

TOWN AND COUNTRY PLANNING ACT 1990 -

SECTION 78 APPEAL

**APPEAL BY MR B LONG
AGAINST THE DECISION OF HAVANT BOROUGH
COUNCIL TO REFUSE PERMISSION FOR
*'ERECTION OF 1 NO 1 BEDROOM BUNGALOW AND
ONE DETACHED GARAGE WITH ACCESS FROM
WESTBOURNE CLOSE (REVISED APPLICATION
INCORPORATING AMENDMENTS TO PLANNING
PERMISSION APP/13/00022)'*.**

**LAND ADJ TO 8 WESTBOURNE AVENUE,
EMSWORTH,
HAMPSHIRE, PO10 7QY**

**STATEMENT OF CASE
OF STEPHEN JUPP MRTPI
ON BEHALF OF MR B LONG.**

LPA REF: APP/14/00497

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The site comprises a strip of land which forms the western part of Westbourne Close, immediately south of its junction with Westbourne Avenue, up to the point where Westbourne Close makes a sharp turn to the east.
- 1.2 The site would be accessed via Westbourne Close at the southern end of the plot.
- 1.3 The site is a neglected parcel of land which appears to have been omitted from the development of both Westbourne Avenue and Westbourne Close.
- 1.4 It comprises vacant land at the junction of Westbourne Avenue with Westbourne Close. It is located at a transition point where the detached houses in Westbourne Avenue change to bungalows in Westbourne Close. The existing house at #5 Westbourne Close is a post war housing estate house of no distinct style.
- 1.5 In terms of streetscape location, the site is located between 8 and 10 Westbourne Avenue, and these provide the logic for the selection of a house on this corner plot. These properties are detached houses, whereas the properties in Westbourne Close are generally bungalows.
- 1.6 The boundary to Westbourne Close is demarked by a 600mm high wall and a laurel hedge is proposed to be planted along this boundary as well as returning up along Westbourne Avenue. The making good of the existing wall along Westbourne Close and the planting of this boundary with a Laurel hedgerow will ensure that the side elevation of the proposed dwelling is softened.
- 1.7 The western boundary [with 8 Westbourne Avenue] comprises a 1m high wall and then there is high evergreen hedging on the western side of the fence, namely, within the garden of 8 Westbourne Avenue.

- 1.8 Photographs of the appeal site and its context are attached to this statement at Appendix 1.

2.0 PLANNING HISTORY

- 2.1 Planning application APP/10/00430 proposed a 2 bedroomed chalet bungalow on this plot. Permission was refused on 20 September 2010 with officers being concerned that the size and shape of the plot would not allow for development of a standard compatible with the surrounding development.
- 2.2 Following this refusal I entered into email discussion with the case officer in respect as to whether the LPA thought they would be able to accept a modified scheme on this site.
- 2.3 Officers commented that there was no objection with regard to the design itself or the relationship with the dwelling to the west or the mature Horse Chestnut tree. The sole issue was the width of the plot and whether any development of the site would be compatible with the surrounding character.
- 2.4 An amended scheme was subsequently submitted and registered as valid on the 6th September 2011 under reference APP/11/01179.
- 2.5 The application sought detailed planning permission for the erection of 1 no 3 bedroomed house on land adjacent to 8 Westbourne Avenue, Emsworth.
- 2.6 The house would have a projecting gable section on its front elevation – which faces onto Westbourne Avenue - in order to provide visual interest. There would be an open front garden to the north of the dwelling, fronting onto Westbourne Avenue, in order to reflect the streetscape along that road.
- 2.7 The application was determined under delegated powers and was refused for the following two reasons:

1. *The size and shape of the plot would not allow for development of a standard compatible with the existing surrounding development and the proposed development would, therefore, be detrimental to the character of the Westbourne Close street scene and is therefore contrary to Policy CS16 of the Havant Core Strategy 2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statements 1 and 3.*
2. *The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which, in accordance with Planning Policy Guidance 13, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. It is therefore contrary to policies CS21 and DM12 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Guidance 13.*

- 2.8 Details of the 2010 application are attached at Appendix 2.
- 2.9 A subsequent appeal was lodged and dismissed on 16 May 2012 under reference APP/X1735/A/11/2166421.
- 2.10 In paragraph 6 of the decision letter the inspector considered the site to comprise vacant land within the built up area. As a result, in principle, the erection of a dwelling would be an appropriate use of the site. He considered that this matter should be given significant weight.
- 2.11 In paragraph 8 the inspector considered that from Westbourne Avenue the proposed 2-storey dwelling would fit well into the streetscene. However he considered that its width and siting was unacceptable as it

would be sited close to its side boundaries. As a result it would appear cramped.

2.12 In paragraph 9 the inspector considered the height and massing of the flank elevation to Westbourne Close to be dominant and incongruous; such harm made worse by the lack of a side garden and there being only a single opening breaking-up the massing of the flank wall.

2.13 A copy of the appeal decision is at Appendix 3.

2.14 A new scheme was then submitted which sought to address the concerns raised by the inspector. In particular the scheme provided for:

- A bungalow is proposed in order to ensure that its bulk is minimal;
- A side garden is proposed;
- The side elevation has a number of openings and a front door;
- More space is provided to the side gardens.

2.15 During the consideration of the application the case officer considered that there was a lack of detailing. As a result amended drawing 4A was submitted which indicated a canopy roof over the door; more detailing and interest to the fenestration.

2.16 The application was presented to the Development Management Committee with an officer recommendation that planning permission be granted. A copy of the report is at Appendix 4.

2.17 Subsection 7 (iii) of the report is of critical importance as it relates to 'Appropriateness of the design and effect on the streetscene'. I have therefore set out it in full below:

"7.7 The proposed scheme has been significantly reduced in scale since the previous appeal from a two-story dwelling to a bungalow. This would be of a simple brick and tile design which is found in some of the buildings in the street. It would

have a rectangular footprint to echo the shape of the plot. It would have a pitched roof and gable ends with minor brickwork detailing. The principal window and door openings would face towards Westbourne Close with a pitched roof canopy over the front entrance. Westbourne Close contains bungalow development rather than two storey houses.

7.8 This change in orientation seeks to address the Inspector's previous concerns about space around the building. The north elevation would now be the side elevation would be set back slightly from the front building line of No. 8 Westbourne Avenue and would not be as visually prominent. In addition the gap at the boundary with No. 8 Westbourne Avenue has been increased by 0.7m since the previous appeal. Whilst this is still relatively close in terms the space between boundaries in Westbourne Avenue, the new orientation means that the building would read chiefly as part of the Westbourne Close. Here the proposal would retain significant space on either side of the frontage. The orientation and reduced height serves to lessen the cramped appearance referred to by the Inspector.

7.9 Furthermore, the dwelling would be set back from the corner of Westbourne Avenue by approx.15m. This factor in combination with the set back behind the front building line of No. 8 Westbourne Avenue, reduces the prominence at the bend of Westbourne Close and Westbourne Avenue. Furthermore, the north side of the plot would be left open with a 600mm high boundary wall which would retain the sense of openness and spaciousness of the corner, similar to the development on the opposite corner.

7.10 Policy CS16 of the Local Plan advises that development should respond to, draw inspiration from and respect the local context. The proposed dwelling would be set back from

the front boundary line and Westbourne Close by 2.5m. Whilst this would be closer to the highway than other properties in Westbourne Close, a cramped form of development is avoided due to the generous spacing either side of the dwelling. On balance therefore, it is not considered that the scheme would be contrary to policy to such a degree that it warrant a refusal of the application.

7.11 The fact that the dwelling has been reduced to a bungalow and reorientanted means that the concerns raised in paragraph 9 of the Inspector's report (see 7.6 above) have been addressed. The reason being the side elevation of the dwelling would now front Westbourne Close thus removing the adverse impact of a high flank wall with one opening. The scheme now proposes a single storey wall which forms from the front elevation and a front and entrance, thus contributing to the character and visual amenity of the street scene.

7.12 Concern has been raised that the proposed dwelling would be so small in footprint that it would appear contrived in the context of the existing built development on Westbourne Avenue. However as explained above, the property would not form part of Westbourne Avenue and would provide spaciousness across its frontage with Westbourne Close so as to appear in keeping."

2.18 The application was refused by the committee for the following reason:

"The design and appearance of the proposed dwelling would result in a contrived and cramped form of development, incompatible with the existing surrounding development. The proposal would therefore result in an incongruous form of development, detrimental to the character of the street scene and amenities of the area. The proposal would therefore be

contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.”

2.19 A subsequent appeal was lodged against this refusal of planning permission. The appeal was ALLOWED on 15th January 2014 and the appeal decision is attached at Appendix 5.

2.20 The inspector considered the size and design to be entirely appropriate for this site, which would otherwise continue as an unused piece of land.

2.21 In respect of the front building line, the inspector commented at paragraph 6:

“Sufficient open garden area would be retained at the corner of the junction to maintain its open character and the footprint of the new house would not breach the regular building line along this part of Westbourne Avenue.”

3.0 DETAILS OF THE APPLICATION, THE SUBJECT OF THIS APPEAL.

3.1 This application sought to amend the design of the permitted 1 no one bedroomed bungalow as well as erect a detached single garage.

3.2 The principle of the scheme has been established through the grant of permission in the appeal decision letter. This scheme seeks to extended the front of the bungalow by 1.5m towards Westbourne Avenue such that its front wall aligns with the forward most part of 8 Westbourne Avenue.

3.3 The proposed garage is located at the southern end of the plot and widens to the rear in order to take advantage of the alignment of the southern boundary.

- 3.4 Council officers also recommended this application for permission and their committee report is attached at Appendix 6.
- 3.5 Due to the direct relevance of the officers support of the scheme their assessment of the various issues is of direct relevance to this appeal. On this basis they are reproduced in full below:

(iii) Impact on open areas and gardens

7.5 'Front' Garden to Westbourne Avenue:

In the appeal scheme, the position of the bungalow gave an average garden length to the Westbourne Avenue frontage, of 11.8m. In the current proposal, with the increased length of the bungalow and repositioning forward, this would reduce to 9.8m. This is 2.4m shorter than the length of the neighbouring front garden at no. 8 Westbourne Avenue immediately to the west but similar to those at no.5a Westbourne Avenue and no.1 Westbourne Close nearby, and longer than at no. 3 Westbourne Avenue, where the garden length is approximately 4.5m. The bungalow would conform to the building line of its neighbour no.8. In summary, the measurements illustrate that the 'front' garden length in the proposal is reasonably consistent with the range found in its surroundings; the proposal is unlikely to cause visual harm at this frontage.

