

Our Ref: 091/P/157

Appeal REF: APP/X1735/A/13/2198520

LPA Ref : APP/12/00969

HAVANT BOROUGH COUNCIL

PLANNING APPEAL STATEMENT

**IN RESPECT OF THE DEMOLITION OF EXISTING 2 BED DETACHED
BUNGALOW AND GARAGE. CONSTRUCTION OF 1NO. PAIR OF 3 BED
SEMI DETACHED CHALET BUNGALOWS WITH INTEGRAL GARAGES
AND ASSOCIATED PARKING AND LANDSCAPING. (REVISED
APPLICATION.) AT 1 THE THICKET, WIDLEY, HANTS, PO7 5JL**

Appeal By:

Mr D Ness

Date of Appeal: 10th August 2013

One Links House
Fairway Business Centre
Dundas Lane
Portsmouth
Hampshire
PO3 5BL
office@mcandrewmartin.com



**ERECTION OF 3 NO. DWELLINGS WITH VEHICULAR ACCESS FROM LONDON ROAD
AND REFURBISHMENT OF EXISTING FARMHOUSE; REMOVAL OF EXISTING REAR
EXTENSIONS AND RESTORATION OF ORIGINAL FORM – REF: 111/P/353**

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1.0 Introduction

- 1.1 The subject site (“The Appeal Site”) is situated just to the South of Waterlooville Centre and to the western side of the A3, London Road. The site is located in Widley North of Portsmouth City. The area is predominantly residential and is well connected by regular local bus routes to the nearby villages.
- 1.2 The site is located at 1 The Thicket Road and it is approximately 713 sq. metres and is occupied by an existing detached bungalow to be demolished. The site is situated within a predominantly residential area where majority of the dwellings are of one or two storeys in height. There is no recent planning history relating to the site
- 1.3 Regular bus services connect to and from Havant, the nearest major commercial and shopping centre, with onward connections available by rail and bus to Portsmouth and Chichester.
- 1.4 This site is located in very close proximity to Waterlooville Town Centre which provides a full range of amenities, including facilities for shopping and leisure.
- 1.5 Previous options were proposed for the site in the form of two detached dwellings. However prior to a decision being made and following detailed consultation with the Local Planning Authority the application was withdrawn and resubmitted proposing a pair of semi-detached dwellings thereby scaling down the development. Following further discussions with the Local Planning Authority the application was withdrawn a third time to design the semi’s respecting the ridge height to the adjacent building and downsizing the development further. This proposal was considered and the amendments suggested by the Planning Officer during a site visit.

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2.0 The Development Proposal

- 2.1 The proposed development seeks to demolish the existing detached bungalow and to replace it with a pair of semi- detached chalet style. In general, the proposed buildings will comfortably sit within the existing environment and already an established residential development.
- 2.2 A new boundary fence is proposed to separate the new two plots formed from the existing one, constructed as a 1.8m close timber fence. Also a small brick dwarf wall 450mm in height along the front boundary.
- 2.3 As with any redevelopment, it is important to consider the need to ensure that the amenities of neighbours are maintained.
- 2.4 It is proposed that the dwellings will be constructed of local vernacular materials similar to those used in the immediate dwellings adjacent, with the brick and the selection to be agreed with Council Officers. The roofs would be plain clay tiles with the colour and once again selection to be agreed with the Local Planning Authority.

* This application is a resubmission of Planning App/12/00391.

3.0 Planning Policy Considerations

- 3.1 The Havant Borough Council core strategy DPD is the principle document in the Councils Local Plan.
- 3.2 In the reasons for refusal the Council has referred to the following DPD Policies:
- i) Strategic Core Strategy Policy CS16 – High Quality Design

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- 3.3 Government Guidance in the form of Planning Policy Statement 3 – Housing, continues to set a clear priority for development on previously developed land having regard to the planning history of the site we would submit that “The Appeal Site” falls within this definition.

