to 13 garages which is not in ownership of applicant (Notice C served); only one space for 2 bed unit not to HBC parking standards; replacement parking for No 29 not shown

Crime Prevention -Minor Apps

Arboriculturalist -

Waste Services Manager - no concerns

Property Services Manager - HBC does not own any land in or adjacent development site; highway has been adopted but HBC retains no residual interest in that adjoining land; appears to be a TPO on the tree on the verge outside of No 29; no other comments

Hampshire Fire & Rescue - Access and facilities for Fire Service Appliances should accord with Document B5 of Building Regs; if access unsuitable a suitable compensatory feature such as Automatic Water Suppression System should be agreed; if Timber Framed then refer to relevant guidance

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: 29

Number of site notices: At least one site notice exists - 1

Statutory advertisement: Not applicable.

Number of representations received: 4

Summary: only off road parking for 1 vehicle - Forest Close has insufficient spaces for existing residents with cars & vans parking on & blocking grass verges & pavements; where is replacement parking for No 29 going?; clearance of wasteland may cause drainage issues; drainage by block of garages insufficient to cope with rainwater runoff & regularly floods; colony of slow worms nearby, potentially around garage block - may trigger need for species conservation?; existing access to garage block too narrow for HGV's so access for development will be an issue; thought access road to the garages was for owners of garages only with their responsibility of upkeep; applicant does not have garage in block & access track in poor condition; dwelling should share access with No 29 not use garage block track;

Comment: Most of these issues will be considered below; drainage and surface water run-off not a direct planning matter & would be covered by Building Regulations should the development be constructed

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) Plot size and effect on amenity
- (iii) Highways and parking issues
- (iv) Impact on trees
- (v) Impact on Protected Species
- ((vi) CIL Liability and SDMP

(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) Plot size and effect on amenity

The footprint of the proposed dwelling is sited such that there would only be a separation distance of 7.5m from the rear facade of No 29 Forest Close and about 10m to the rear facade of the properties No 24 - 28 Forest Close. The adopted Residential Design Guide recommends a back-to back distance of 20m where windows of the new development occur to an existing dwelling; and where facing a blank gable a separation of 10m is required. The proposed development fails these distances and is considered overly close and therefore cramped to adjacent dwellings. The outlook from No 29 Forest Close would be to the side elevation of the proposed

dwelling, including two small square side windows, within 7.5m. This close proximity is considered harmful to the outlook of No 29 and would result in a sense of being overlooked, detrimental to their residential amenity. Furthermore the orientation is such that overshadowing from the proposed dwelling would result in the late afternoon/early evening which would also be detrimental to the enjoyment of the garden area of No 29.

The proposal involves utilising nearly 5m of the existing rear garden of No 29 to create the plot, and the loss of this land would truncate the garden and private amenity area available to No 29. A rear garden depth of between 6m and 11m would result, but this reduced area is considered to be out of character with the other detached dwellings of Forest Avenue. Furthermore the proposed dwelling would only have a rear garden depth of up to 8m. This is below the recommended 10m in the Design Guide and similarly below the character of the detached dwellings of Forest Avenue (it must be acknowledged that the garden depths of the terraced dwellings of Forest Close are only approximately 8m but the site is less related to this higher density terraced development with a detached dwelling being sought). The garden space available would also offer a poor/undesirable outlook for future occupiers, looking north towards and wrapping behind a garage court.

Overall the proposed dwelling is considered an overdevelopment of the site resulting in a cramped and confined layout having inadequate private amenity space for future occupiers and would result in a detrimental effect on the living conditions of the occupiers of No 29 Forest Avenue.

(iii) Highways and parking issues

An additional plan was received on 12th December indicating 3 tandem parking spaces in the existing drive for the occupiers of the existing bungalow at No 29. However the adopted Residential Parking SPD, March 2010 at para 7.8 states that tandem parking will only be accepted for 2 spaces i.e. one space behind another - three tandem spaces are unacceptable as being impractical, awkward and inconvenient for occupiers.

The proposed plan shows one space for the future dwelling. The internal layout plans of the proposed dwelling include a master bedroom and en-suite on the first floor mezzanine level with a further room on the ground floor that could be a home office or spare bedroom. As a small ground floor room, it is reasonable to expect it will be a multi functional room and not necessarily a dedicated bedroom. Since the site is relatively close to the main A3 London Road with its good bus route, then the one parking space provided is considered acceptable in this instance.