7.6 Rear Garden to south:

In the appeal scheme the average length of the area of rear garden was 6m. This space lay between the french doors on the rear wall, and the edge of a driveway which was to provide parking for two cars in tandem, a further strip of garden of average 3m length, lay beyond this driveway, where the site tapers to a point. The main part of the garden also contained a bin store/cycle shed. In the current proposal the average rear garden length, between the french doors and the side of the

proposed garage is 8.2m, i.e. the main part of the garden is 2.2m longer and it no longer contains the bin store/cycle shed, which has been absorbed into the proposed garage. The 3m strip of land beyond the driveway in the appeal scheme is now covered by the proposed the garage. The effect of the proposed change is to give less rear garden space overall (the difference between the approved driveway and shed and the proposed driveway and garage is 12.5 square metres), but this due the loss of the narrow strip at the tapering southern end of the site. The main body of the rear garden would increase by 2.2m length and by 22sqm in area or 41%. Accordingly it is not considered that the proposal would lead to inadequate garden space. The visual impacts of this change are considered at section 7.8 below.

(iv) Impact on neighbours and streetscene

7.7 The proposed re-siting of the bungalow closer to Westbourne Avenue is such that although the building would be 1.5m longer, it would extend no further behind the immediate neighbour no. 8 Westbourne Avenue. It is also no closer to the side boundary with that property, and the approved bin store/shed at this boundary would be deleted. Two additional windows in the west side of the bungalow are to a wc and ensuite bathroom, accordingly obscure glazing can be required by condition and there would be no significant change in terms of neighbouring privacy. The position of the proposed garage, in the rear corner furthest from this neighbour, and with its pitched-roof design, (maximum 3.8m height) is not considered to be overbearing or unneighbourly. The reduced length of the front garden referred to at 7.5 above, would slightly increase the visibility of the building, but not to such an extent as to render it any more cramped in appearance, by comparison with the appeal-approved scheme.

7.8 In consideration of no 1 Westbourne Close, the intervening distance to the bungalow would be unchanged, this is

approximately 19m. Although the additional 1.5m length would be perceptible to neighbours and from the street, it is unlikely to significantly affect the neighbouring outlook. Likewise, the proposed garage is also likely to be visible and would increase the built-up character of the site. However, even with this addition, the amount of un-built frontage facing towards Westbourne Close would remain approximately 50%; the frontages of other properties in Westbourne Avenue and Westbourne Close are more extensively built up than this.

7.9 One further consideration is whether the process of construction work is likely to have a greater impact on neighbours than the approved. Planning permission is rarely, if ever, refused for this reason and safety, noise and pollution, such as dust and dirt are matters dealt with under Environmental Health and health and safety legislation. The Inspector attached some weight to this area of neighbour concern, and used a planning condition to require a construction method statement to ensure minimal disruption to neighbours during development. It is questionable that such a condition is enforceable in planning law and practice with regard to respect to noise and pollution, given that there is other legislation. It is not known how much longer the development process would take, due to the proposed garage and larger bungalow, but it is not recommended that this would be a reason for refusal but the Inspector's condition would be repeated if this application is approved.

3.6 Notwithstanding the clear support of officers, the committee resolved to refuse planning permission for the following reasons:

The siting, design and appearance of the proposed dwelling and garage would result in a reduction in space around the buildings on the site, compared to the scheme approved under Planning Permission APP/13/00228, and as a result would constitute an overdevelopment and cramped form of development, incompatible with the existing surrounding

development. The proposal would therefore result in an incongruous form of development, detrimental to the character of the street scene and amenities of the area. The proposal would therefore be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011, and the National Planning Policy Framework 2012.

- 3.7 Informative 3 refers to the need for a CIL payment. However it was made clear at application stage that the development is CIL exempt as it is a self build. In this respect a CIL exemption form was completed and submitted at application submission stage.

4.0 POLICY CONTEXT AND ANALYSIS

A Introduction

- 4.1 Policies relevant to the determination of the proposal are set out in material planning and other policy guidance: the National Planning Policy Framework [the Framework] and, the Havant Borough District Wide Local Plan. These policies are explored in the following paragraphs of this statement, together with an analysis of the appeal proposal's compliance with the same.

B NATIONAL PLANNING POLICY GUIDANCE

- 4.2 The Policies of the Development Plan are obliged to closely reflect Government Planning Guidance.
- 4.3 Paragraph 49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 4.4 Other parts of the NPPF recognize the need to respect the character of surrounding development.

LOCAL PLANNING POLICY CONTEXT

The Havant Borough Core Strategy

- 4.5 This document was adopted by the Council on 1st March 2011.
- 4.6 Policy CS16 is cited in respect of refusal reason 1 and it relates to 'High Quality Design'.
- 4.7 The policy is criterion based and covers numerous issues. Since refusal reason 1 relates to local context it is presumed that the LPA consider that criterion 1 is breached. This requires new development to draw inspiration from, and respect, local context, and:

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;*
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*
- d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and*
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

4.8 An analysis of the refusal reason indicates that criterion c) is the most critical since it relates to plot widths and characteristics of the locality.

5.0 PLANNING ISSUES

5.1 The appeal scheme contains two distinct elements – a front extension to the permitted bungalow; and, a detached garage in the rear garden. In this regard I consider each should be considered separately and in this regard if the inspector considers one element to be acceptable and not the other, then the option exists for the inspector to issue a split decision.

(i) The Front Extension

5.2 The front extension would add just 1.5m to the length of the bungalow, which would now be 12.5m long. The width of 4.75m; height and distance to the side boundaries would remain unchanged.

5.3 Importantly the building, as extended, would conform to the building line which exists in Westbourne Avenue and which the inspector considered was an important feature which needed to be respected [see paragraph 6 of the decision letter].

5.4 Whilst the front garden would be shorter than that which exists at 8 Westbourne Avenue [due to the angled nature of this boundary] it would be similar in depth to those at 5a Westbourne Avenue and 1 Westbourne Close and would be greater than that at 3 Westbourne Close which is just 4.5m.

5.5 For these reasons the front extension is considered to be acceptable.

(ii) The Rear Garage

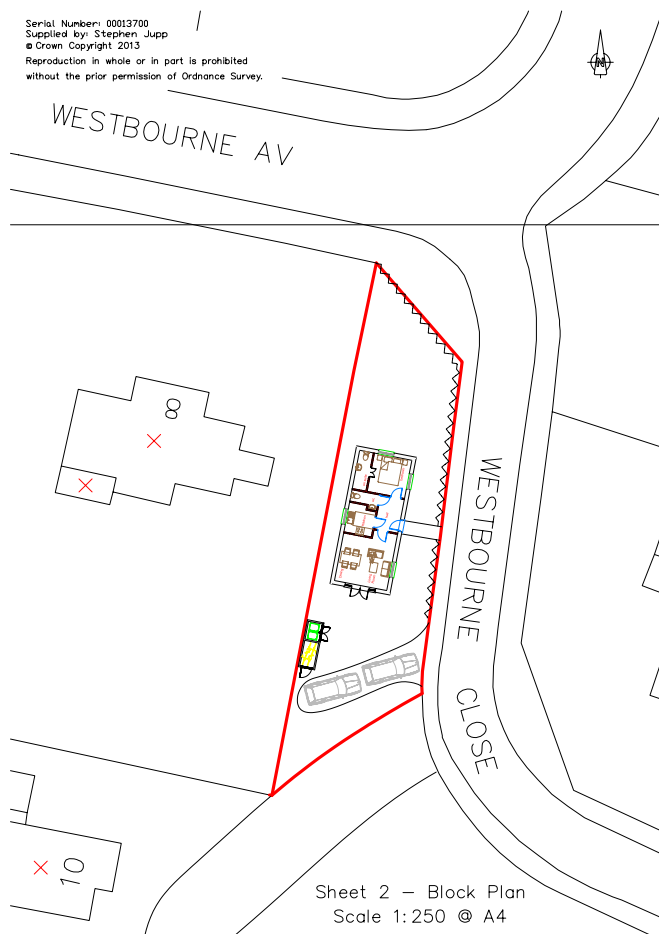
5.6 In the appeal scheme the average length of the area of rear garden was 6m. This space lay between the French doors on the rear wall, and the edge of a driveway which was to provide parking for two cars in tandem, a further strip of garden of average 3m length, lay beyond this driveway, where the site tapers to a point but the positioning of

the permitted access is such that this parcel of garden is isolated and unlikely to be used.

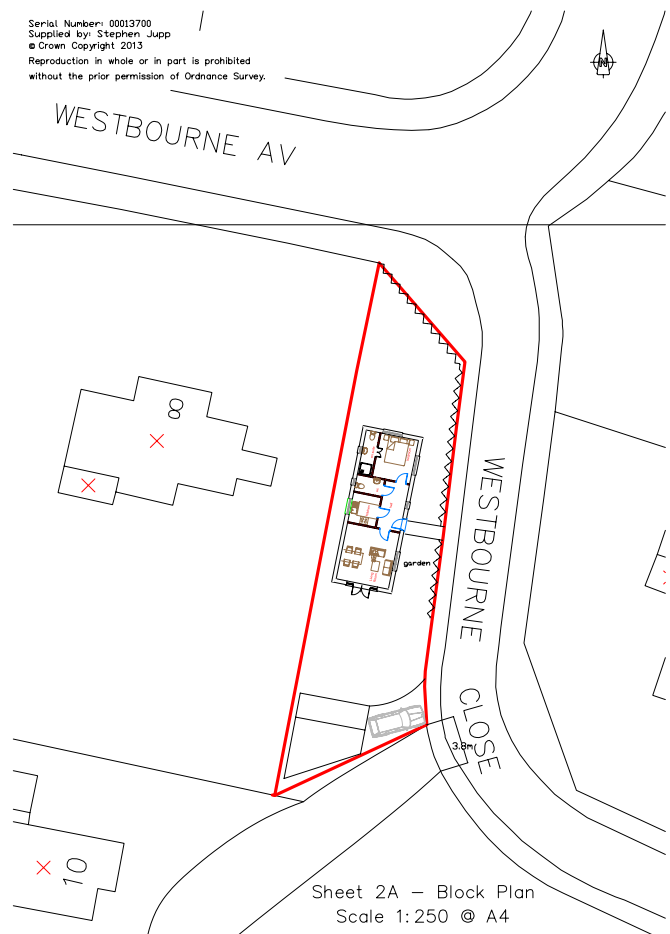
5.7 The main part of the garden also contained a bin store/cycle shed.