4.0 Havant Borough Council - Grounds of Refusal

- 4.1 The Council's refusal reasons in essence comprise one clear criterion which is as follows:
- i) Development in the manner proposed would amount to an over-development of the site in that it would give rise to a cramped and congested layout with a contrived plot arrangement and, in the case of Plot 1, inadequate private amenity space, to the detriment of the character and visual amenities of the street scene. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5.0 Comments on Grounds of Refusal

Over Development and giving rise to cramped and congested layout:

- 5.1 The proposed development seeks to make efficient but, nonetheless sympathetic use of the current brown field site. The design that was submitted as part of this application achieved the Planning Officers recommendation for approval, please refer to Appendix C.

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- 5.2 In the Delegated Report submitted by Havant Borough Council's Planning Officer she concluded under Section 8.1 (See Appendix D) that No. 1 The Thicket is a modest bungalow, within a row of similar properties. There is no objection to its demolition and the form of development proposed to replace it would accord with the general character of the area.
- 5.3 It was also concluded by the Planning Officer that the design of the building and its relationship to adjacent properties would not give rise to a significant level of overlooking or loss of outlook or privacy and that adequate parking is provided and a contribution towards off-site highway works has been agreed by the applicant (See Appendix E)
- 5.4 As part of the process of developing a scheme for this site, the local area was appraised and the form, scale, appearance and general pattern was observed and noted. (Appendix C) it is argued that from a street scene perspective the proposed development is in sympathy with and respects the existing character and eclectic styles of The Thicket. If there are any concerns these should be directed further up and down the road where previous unsympathetic developments have already adversely affected the street scene particular attention drawn to the property neighbouring properties where poorly designed bulky flat roof extensions fronting the highway have already been formed.
- 5.5 We feel it prudent to draw attention to the recommendation noted under Section 9 of the Delegated Report which states that "the Executive Head of Planning and Built Environment be authorised to REFUSE PERMISSION for application APP/12/00969 subject to;
- (A) The completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £3,745 towards the Hampshire County Council Transportation Contributions Policy; and

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- (B) The following conditions and any others that are considered necessary; (See Appendix D).
- 5.6 It is clear from the reading of this conclusion that the recommendation should read as ‘Permit’ (as recommended by the Planning Officer) with the following conditions listed as if the application would have been granted.
- 5.7 There is clearly a lack in clarification regarding the Section 106 Agreement, the contributions were agreed and conditions signed by the appellant dated 12th November 2012 and the Local Planning Authority did not request payment by Havant Borough Council before the application was refused. The appellant has confirmed that he is willing to pay the contributions as required and set out in Appendix E.
- 6.0 Conclusion**
- 6.1 Considerable lengthy and detailed consultation were carried out prior to the proposed development being submitted, this third application met the Planning Officers recommendation which clearly contradict the Local Planning Authority’s reasons for its refusal. The proposed development seeks to make efficient but, nonetheless sympathetic use of the current brown field site, in a manner which would respect the character and general appearance. We would submit that this proposal will contribute towards providing much needed additional housing.
- 6.2 It is clear that the Local Planning Authority Committees voted against the Planning Officers recommendations to “Permit” the application, the reason given does not accord with the Local Planning Authorities appointed Officer. Professional opinion of the proposed design has been developed over many months and it is submitted that it meets fully all current standards and design

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recommendations, the utmost due care was taken to limit the disturbance to the amenities of the adjoin residents.

- 6.3 The proposal to use sympathetic vernacular high specification materials complete with the proposed architectural style and form will only enhance the amenity value of the site.
- 6.4 It is submitted that the proposed sympathetic development of the site will enhance and benefit the adjoining owners and local residents, whilst also providing much needed additional housing.
- 6.5 It is considered that the proposed development which is the subject of this appeal complies with the relevant policies of the development plan and that, for the reasons set out above, the appeal should be respectfully allowed.