With respect to general access arrangements the utilisation of the access track to serve the proposed dwelling is appropriate - whilst the ownership is unknown, the correct procedures have been followed with a Notice C being served following publication of an advert in the Hampshire Independent in October 2014. The access width, at 3m, is adequate for day to day vehicular access but too narrow for fire brigade access and as such alternative satisfactory emergency provision would have to be made if the dwelling constructed - but this would be covered by Building Regulations. Concern has also been raised about access for deliveries during construction - however this would be for the applicant to resolve and any disturbance to local residents for a temporary period only and therefore not considered a relevant objection.

(iv) Impact on trees

There is a significant oak tree immediately north of the existing fence of No 29 such that its trunk is within the existing scrubland. The proposed layout would result in the felling of this tree. There is also a TPO'd oak tree within the highway verge to the south of No 29. The combined canopy spread of these trees contributes to the amenity of the area. The oak tree within the site is likely to be a constraint to development, and if a healthy specimen, should be retained. Since no Arboricultural Survey or Assessment of the tree has been provided then it is reasonable to refuse the proposal on lack of tree information and loss of the amenity value of this tree.

(v) Impact on Protected Species

One letter of objection notes the presence of Slow Worms somewhere within the vicinity of the site. As a protected species these form a constraint to development if present and would need mitigating against. Due to the overgrown and unkempt nature of the site it is possible that they and other protected species eg lizards, are present on the site. Therefore an ecological survey of the site should be done before any development can occur on the site. Again, the lack of this relevant information is considered another reason for refusal.

(vi) CIL Liability and SDMP

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).

It is considered that there is a CIL liability for this site. The completed CIL planning form indicates that the total gross internal floor space will be 107 sqm with a credit being sought for the existing garage at 27.5 sqm. As an ancillary residential outbuilding this is acceptable, resulting in a chargeable development totalling 79.5 sqm which requires a CIL payment of £6,360.

However, in view of the fact that the proposal is unacceptable for other planning reasons the applicant has not been invited to return the appropriate Assumption of Liability Notice. Should an appeal be lodged against the refusal then this would be done at that stage.

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 £172 per dwelling to the Solent Disturbance Mitigation Project. For the proposed dwelling, plus admin and monitoring fee, the appropriate payment would currently be £200.60. However, in light of the recommendation for refusal this has not been sought from the applicant and should an appeal be lodged in the future this would have to be addressed at that stage.

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8 Conclusion

The proposed dwelling is considered an overdevelopment of this site and would result in a cramped and contrived form of development having inadequate private amenity space for future occupiers and would result in a detrimental effect on the living conditions of the occupiers of No 29 Forest Avenue. The replacement parking arrangements for No 29 are considered unpractical and the tree..... appropriate CIL and SDMP payments have not been paid/agreed.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/14/01066

(A)

(B) for the following reasons

- 1 Development of the site in the manner proposed would amount to an over-development, in that it would result in an unsatisfactory plot size with inadequate amenity space for future occupiers and would be a cramped and congested layout. The close proximity to adjacent dwellings results in insufficient separation distances with the resultant loss of outlook and overshadowing, detrimental to the residential amenity of both the future occupiers and the occupiers of No 29 Forest Close. Furthermore, the proposed development is considered to be out of keeping with the more spacious character of the detached dwellings in the vicinity. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Residential Design Guide SPD 2011 and the National Planning Policy Framework 2012.
- 2 The proposed tandem parking for 3 vehicles would not provide an acceptable parking layout; such a layout is contrary to the advice contained within the adopted Residential Parking and Cycle Provision SPD, March 2010. This is likely to result in the parking of vehicles on the public highway which would interrupt the free flow of traffic, detrimental to highway safety. The proposal is therefore contrary to policies CS16, CS19, CS20, and DM13/DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The layout and siting of the proposed development would result in the loss of a tree on the site that is considered to be important to the visual amenity of the local landscape. In the absence of any Arboricultural Survey or Assessment justifying the loss of this tree, the proposal is considered contrary to policy CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 Due to the site's overgrown and unkempt character it is likely to be colonised by Protected Species and the proposed development could result in the loss of biodiversity on the site. In the absence of any Ecological or Protected Species

Survey with appropriate mitigation measures, the proposal is considered to be contrary to policies CS11, CS16 and DM8 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 Local Plan seeks to mitigate the impact of new residential development on the Solent Special Protection Area (SPA).