5.8 In the current proposal the average rear garden length, between the French doors and the side of the proposed garage is 8.2m, i.e. the main part of the garden is 2.2m longer and it no longer contains the bin store/cycle shed, which has been absorbed into the proposed garage. The 3m strip of land beyond the driveway in the appeal scheme is now covered by the proposed the garage.

5.9 The permitted and proposed site plans are set out below in order that a quick comparison can be made between the two schemes.



Permitted Layout



Proposed Layout

- 5.10 The effect of the proposed change is to give more useable rear garden space overall (the difference between the approved driveway and shed and the proposed driveway and garage is 12.5 square metres). The main body of the rear garden would increase by 2.2m length and by 22sqm in area or 41%. Accordingly it is not considered that the proposed garage would lead to inadequate garden space.
- 5.11 Thus I consider that the overall scale, mass and siting of both the extended bungalow and the detached garage within the plot are such that the proposed amended scheme will sit comfortably within the existing built form and will not give rise to any adverse visual harm.

(iii) Financial Contributions

- 5.12 The officer report makes reference to the need for a financial contribution of £172 to the Solent Disturbance Mitigation Project. An upfront payment was made by the appellant during the consideration of the application by the LPA.

6.0 CONCLUSIONS

- 6.1 I strongly conclude that this sensitively designed revised scheme will result in a form of development that respects its situation and surroundings.
- 6.2 The Council's own officers agreed and recommended that planning permission should be granted.
- 6.3 The previous inspector considered that the building lien established by 8 Westbourne Close was an important local feature which needed to be respected. The small front extension complies with this finding.
- 6.4 More moving of the access further south; the removal of the bin and cycle store; and the siting of the garage in the southern extremity of the site, has the consequential effect of providing more useable garden and greater space about the bungalow.
- 6.5 For the reasons set out above it is concluded that the proposed developments complies with the policies of the Development Plan and receives strong support from the Framework.
- 6.6 On the basis of the foregoing the Inspector is respectfully requested to ALLOW the appeal and grant planning permission for the proposed development.

APPENDIX 1

PHOTOGRAPHS OF LOCALITY



Front elevation of #8 Westbourne Avenue – property to the west.



Front elevation of #10 Westbourne Avenue – to the east of the site



#1 Westbourne Close



Example of access drive in Westbourne Close without turn on site facility



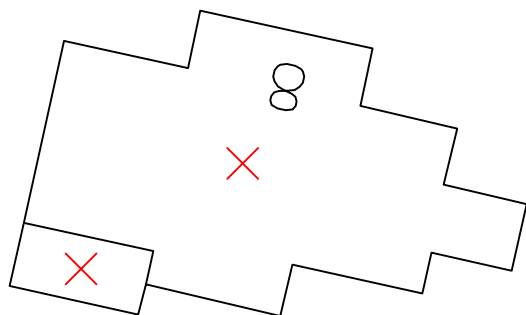
View of the application site looking north

APPENDIX 2

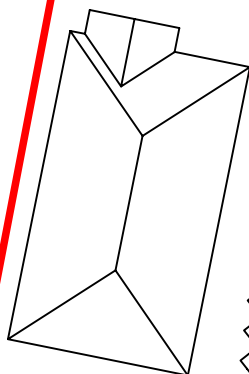
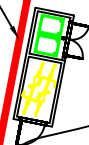
DETAILS OF PLANNING APPLICATION APP/11/01179



WESTBOURNE AV



existing 1.8m
panel fence

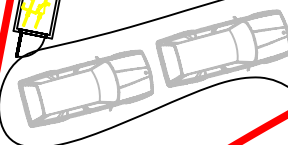


new laurel
hedging

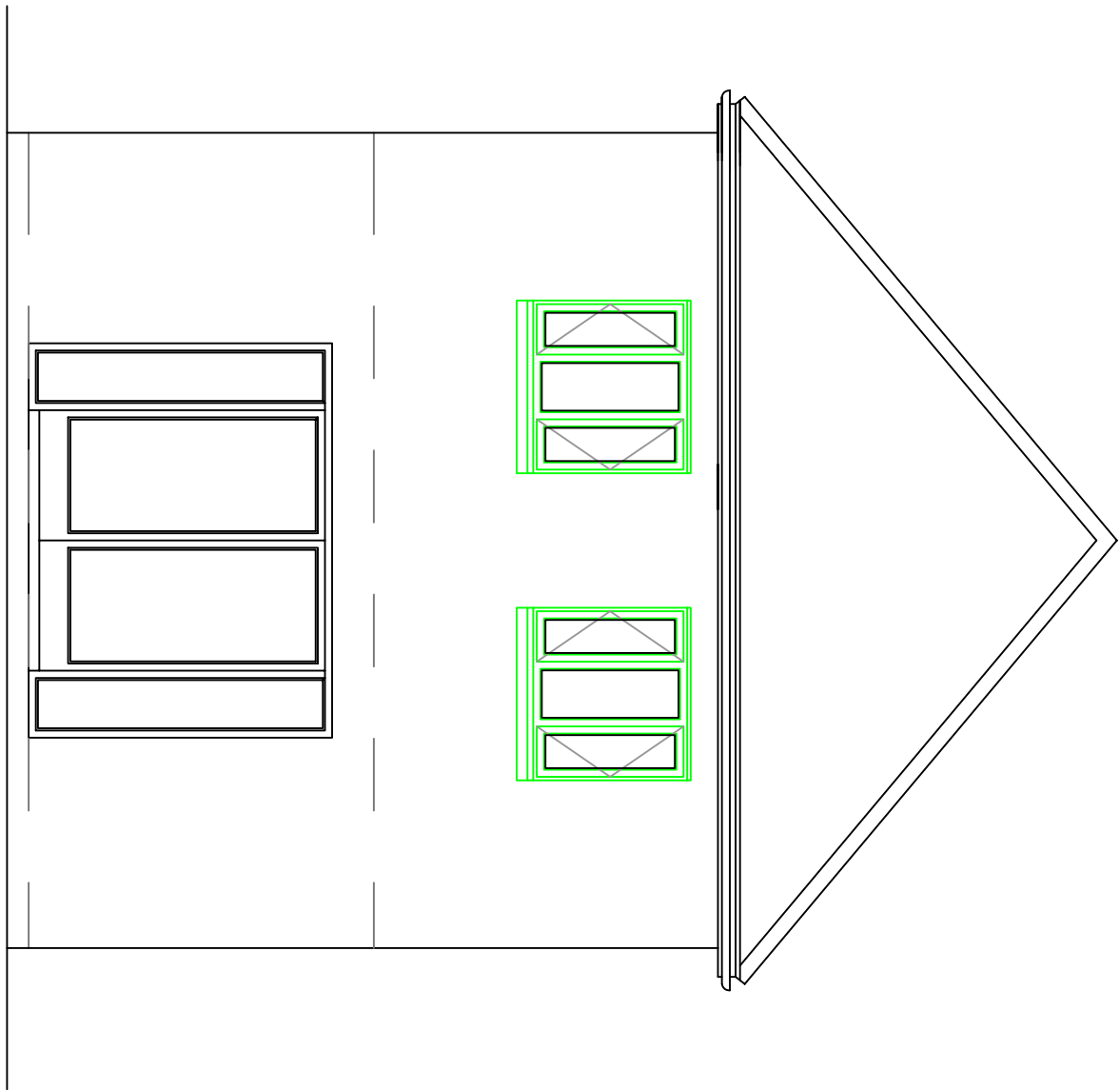
existing 600mm
wall repaired

WESTBOURNE
CLOSE

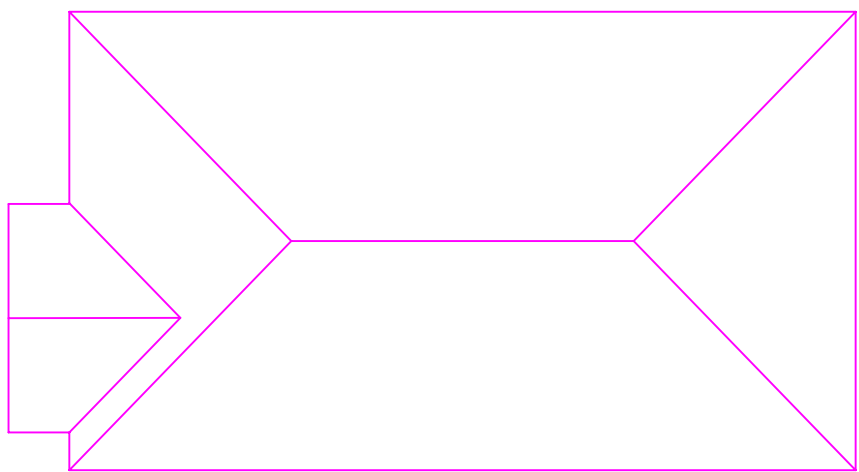
new 1.8m fence,
lowering to 600mm
for last 2m by
road