.....
**J Bengree BA (Hons) MSc ACIAT
Architectural Technologist
M D Underwood BArch MSc AABC IHBC
WIC McAndrew BSc FRICS ICIOB
D de Miguel Vidal Architect**

=====
**For and on behalf of McAndrew Martin
TEL: (02392) 697193**
=====

Dated this 12th Day of August 2013

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Appendix A
Existing and Proposed Site Plan



SITE LOCATION PLAN
Scale 1:1000

EXISTING SITE PLAN
Scale 1:200



NOTES

This drawing is the property of McAndrew Martin and must not be reproduced in whole or in part for the disclosure of events without their permission.

All dimensions to be checked on site prior to commencement of any construction works and McAndrew Martin notified of any discrepancy via the Surveying Officer.

Figured dimensions are to be used in preference to scaled dimensions. However for Planning purposes scaling is permitted.

No deviation from this drawing will be permitted without the express consent of McAndrew Martin via the Surveying Officer.

All works are to comply with the current edition of the Building Regulations and British Standards.

CLIENT
Mr David Naze
13 Hiltop Crescent
Widley
Purtonmouth
Hants PO6 1BB

PROJECT
1 The Thicket
Widley
Purtonmouth
PO7 5LL

DRAWING TITLE
Existing Site Location and Site Plan

DATE 12.10.10
DRAWN BY DAV
SCALE 1:200
CHECKED BY CAG

APPROVED DATE CHECKED BY
DRAWING NO. 001/P/157/01
REVISION D1

McANDREW MARTIN
CHARTERED SURVEYORS

CONSTRUCTION
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The City Centre
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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Appendix B
Analysis of the Street Scene and Character

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Appendix C
Correspondence from Planning Officer

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RE: 1 The Thicket - - Message (HTML)

FILE MESSAGE ESET

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Thu 06/12/2012 14:38

Heather Lealan <Heather.Lealan@havant.gov.uk>

RE: 1 The Thicket -

To James Bengree

You forwarded this message on 06/12/2012 14:39.

From: James Bengree [<mailto:james@mcandrewmartin.com>]
Sent: 06 December 2012 11:47
To: Heather Lealan
Subject: 1 The Thicket -

Dear Heather,

I'd like to thank you for your time yesterday afternoon talking through the application, however I still have a one or two concerns.

I am sure you are aware of our client is somewhat disappointed with having to wait until the 24th January 2013 to know whether or not the application is successful, which in effect brings us a further 2 months past the statutory decision date .

I would like to respectfully request that you can confirm in response to this email that the proposed application will have officers support and you will be recommending the application for approval. I am aware that this does not necessarily mean that the application will be successful but will reassure our client that it is worth waiting until the 24th January committee for an outcome.

Kind regards,

James Bengree BA (Hons) ACIAT
Associate Director



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Thu 06/12/2012 14:38



Heather Lealan <Heather.Lealan@havant.gov.uk>

RE: 1 The Thicket -

To James Bengree



You forwarded this message on 06/12/2012 14:39.

Dear James,

The application will have an Officers recommendation to permit. As I advised within our telephone discussion yesterday, the delay has been caused by the timing of a neighbour request for the application to be heard at Committee and subsequently the Christmas Break. I also would have preferred to get the application determined by the statutory date.

regards
Heather

Heather Lealan
Planning Officer
Development Control
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hants
PO9 2AX

Please note I work part time on a Monday, Tuesday and Thursday

Direct dial telephone number: 023 9244 6523
Email address: heather.lealan@havant.gov.uk
www.havant.gov.uk

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Appendix D

Delegated Report by Havant Borough Council

Site Address: 1 The Thicket, Widley, Waterloooville, PO7 5JL
Proposal: Demolition of existing 2 bed detached bungalow and garage.
Construction of 1No. pair of 3 bed semi detached chalet bungalows with integral
garages and associated parking and landscaping. (Revised Application.)
Application No: APP/12/00969 Expiry Date: 06/12/2012
Applicant: Mr Ness Team: Team 1
Agent: Mr Menendez Case Officer: Heather Lealan
Ward: Purbrook DMC Lead Member

Reason for Committee Consideration:

Density:

HDS Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 1 The Thicket is a 2-bed bungalow on the northern side and at the western entrance to The Thicket. The property has a detached garage which is adjacent to that of No 3, and is accessed via a drive which runs adjacent to the eastern side of the bungalow. The road is characterised by detached and semi-detached bungalows, some of which have been extended by the addition of dormers in the roof.
- 1.2 To the west is 174 The Dale, a recently built, 2-storey property which lies at a lower level and is separated from the application site by the driveway to Deer Lodge.
- 1.3 The trees to the south-west corner of the site, on the boundary with the drive to Deer Lodge are the subject of a Tree Preservation Order, TPO.863
- 1.4 There is an electric sub-station adjacent to the south-west corner of the site

2 Planning History

APP/11/01001

Demolition of existing 2 bed detached bungalow and garage. Construction of 1No. 2 bed and 1No. 3 bed detached house with integral garage and parking - Withdrawn following officer concerns that two detached dwellings would amount to over development of the plot.

APP/12/00391

Demolition of existing 2 bed detached bungalow and garage. Construction of 1No. pair of 3 bed semi-detached chalet bungalows with integral garages and associated parking and landscaping. (Revised Application). - Withdrawn following officer concerns that the roof height and proximity of the development to the eastern curtilage of the plot would create an overbearing impact to the occupiers of the adjacent dwelling No.3 The Thicket.

3 Proposal

- 3.1 The application seeks to demolish the existing 2 bed detached bungalow and garage

and to construct 1No. pair of 3 bed semi detached chalet bungalows with integral garages and associated parking and landscaping.

- 3.2 The dwellings would be designed with rooms in the roof, with dormer windows to the front and rear roof planes and first floor windows in the side elevation of each dwelling which are proposed to serve bathrooms.
- 3.3 Both properties would be accessed from The Thicket and would have integral garages and a further parking space for one car provided on hardstanding to the front of each property.

4 Policy Considerations

National Policies

The National Planning Policy Framework, March 2012

Core Strategies 2011 forming part of the HBLDF

CS13 (Green Infrastructure)
CS14 (Efficient Use of Resources)
CS16 (High Quality Design)
CS20 (Transport and Access Strategy)
CS21 (Developer Requirements)
CS9 (Housing)
DM13 (Car and Cycle Parking on Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No objections as long as Arboricultural Impact Assessment is conditioned

Building Control

No observations

Waste Services Manager

None received

Crime Prevention

Concern is expressed that the main accesses are to the side of the property. This increases the opportunity for crime. It is recommended that the main entrance be moved to the front. If not desirable a secure front door should be installed to PAS24 standard (or better).

Development Engineer

Contribution required for additional property - £3745. Condition 2 parking spaces for each dwelling.

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: 11

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 4

Summary:

- a) Overdevelopment, cramped form of development. There are more bedrooms proposed (6) than proposed for the previously withdrawn application for two detached dwellings (5)
- b) Out of keeping with character of streetscene.
- c) Overlooking. loss of privacy
- d) Inadequate parking/turning leading to highway safety issues. The site is very close to a dangerous junction of The Dale/The Thicket with a lot of vehicular and pedestrian traffic (predominantly children for local schools).
- e) Loss of trees
Officer comment: No trees are proposed to be lost as part of this proposal
- f) Inadequacy of sewers to serve development
Officer comment: This would not be a valid reason to refuse the application. Furthermore this is a previously developed site and is for the addition of only one further dwelling.
- g) History of flooding leaving much of the garden unusable
Officer comment: The site is not in a flood zone and any flooding is likely to be localised surface water flooding. This would not be a valid reason to refuse this application
- h) Problem with subsidence in locality
Officer comment: This is not a material planning consideration - the foundations of the dwellings would have to be designed to meet current Building Regulation requirements.
- i) The garages are forward of the building line which has to be against HBC Planning Regulations.
Officer comment: The footprint of the garages is contained within the main body of the dwellinghouses and does not project outside of the roof profile. In any event there are no regulations with regard to building lines and each application must be considered on it's own merits.
- j) The building is actually a house not a bungalow and we are concerned that this type of development will set a precedent and change the character of the area
- k) The plans indicate no change of access. This is incorrect as the property will require two entrances where there is currently only one. (The current owner, engaged Hampshire County Council to put in a drop kerb 15 months ago but it only leads to

a boundary wall).