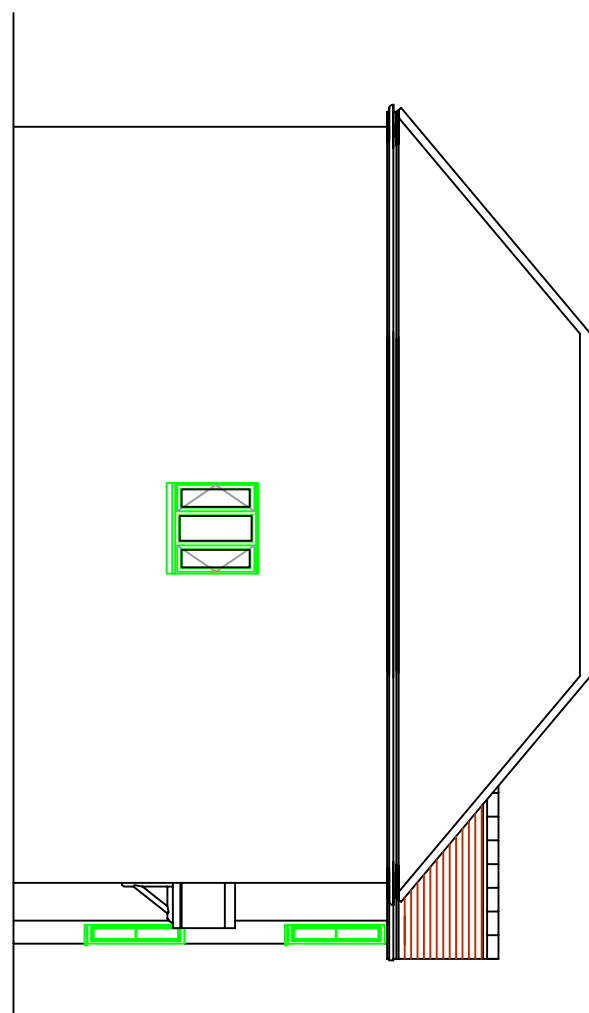
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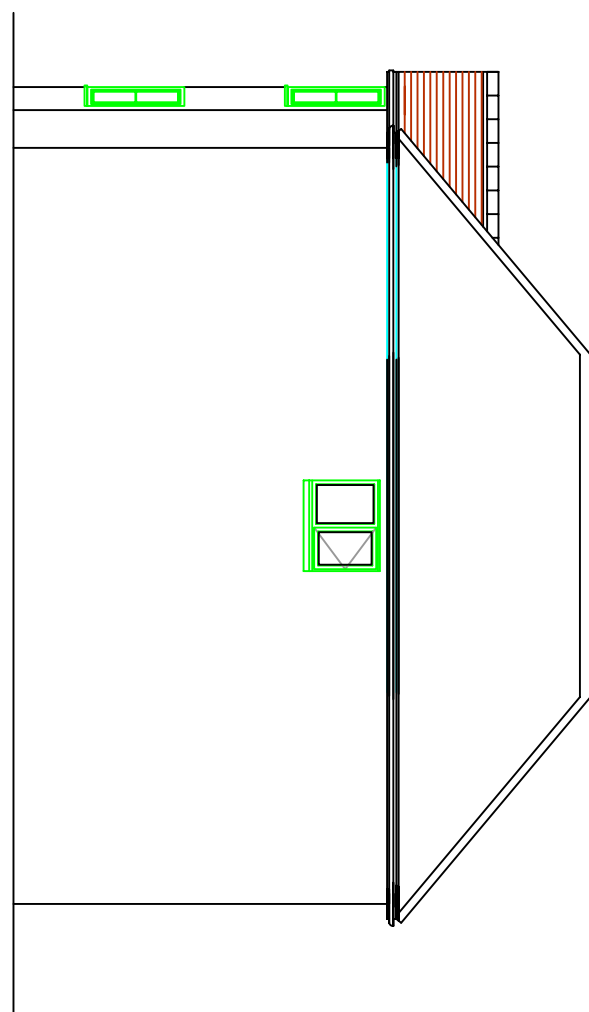
REAR