- I) The revised application is not significantly different than the previously withdrawn application for a semi detached dwelling.

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) Effect on character and appearance of area
- (iii) Effect on residential amenity
- (iv) Nature of development
- (v) Highway impact
- (vi) Impact on Trees

(i) Principle of development

7.2 The site lies within the built-up area of Waterlooville where development is normally permitted subject to the provisions of the Development Plan and any other material considerations.

(ii) Effect on character and appearance of area

7.3 The Thicket is characterised by detached and semi-detached bungalows in plots of fairly regular width. This forms the general grain and character of the area. No 1 The Thicket being at the entrance to the road and on a triangular shaped plot has a wider frontage.

7.4 The application seeks to demolish the existing bungalow and to construct 1No. pair of 3 bed semi detached chalet bungalows with integral garages and associated parking and landscaping. Prior to this submission Officer concern was raised with regard to the two previously submitted schemes (see planning history above). It was considered that the first scheme for two detached properties would amount to overdevelopment of the plot in that there wasn't sufficient room to incorporate a satisfactory gap between the dwellings that were proposed. The second application sought to overcome these concerns by proposing a semi-detached development. Whilst it was considered that a semi detached development was more suitable for the site, further concern was raised with regard to the height of the roof ridge proposed and the proximity of the development to the eastern site boundary. The current revised application the subject of this report has reduced the height of the ridge by 1m and further hipped and reduced the bulk of the roof. The building has also been moved further from the eastern boundary to a distance of 3.565m.

7.5 Although the bungalows on the north side of The Thicket are of a modest size, those to the southern side have been enlarged by the addition of dormers. The proposal for chalet style properties is considered appropriate in this instance. The proposed plot frontage widths and front garden areas are considered to be consistent, (if indeed larger in the case of plot 1), with those within the immediate streetscene. Plot 1 has a frontage width of 17.6m and a front garden area of 137m. Plot 2 has a 9.6m frontage width and 74m front garden area. This is in general accordance with the 6 dwellings directly to the east of the site that form the immediate streetscene. These dwellings

have an average frontage width of 9.5m and a front garden areas of 81 to 90m.

- 7.6 Therefore, it is considered that the amendment to the scheme and the reduction in the bulk of the roof results in a proposal which would accord with the general character of the streetscene and which would not be detrimental to the visual amenities of the locality.

(iii) Effect on residential amenity

- 7.7 As the site lies at the end of the row of houses in The Thicket the new dwellings should not give rise to any undue overlooking, or overshadowing of existing houses to the side or rear of the site.
- 7.8 The first floor windows within the side elevations of the building contain bathrooms only, with the bedroom windows located in dormers to the front and rear. The distance and relationship to the adjacent properties to the sides of the proposed dwellings and obscure glazing of the bathroom windows should minimise any overlooking.
- 7.9 Concern has been expressed by residents opposite the site regarding overlooking but given the distance between the properties, (over 25m), and the fact that the properties opposite are at an angle to the road no significant level of overlooking or loss of privacy should arise.
- 7.10 The most direct relationship to the site is with the adjacent dwelling to the east, No.3 The Thicket, no objection has been received in regard to this scheme from the occupiers of this dwelling. Officer concerns were previously raised in regard to the potential impact of the proposed roof mass and ridge height of withdrawn application APP/12/00391 and also the proximity of the development proposed to the site's eastern curtilage. It was considered that the withdrawn scheme would have created an overbearing impact to the amenities of the occupiers of No.3. The revised application subject of this report has addressed Officer concerns, (in regard to the withdrawn application), by lowering the height of the proposed ridge by 1m, reducing the bulk of the roof and moving the development further away from the shared eastern boundary; thus creating a separation gap of 3.56m from the boundary and 6 m away from the side elevation of No.3. As such, it is now considered that the previous concerns with regard to a potential overbearing impact on No.3 have been overcome through the revisions to this current scheme.

(iv) Nature of development

- 7.11 The garden area proposed to plot 2 accords with the adopted guidelines provided within the Havant Borough Urban Design Guide in that the rear garden has an average depth of over 10m.
- 7.12 Plot 1 has a much smaller area of rear garden but does have a further area of usable garden to the western elevation of the dwelling. The degree of mature vegetation that currently exists to the adjacent section of the southern curtilage of the site makes this western area of garden a private space which could be maintained as such should future occupants so wish.
- 7.13 On balance it is considered that, whilst plot 1 has a small amount of garden area, it will not be unacceptable in regard to the amenities of any future occupants due to the private nature of the plot itself which results in a degree of defensible private amenity space to the west of the dwelling.

(iv) Highway implications

- 7.14 Access is proposed from The Thicket from two existing dropped kerbs, although only one of the dropped kerbs is currently utilised as an access point. The Development Engineer considers that the use of both accesses would not be detrimental to highway safety.
- 7.15 Vehicle parking for 1 vehicle is proposed to the front of each of the respective properties and a further parking space provided within the integral garages to each property. Two parking spaces for a three bed property meet the Council's adopted parking standards.
- 7.16 The Development Engineer has raised no concerns with regard to the adequacy of the on site parking.
- 7.17 The payment of a financial contribution of £3,745 would be required, the sum is based on the proposed additional property and takes account of the dwelling already existing within the site. The applicant has signed and return the required legal agreement but has not paid the Council's required legal cost of £230. If the application is granted consent no decision notice should be issued until the legal fee has been paid and the legal agreement has approved by the Council's solicitor.

(vi) Impact on Trees

- 7.18 The Council's Tree Officer was consulted with regard to the trees that are situated to the western boundary of the site. He was satisfied with the findings of the submitted arboricultural report and concluded that the development can be constructed and subsequently occupied without prejudicing the long term health of these trees. The only tree which has a TPO is the tree to the very south western corner of the site, (shown as T1 on the plans).

8 Conclusion

- 8.1 1 The Thicket is a modest bungalow, within a row of similar properties. There is no objection to its demolition and the form of development proposed to replace it would accord with the general character of the area.
- 8.2 The design of the building and its relationship to adjacent properties would not give rise to a significant level of overlooking or loss of outlook or privacy.
- 8.3 Adequate parking is provided and a contribution towards off-site highway works has been agreed by the applicant.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/12/00969 subject to

(A) The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £3,745 towards the Hampshire County Council Transportation Contributions Policy; and

(B) The following conditions, and any others that are considered necessary:

Appendices:

- A OS location plan
- B Existing site layout plan
- C Proposed site layout plan
- D Existing Elevations
- E Proposed Elevations
- F Proposed floor plans
- G Existing aerial street view

- 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 policies CS16 and DM9 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 Alderwood Consulting Ltd and submitted to the Local Planning Authority on 11 October 2012.
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.

Appendices:...

**ERECTION OF 3 NO. DWELLINGS WITH VEHICULAR ACCESS FROM LONDON ROAD
AND REFURBISHMENT OF EXISTING FARMHOUSE; REMOVAL OF EXISTING REAR
EXTENSIONS AND RESTORATION OF ORIGINAL FORM – REF: 111/P/353**

Appendix E
Section 106 Agreement

DATED

12th November

2012

DAVID WILLIAM NESS
TINA NACIA NESS.
and

[and]

to

THE COUNCIL OF THE BOROUGH OF HAVANT

PLANNING OBLIGATION BY UNDERTAKING

Pursuant to Section 106 of the Town and Country
Planning Act 1990 (as amended)

relating to land at

1 The Thicket, Widley, Waterlooville, PO7 5JL

statutory provision referred to in clause 4 of this Deed and which are set out in paragraph Nine of the Schedule