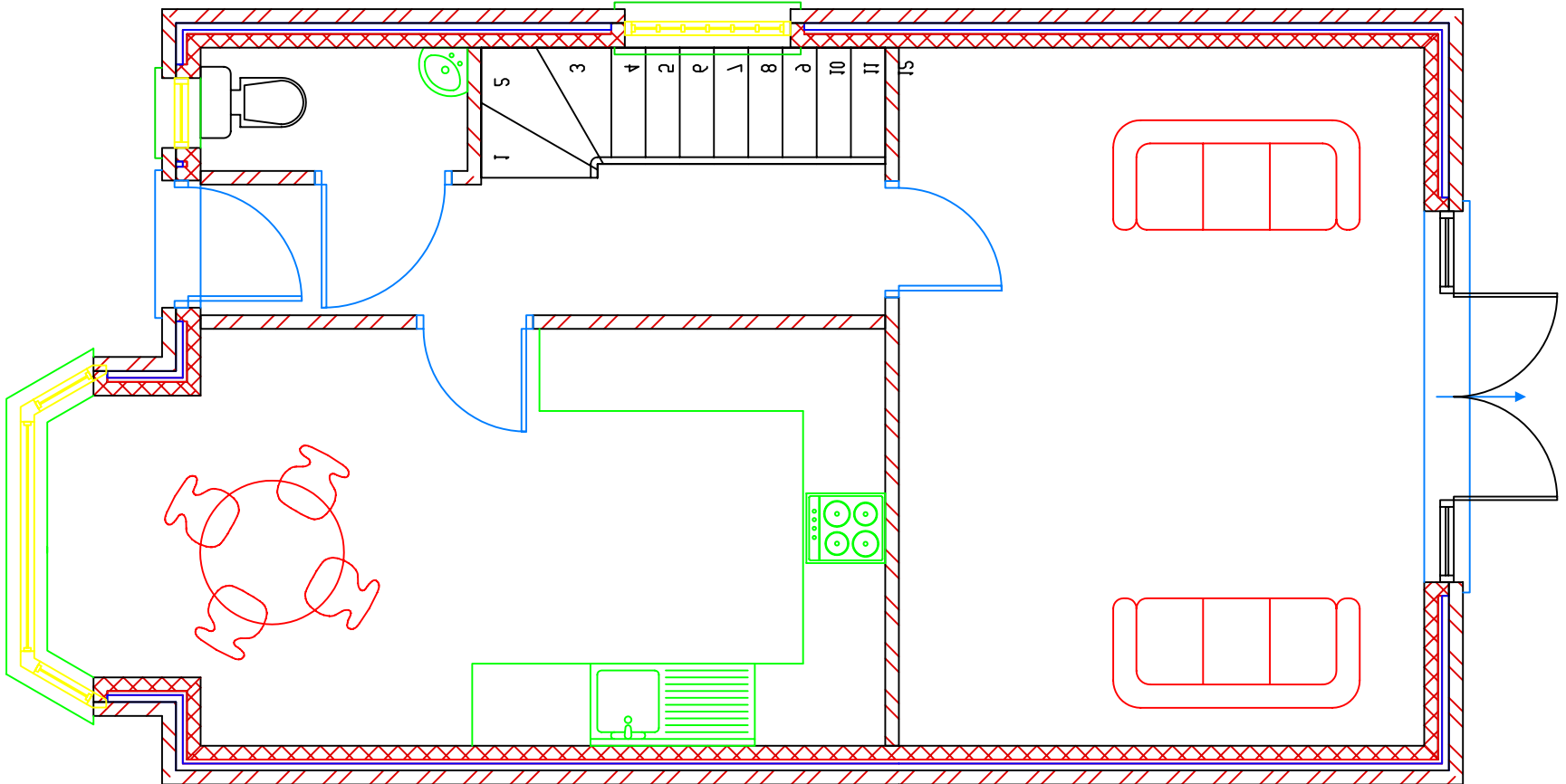
ROOF @ 1:100



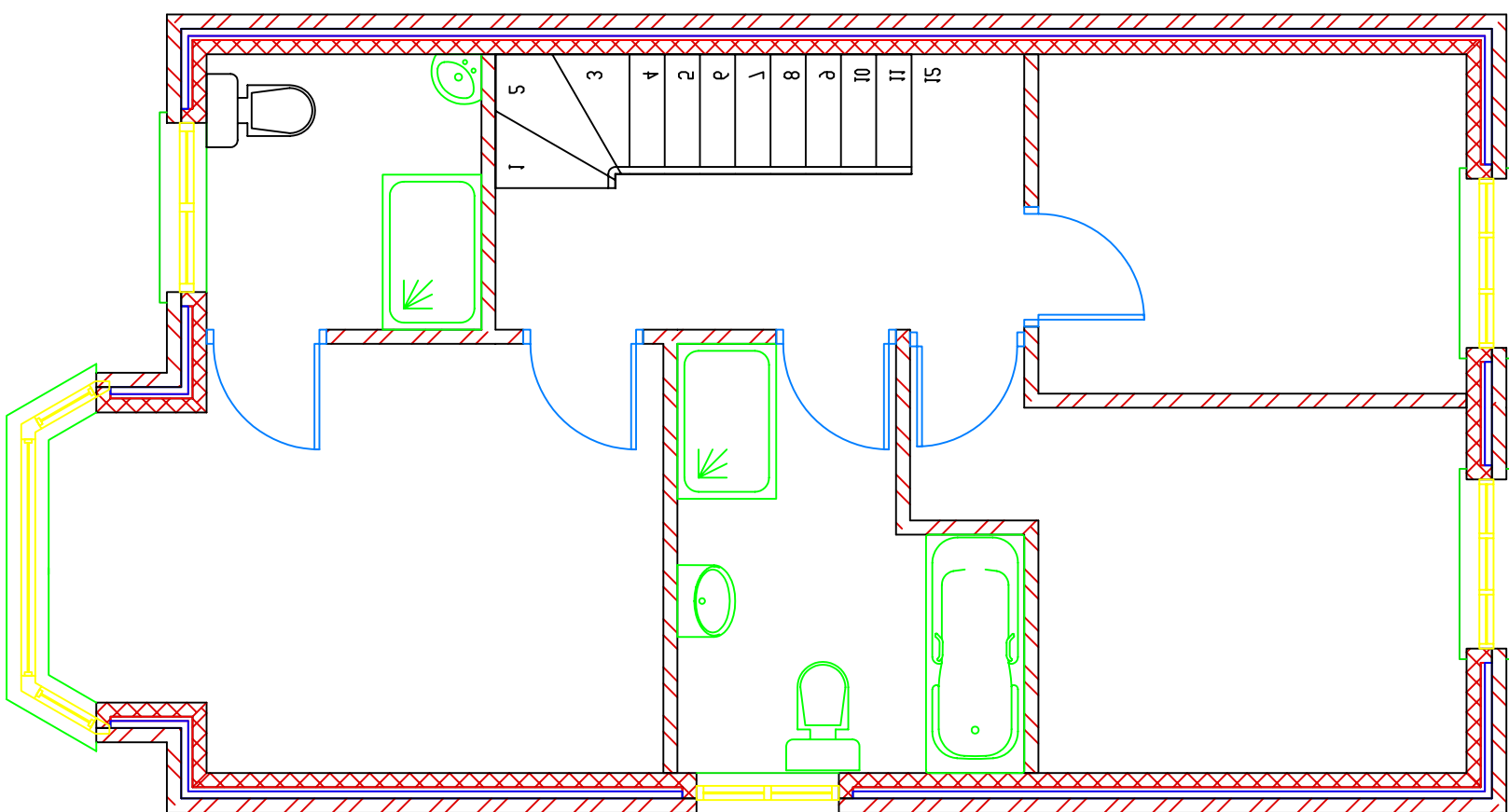
EAST @ 1:100



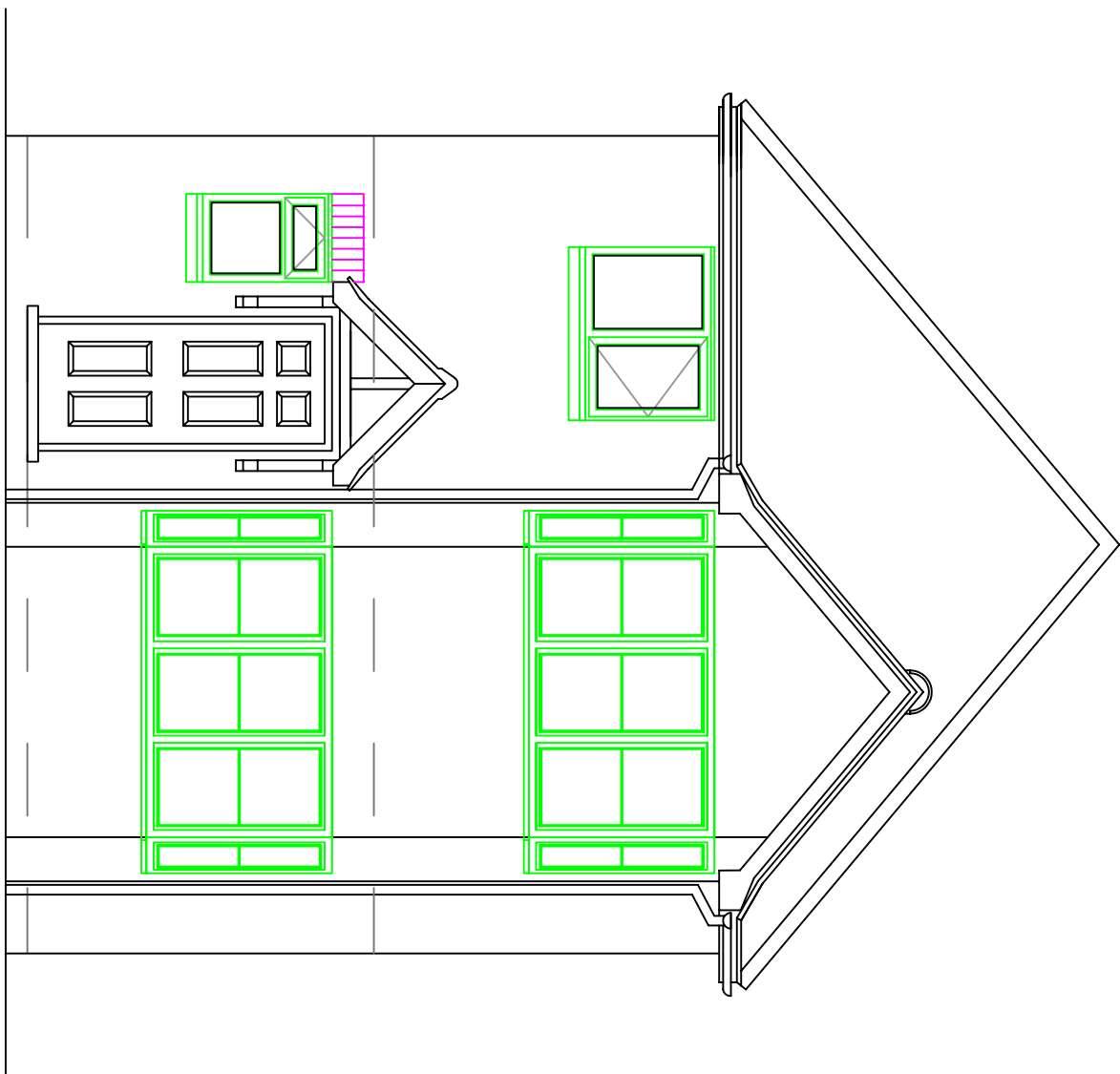
WEST @ 1:100



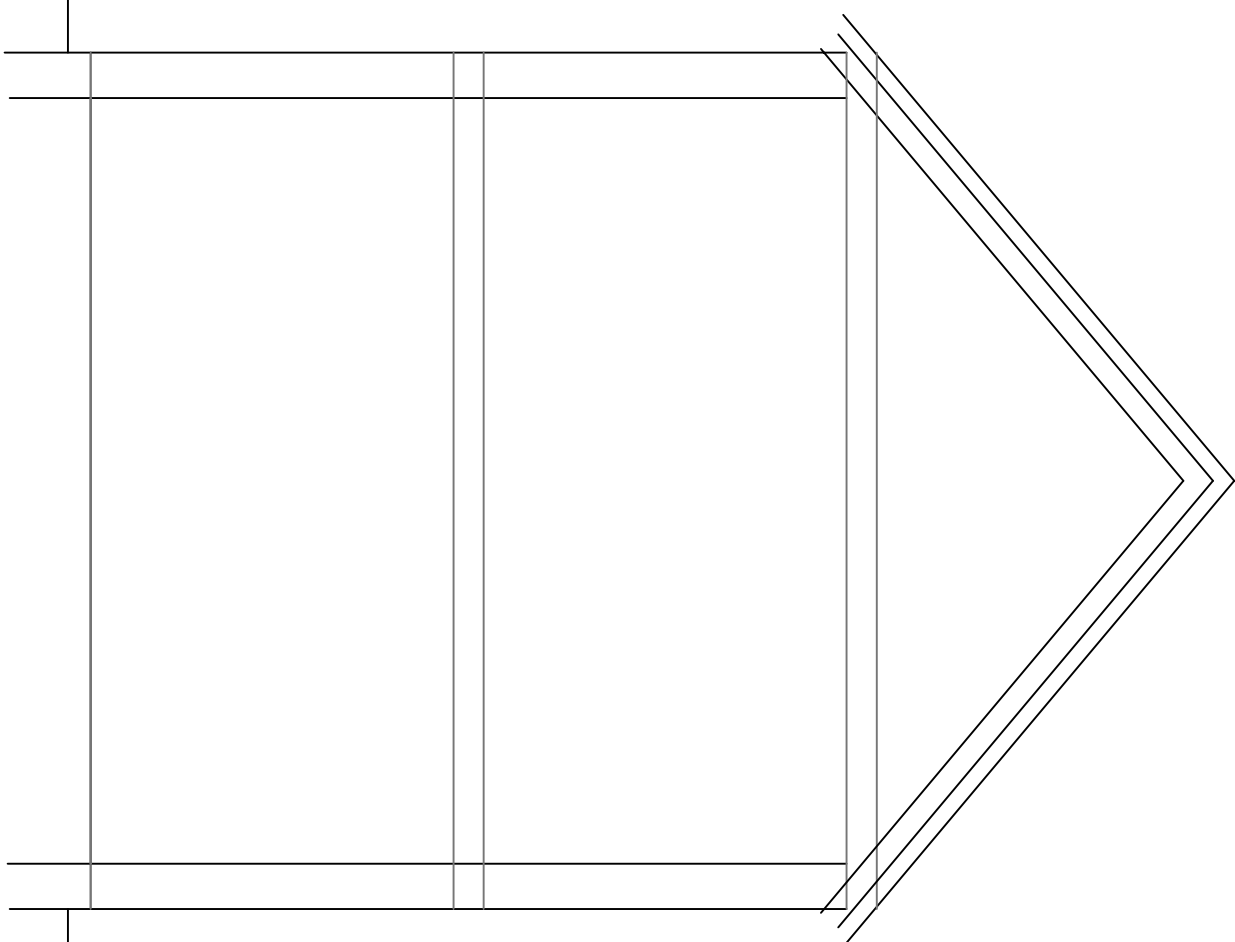
GROUND FLOOR



FIRST FLOOR



FRONT



SECTION

No.	Revision/Issue	Date

From Name and Address
STEPHEN JUPP MRTP
CHARTERED TOWN PLANNER
348 CHICHESTER ROAD
BOGNOR REGIS
PO21 5BX
T: 01243 822113
E: steve@planning-solutions.co.uk

Project Name and Address
Floor Plans & Elevations
Proposed Dwelling
8 Westbourne Close
EMSWORTH

Project OTH/1/10	Sheet 12
Date 23.06.2011	
Scale 1:50 & 100 @ A1	

APPENDIX 3

APPEAL DECISION LETTER



Appeal Decision

Site visit made on 5 April 2012

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2012

Appeal Ref: APP/X1735/A/11/2166421

**Land to the east of 8 Westbourne Avenue, Emsworth, Hampshire
PO10 7QY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Long against the decision of Havant Borough Council.
 - The application Ref APP/11/01179, dated 26 June 2011, was refused by notice dated 27 October 2011.
 - The development proposed is the erection of 1 no. three bedroom house with access from Westbourne Close.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application by the Council and the submission of the appeal the National Planning Policy Framework (NPPF) has been published and is a material consideration upon which the parties have been able to comment.
3. The address stated on the application form has been adopted for reasons of clarity and a unilateral undertaking has been submitted by the appellant.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) transport infrastructure.