- 1.12 "the Owner" means the owner and in the case of two or more owners each or all of them as owners of any or all parts of the Land and as parties to this Deed acting and being obliged by this Deed jointly and severally who is (or are) described at paragraph Two of the Schedule being a person or persons identified in accordance with Section 106(9)(c) of the Act
 - 1.13 "the Permission" means the grant of planning permission made in response to the Application including where appropriate any grant of approval in respect of matters reserved by the said grant of planning permission or any subsequent grant of planning permission for the Development or for such other development on the Land as is not materially different from the Development (the determination of materiality being solely at the discretion of the Council)
 - 1.14 "the Plan" means the plan attached to this Deed
 - 1.15 "the Schedule" means the Schedule to this Deed being an integral part of this Deed
 - 1.16 "the Solicitor" means the solicitor giving the certificate at paragraph Seven of the Schedule
- 2.1 With the intention and so as permanently to bind the Land and all parts thereof so far as lawfully may be effected and into whomsoever hands the same may come and so that the Obligations hereby created shall be enforceable both against the Owner and the Mortgagee (if any) and their respective successors the Owner and the Mortgagee (should it or they take possession of any part of the Land or exercise powers of sale under its security) HEREBY SEVERALLY COVENANT AND UNDERTAKE AS A PLANNING OBLIGATION TO COMPLY FULLY WITH THE OBLIGATIONS
- 2.2 This instrument or document hereby expresses itself as executed as a Deed
3. The Owner (and each of them acting in concert in the case of more than one joint owner) has produced at Paragraph Seven of the Schedule a certificate of the Solicitor with the intention that the Council may and shall rely upon the truth of the matters therein certified namely that;
- 3.1 the Owner is immediately entitled to possession and occupation of a freehold estate in the Land subject only to the Mortgage (if any) no other person having an interest therein at law or (to the best of the Owner's knowledge and belief) in equity
 - 3.2 in the case that the Land is subject to any mortgage the Mortgage (or in the case of more than one each of them) is described at Paragraph

2. (See clause 1.12) the Owner(s):

[Please insert full name(s) and address(es) of every owner of the Land]

DAVID WILLIAM NESS.

TINA TRACIA NESS

13 HILLTOP CRESCENT

COSHAM

PORTSMOUTH

HANTS

POB 1BB

3. (See clause 1.10) the Mortgagee(s) (if any):

[Please insert full name(s) and address(es) of every mortgagee or chargee of the Land or, if there is none, state "None"]

NONE

4. (See clause 1.9) the Mortgage(s) (if any):

[Please insert the date of, and parties to, every mortgage or charge affecting the Land, or, if there is none, state "None"]

NONE

- 9.3 In Paragraphs 9.1 and 9.2 of this Schedule "Material Operation" means:
- 9.3.1 any work of construction in the course of the erection of a building;
 - 9.3.2 any work of demolition of a building;
 - 9.3.3 the digging of a trench which is to contain the foundations or part of the foundations of a building;
 - 9.3.4 the laying of any underground main or pipe to the foundations or part of the foundations of a building or to any such trench as is mentioned in paragraph 9.3.3;
 - 9.3.5 any operation in the course of laying out or constructing a road or part of a road;
 - 9.3.6 any change in the use of the Land which constitutes material development as defined in the Act

IN WITNESS whereof the parties hereto have executed and delivered this instrument or document as a Deed the day and year first before written.

Executed as a DEED by)
 Affixing the COMMON SEAL of)
)
 in the presence of:)

Director

Director/Secretary

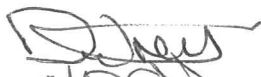
Signed as a DEED by)
)
)

acting by
 a director and its secretary /
 two Directors

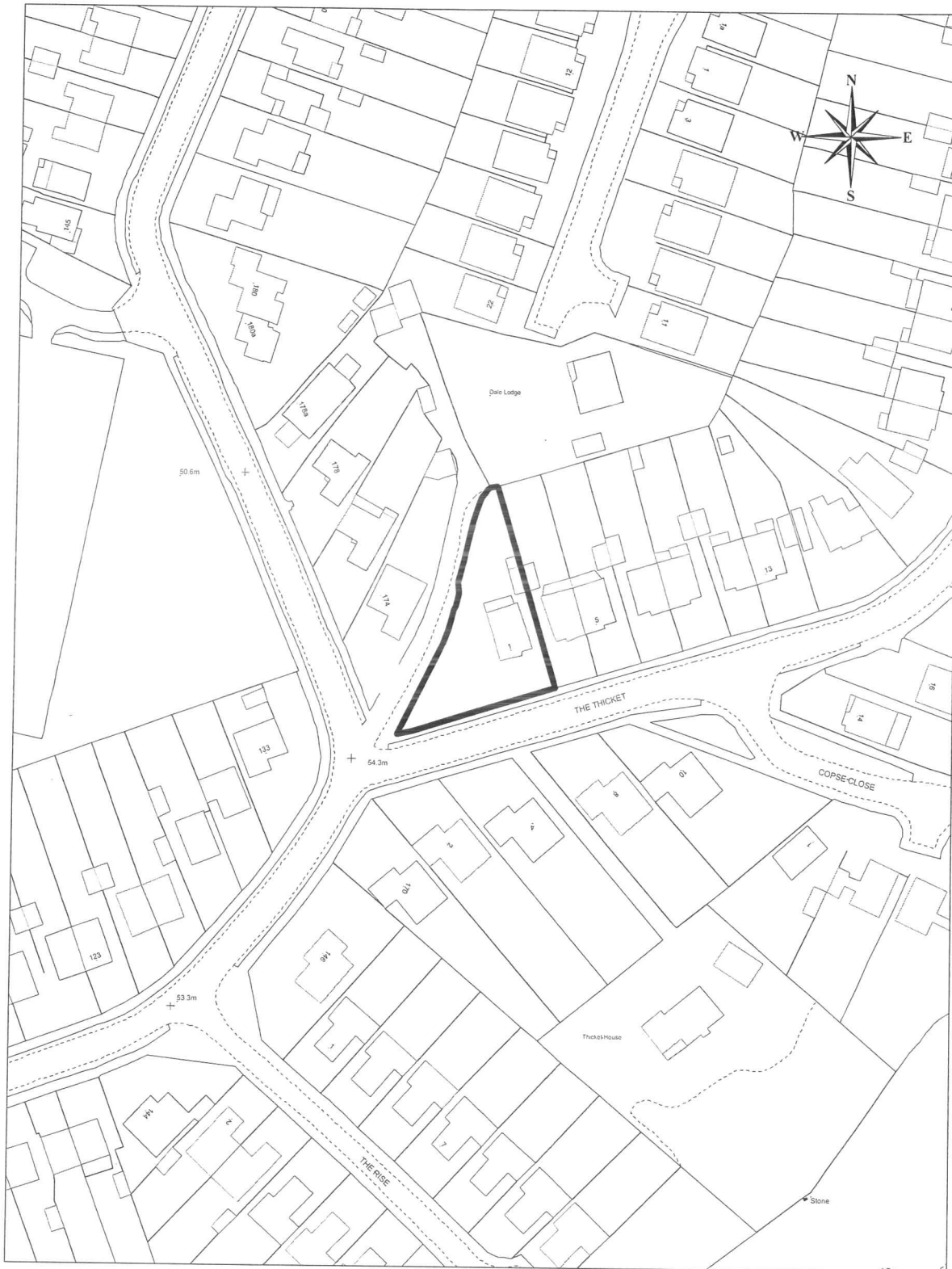
Director

Director/Secretary

Signed as a DEED by ^{us} me
 the said DAVID WILLIAM NESS)
 TINA MARIA NESS)
 in the presence of:)

) 
) TMDGSS
)

) eBolt - TRACY BOLT
 202 LONDON ROAD, WATERLOO HILLS
 6 PO7 7AJ - CONVEYANCE



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Title:

Town and Country Planning Act 1990
S106 Agreement
1 The Thicket, Widley,
Waterlooville, PO7 5JL
APP/12/00969

Drawn By:

GE

Scale:

1:1250

Drawing No:

PC44/515

Cleaner, Safer, More Prosperous