Reasons

Character and Appearance

5. The appeal site is situated within a predominantly residential area at the junction of Westbourne Avenue and Westbourne Close. The properties within the area are generally detached houses and bungalows sited within wide plots and are set back from the road to the rear of landscaped front gardens. Where dwellings are situated on corner plots, they are generally set back from the footway to the rear of gardens and the massing of the flank wall is broken-up by openings. By reason of the type, siting and design of the dwellings, the
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surrounding area possesses a predominantly spacious character and appearance.

6. Based on the available evidence and the site visit, it appears that the site is neither previously developed land, as defined in the NPPF, nor does it currently form part of a private residential garden. Instead, the site is vacant land within the urban area and, in principle, the erection of the proposed dwelling would be an appropriate use of the site, particularly because of the reasonable access to local facilities within the wider area. These matters should be given significant weight in favour of the appeal scheme.
7. The Council refer to Policy CS16 of the Havant Borough Core Strategy (CS) which requires development to be designed to a high standard, including using the characteristics of the locality to help inform the design of new development. The Core Strategy has recently been adopted and this policy is consistent with the NPPF which attaches great importance to the design of the built environment with good design being a key aspect of sustainable development. Detailed guidance to implement CS Policy CS16 is contained in the Council's Supplementary Planning Document: *Havant Borough Council Design Guide* (SPD).
8. When viewed from Westbourne Avenue, the proposed 2-storey dwelling would fit well into the streetscene, particularly the continuity of the properties being set back from the road to the rear of a front garden. However, because of its width, the proposed dwelling would be sited close to its side boundaries and would not reflect the spacious layout and character of properties within the surrounding area. By reason of siting and size, the proposed dwelling would appear a cramped form of development when viewed from the junction.
9. This material harm to the character and appearance of the surrounding area would be accentuated by the proximity of the side elevation to Westbourne Close. When viewed from this road the height and massing of the proposed dwelling would be a dominant and incongruous feature within the streetscene and would not provide an effective transition between the adjoining houses and bungalows. This adverse harm would be accentuated by the lack of a side garden and only a single opening breaking-up the massing of the flank wall. The landscaping suggested by the appellant would not adequately mitigate the adverse harm.
10. On balance, it is judged that those matters in favour of the appeal scheme are demonstrably outweighed by the adverse impacts associated with the design of the proposed dwelling and the harm which would be caused to the character and appearance of the surrounding area. Accordingly, it is concluded that the proposed development would materially harm the character and appearance of the surrounding area and, as such, the proposed development would conflict with the high quality design requirements of CS Policy 16, the SPD and the NPPF.

Transport Infrastructure

11. CS Policy DM12 requires developments to mitigate their travel impact and CS Policy CS21 contains a requirement for contributions to be made towards infrastructure provision, including for transport. The Council has identified the method of how a contribution towards transport improvements is calculated

and the schemes within the local area which would be related to the proposed development. Accordingly, the requirement for the contribution is judged to meet the statutory requirements of Article 122 of the *Community Infrastructure Levy Regulations 2010* and the tests in the NPPF.

12. However, although a signed unilateral obligation has been submitted it is undated and it cannot be taken into account because of the uncertainty whether the owner is bound by its provisions. Accordingly, it is concluded that the submitted planning obligation would not secure the payment of the contribution towards the provision of transport infrastructure and satisfy the requirements of CS Policies DM12 and CS21.

Other Matters

13. The proposed development seeks to address the objections by the Council to a previous scheme for the erection of a chalet bungalow on the site. Although the differences between these schemes have been noted, this appeal has been determined on its own merits.
14. The outlook from adjoining properties would change but, by reason of the separation distances between the existing and proposed dwellings there would be no material harm to the occupiers of the neighbouring properties. For similar reasons, no adverse harm would be caused to matters such as loss of daylight or sunlight. Potential overlooking from the proposed bathroom window within the side elevation facing towards 8 Westbourne Avenue could be controlled by a suitable condition.
15. There is no objection from the Council to the effect of the proposed development on the tree on the boundary of the site and there are no reasons to disagree with the Council on this matter. Although the proposed access to the parking area is close to an existing private drive, based on the observations made during the site visit, the alignment of the road and speed of traffic, there would not be an unacceptable danger to the safety of other highway users.
16. Matters such as the location of the boundary between the site and No. 8, the stationing of a caravan and the potential existence of a foul water sewer do not alter the conclusions reached on the main issues.
17. None of these other matters, whether individually or cumulatively, outweigh the material harm which has been identified. Accordingly, for the reasons given and taking into account all other matters including the presumption in favour of sustainable development contained in the NPPF, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR

APPENDIX 4

OFFICER COMMITTEE REPORT FROM PREVIOUS APPEAL SCHEME

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HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
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HAMPSHIRE P09 2AX

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Website: www.havant.gov.uk



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DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

Membership: Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Hilton, Smith D, Smith J and Turner

Meeting: Development Management Committee

Date: 30 May 2013

Time: 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hants PO9 2AX

The business to be transacted is set out below:

Jo Barden-Hernandez
Service Manager – Legal & Democratic Services

22 May 2013

Contact Officer: Mark Gregory 023 92446232
Email: mark.gregory@havant.gov.uk

Page

PART A - (Items Open for Public Attendance)

1. Apologies for Absence

To receive and record any apologies for absence.

2. Minutes

1 - 40

- (a) To approve the minutes of the Development Management Committee held on 25 April and 9 May 2013.

Site Address:	Land adjacent to 8 Westbourne Close, Emsworth, PO10 7QY		
Proposal:	Erection of 1No. 1 bedroom bungalow with access from Westbourne Close.		
Application No:	APP/13/00228	Expiry Date:	20/05/2013
Applicant:	Mr Long	Team:	Team 2
Agent:	Mr Jupp	Case Officer:	Rachael McMurray
	Stephen Jupp MRTPI		
Ward:	Emsworth	DMC Lead Member	

Reason for Committee Consideration: At the request of Councillor Galloway

HDS Recommendation: **GRANT PERMISSION**

1 **Site Description**

The appeal site consists of a rectangular area of land which sits adjacent to No. 8 Westbourne Avenue, on the corner of Westbourne Avenue and Westbourne Close. The long side of the site runs parallel with Westbourne Close and the site is enclosed by a 0.6m high wall. Westbourne Avenue is characterised by large, two-storey detached dwellings. Westbourne Close, is characterised by bungalows, set back from the highway with gardens to the front and on site parking provision.

2 **Planning History**

APP/11/01179: Erection of 1No. 3 bed detached house with new access from Westbourne Close. (Resubmission.) Refused on 27/10/11 under delegated powers for the following reasons:

1. The size and shape of the plot would not allow for development of a standard compatible with the existing surrounding development and the proposed development would, therefore, be detrimental to the character of the Westbourne Close street scene and is therefore contrary to Policy CS16 of the Havant Core Strategy 2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statements 1 and 3.

An appeal was lodged against the Council's decision however, this was dismissed. The Inspectors decision is at Appendix H. The concerns raised in the decision are discussed in Section 7 of this report.

APP/10/00430: Erection of 2 bed detached dwelling house with new access from Westbourne Close. Refused - 20/9/10

Enforcement History: Following the refusal of APP/11/001179, an unauthorised static caravan was placed on the site. Following the dismissal of the related appeal in May 2012, the Development Management Committee authorised an enforcement notice to remove the caravan. However, the caravan was removed from the site in February 2013 before the enforcement notice was issued. The site is now vacant.

3 Proposal

3.1 The proposal is a revised scheme following the refusal of APP/11/001179 and its dismissal at appeal. The revised scheme proposes a 1 no. bedroom. detached bungalow with vehicular access from Westbourne Close. The main changes between this scheme and the previously refused scheme are as follows:

i. Change from a two-storey dwelling to a bungalow with a max ridge height of 4.4m.

ii. Reduction of two bedrooms to one bedroom.

iii. Main frontage now faces onto Westbourne Close and not Westbourne Avenue.

iv. Footprint of the building is narrower. It would be moved 0.7m further into the plot from the shared west boundary with No.8 Westbourne Avenue. It would be moved 0.5m further into the plot from the east boundary with Westbourne Close.

v. The private amenity space would now be located to the north and south of the dwelling in the form of two side gardens.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

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

Building Control:

No objections

Development Engineer:

No objection subject to a contribution of £1,980, the provision of two parking spaces, cycle parking and the construction of a dropped-kerb vehicular crossing.

Crime Prevention:

Doors and locks should be to British standard.

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: 1

Statutory advertisement: Not applicable.

Number of representations received: 8 in total from 6 different addresses. 1 of these was a letter of support and the other were objections. The points raised are summarised below:

- i. The property would be out of keeping as it would not be set back from the highway with substantial garden to the front.
- ii. Construction vehicles would cause disruption.
- iii. The dwelling would adversely affect privacy and outlook of No. 1 Westbourne Close.
- iv. There is an inadequate drainage of surface water in Westbourne Close. The development would result in an increase to run off water which would contribute to flooding.
- v. Foul sewerage from No's 10 and 12 Westbourne Close runs beneath the application site and may constitute an insurmountable problem for servicing access.
- vi. Any permanent dwelling would have to be so small that it would stand out in sharp contrast to neighbouring larger properties.
- vii. The space between the side elevation and the boundary with No. 8 Westbourne Road is out of character with the street scene.
- viii. The location of the access to the parking area is cause for concern as there are already two other drives in close proximity. This could result in a potential highway risk.
- ix. The tandem design for the parking could result in highway safety risks if it is not utilised carefully.
- x. The proposal for one bungalow is supported as with one bedroom it is likely that this would appeal to a single occupant and therefore only likely to have one car.

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) Appeal decision APP/11/01179
- (ii) Appropriateness of the design and effect on the street scene
- (iii) Effect on the neighbouring properties
- (iv) Parking and access provision
- (v) Developer Contributions

(i) Principle of development

7.2 The site lies within the urban area where residential development is considered acceptable in principle subject to a through assessment of other development control criteria, including the previous appeal decision..

(ii) Appeal Decision APP/11/01179 – May 2012

- 7.3 As the proposal seeks to address the points of concern raised in the Inspectors decision, it is necessary to consider the contents of this decision as part of this application. A copy of the decision is at Appendix H.
- 7.4 In paragraph 6 of the decision, the Inspector states that site is vacant land within the urban area and in principle, the erection of the proposed dwelling would be an appropriate use of the site, particularly because of the reasonable access to local facilities within the wider area. This suggests that the site is in principle developable subject to a suitably designed dwelling.
- 7.5 In paragraph 8, the Inspector states that the previously proposed dwelling would have been sited close to its shared boundaries and would not reflect the spacious layout and character of properties within the surrounding area and by reason of its siting and size, it would appear a cramped form of development when viewed from the junction.
- 7.6 In paragraph 9, the Inspector states that the material harm to the street scene would be accentuated by the proximity of the side elevation of the dwelling to Westbourne Close, which would form a dominant and incongruous feature in the streetscene of Westbourne Close.

(iii) Appropriateness of the design and effect on the street scene

- 7.7 The proposed scheme has been significantly reduced in scale since the previous appeal from a two-story dwelling to a bungalow. This would be of a simple brick and tile design which is found in some of the buildings in the street. It would have a rectangular footprint to echo the shape of the plot. It would have a pitched roof and gable ends with minor brickwork detailing. The principal window and door openings would face towards Westbourne Close with a pitched roof canopy over the front entrance. Westbourne Close contains bungalow development rather than two storey houses.
- 7.8 This change in orientation seeks to address the Inspector's previous concerns about space around the building. The north elevation would now be the side elevation would be set back slightly from the front building line of No. 8 Westbourne Avenue and would not be as visually prominent. In addition the gap at the boundary with No. 8 Westbourne Avenue has been increased by 0.7m since the previous appeal. Whilst this is still relatively close in terms the space between boundaries in Westbourne Avenue, the new orientation means that the building would read chiefly as part of the Westbourne Close. Here the proposal would retain significant space on either side of the frontage. The orientation and reduced height serves to lessen the cramped appearance referred to by the Inspector.
- 7.9 Furthermore, the dwelling would be set back from the corner of Westbourne Avenue by approx.15m. This factor in combination with the set back behind the front building line of No. 8 Westbourne Avenue, reduces the prominence at the bend of Westbourne Close and Westbourne Avenue. Furthermore, the north side of the plot would be left open with a 600mm high boundary wall which would retain the sense of openness and spaciousness of the corner, similar to the development on the opposite corner.
- 7.10 Policy CS16 of the Local Plan advises that development should respond to, draw inspiration from and respect the local context. The proposed dwelling would be set back from the front boundary line and Westbourne Close by 2.5m. Whilst this would be closer to the highway than other properties in Westbourne Close, a cramped form of development is avoided due to the generous spacing either side of the dwelling. On balance therefore, it is not considered that the scheme would be contrary to policy to such a degree that it warrant a refusal of the application.

- 7.11 The fact that the dwelling has been reduced to a bungalow and reorientated means that the concerns raised in paragraph 9 of the Inspector's report (see 7.6 above) have been addressed. The reason being the side elevation of the dwelling would now front Westbourne Close thus removing the adverse impact of a high flank wall with one opening. The scheme now proposes a single storey wall which forms from the front elevation and a front and entrance, thus contributing to the character and visual amenity of the street scene.
- 7.12 Concern has been raised that the proposed dwelling would be so small in footprint that it would appear contrived in the context of the existing built development on Westbourne Avenue. However as explained above, the property would not form part of Westbourne Avenue and would provide spaciousness across its frontage with Westbourne Close so as to appear in keeping.
- 7.13 Concern has also been raised that the development could result in an adverse increase to surface water run off. However, a condition could be attached to a permission which requires details of how surface water drainage would be dealt with prior to the commencement of development.

(iii) Effect on neighbouring properties

- 7.14 Concern has been raised that the proposal would impact on No. 1 Westbourne Close. However, due to the reduced height and scale of the proposed dwelling, it is not considered that it would adversely affect the outlook from, or light and privacy available to No. 1 Westbourne Close or other neighbours .

(iv) Parking and access provision

- 7.15 The development would provide two-parking spaces which exceeds the Councils' adopted parking standards for residential development by one space. Concern has been raised with regards to the safety of the access. This has been considered by the Council's Development Engineer and has not been identified as an issue, neither was this a reason for refusal on the previous applications. Due to the amount of parking, it is very unlikely that additional vehicles would be parked on the highway close to the access.

(v) Developer contributions

- 7.15 The proposal requires a contribution of £1980 towards transport infrastructure under Policy CS21 of the Local Plan. This payment has been secured by a signed s106 agreement and therefore the application accords with Policy CS21.

8 Conclusion

- 8.1 On balance, it is considered that the revised scheme has addressed the concerns raised by the Inspector on the appeal decision to the previous decision on the site to a satisfactory level and accords with local planning policy. Therefore the revised scheme is recommended for approval. It is recommended that Permitted Development rights be removed in order to control subsequent enlargements and other buildings which could erode the important spaces around the building.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00228 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 Construction of the building 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 CS11.4, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 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: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 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, no extension, building or structure permitted by Part 1, Classes A, B and E of the Town and Country Permitted Development Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The development hereby permitted shall not be commenced until an Interim Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 The development shall not be brought into use until a minimum of two 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.
- 7 No development hereby permitted nor any related site clearance shall commence until a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local

Planning Authority. Thereafter, throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided and used only as such.

Reason: To safeguard the amenities of the locality and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - sheet one

Block Plan - sheet two

Cycle and bin stores floor plans and elevations - sheet 10

Landscape and parking plan - sheet 4

Floor plan and elevations - Sheet 3

Reason: - To ensure provision of a satisfactory development.

Appendices:

A - Location Plan

B - Proposed Block Plan

C - Cycle and bin stores

D - Landscape and parking plan

E - Proposed elevations

F - Proposed floor plans

G - Proposed Block Plan on APP/11/01179

H - Appeal decision on APP/11/01179 - (Ref: APP/X1735/A/11/2166421).

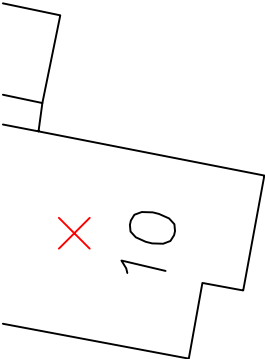
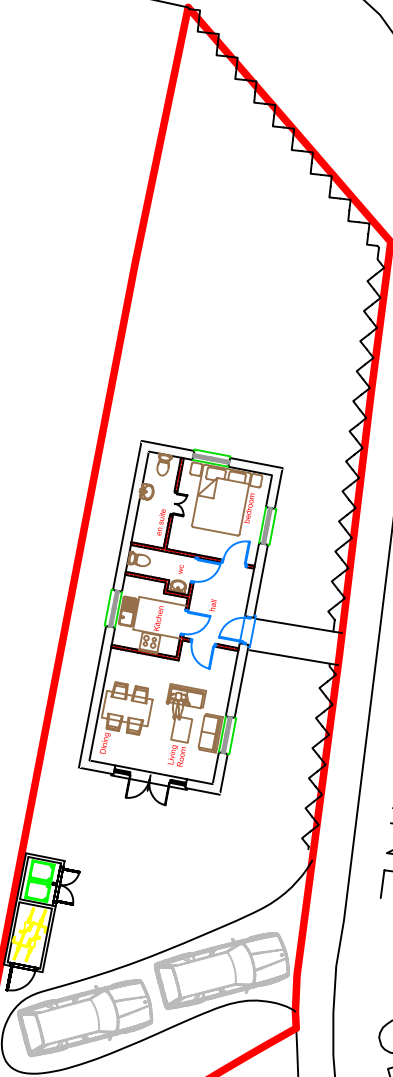
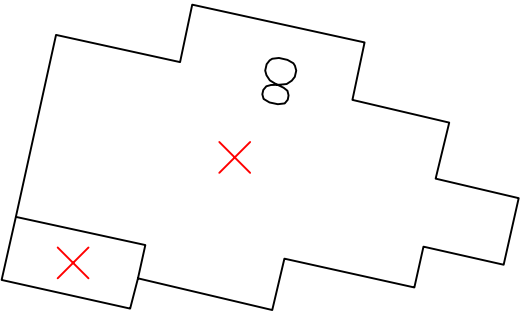
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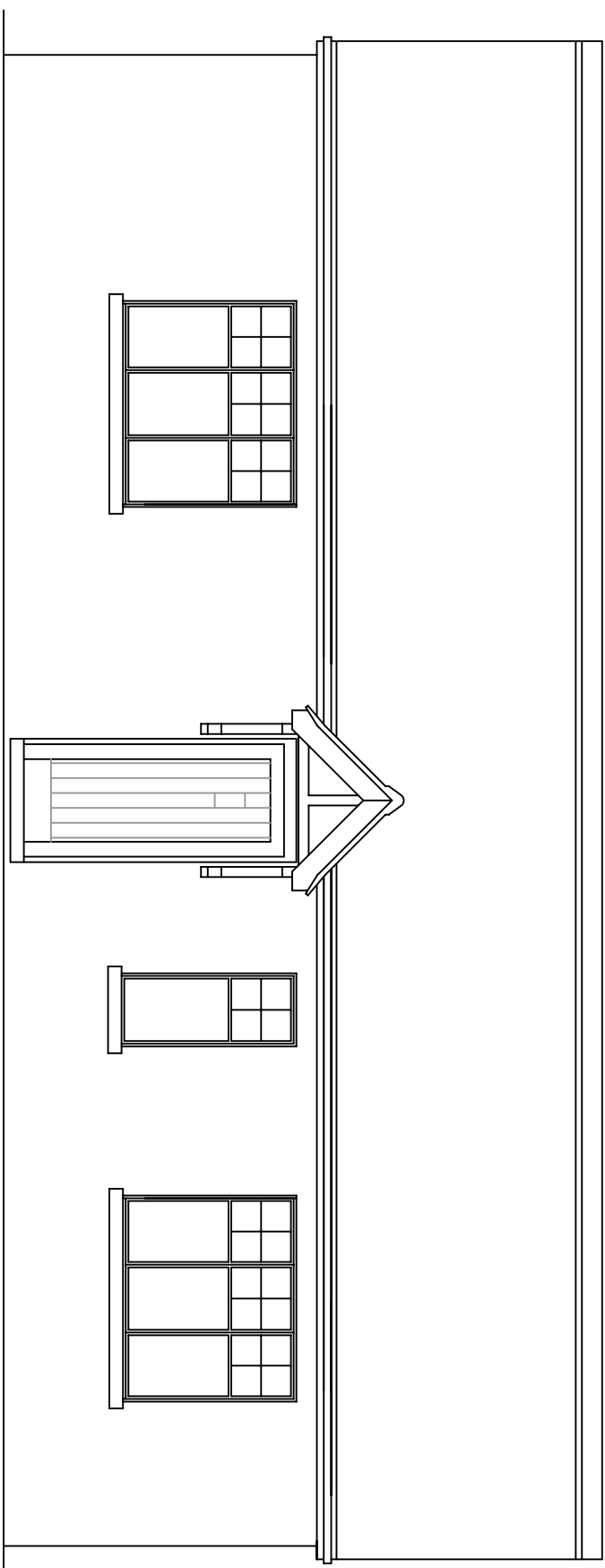
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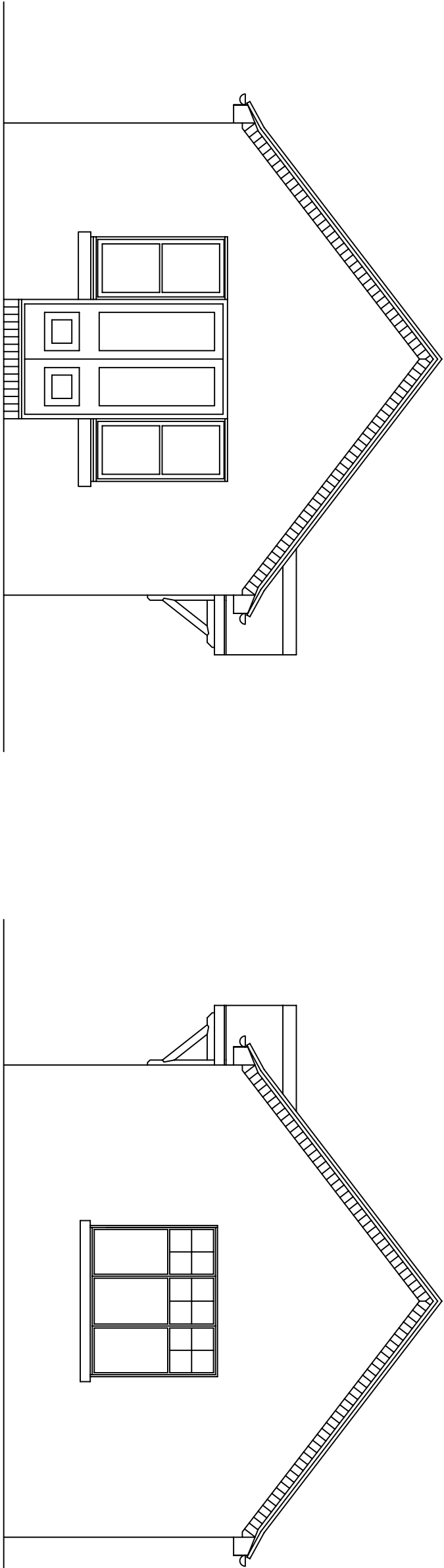
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WESTBOURNE CLOSE



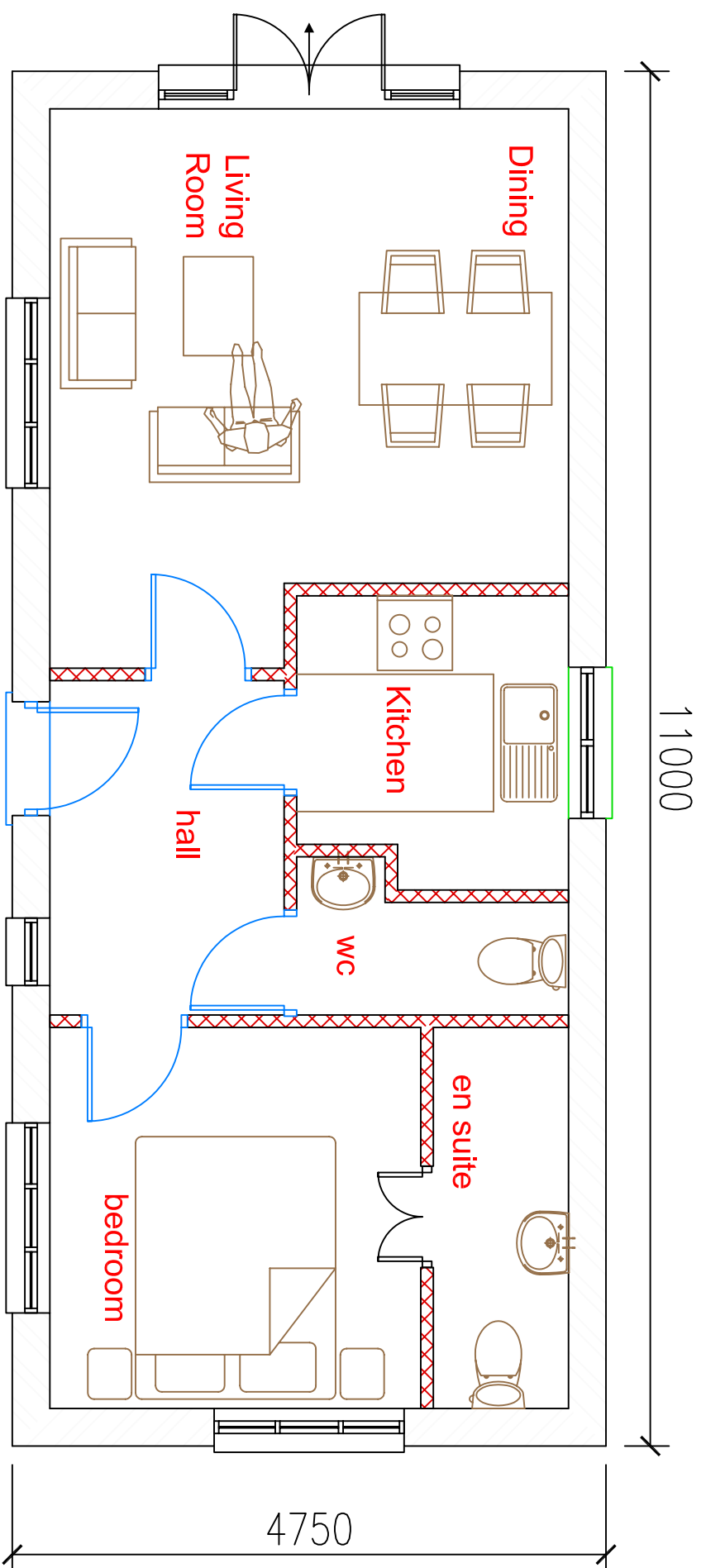


FRONT

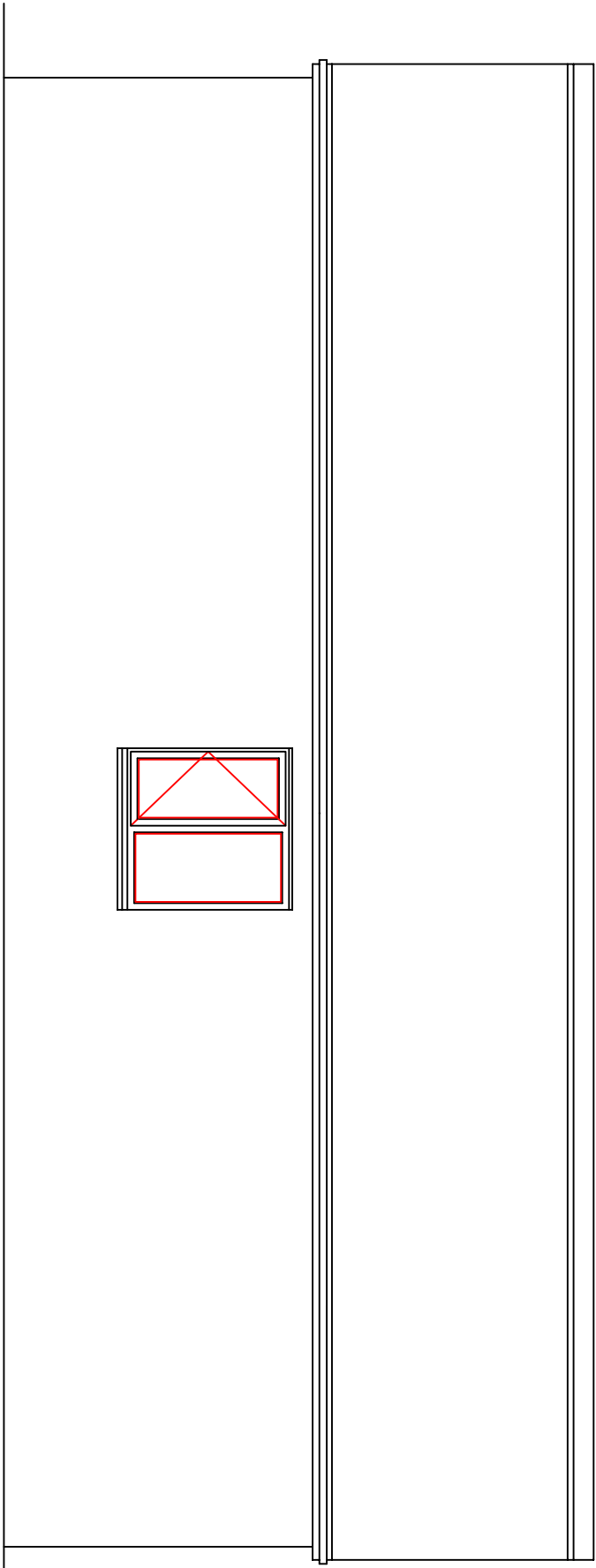


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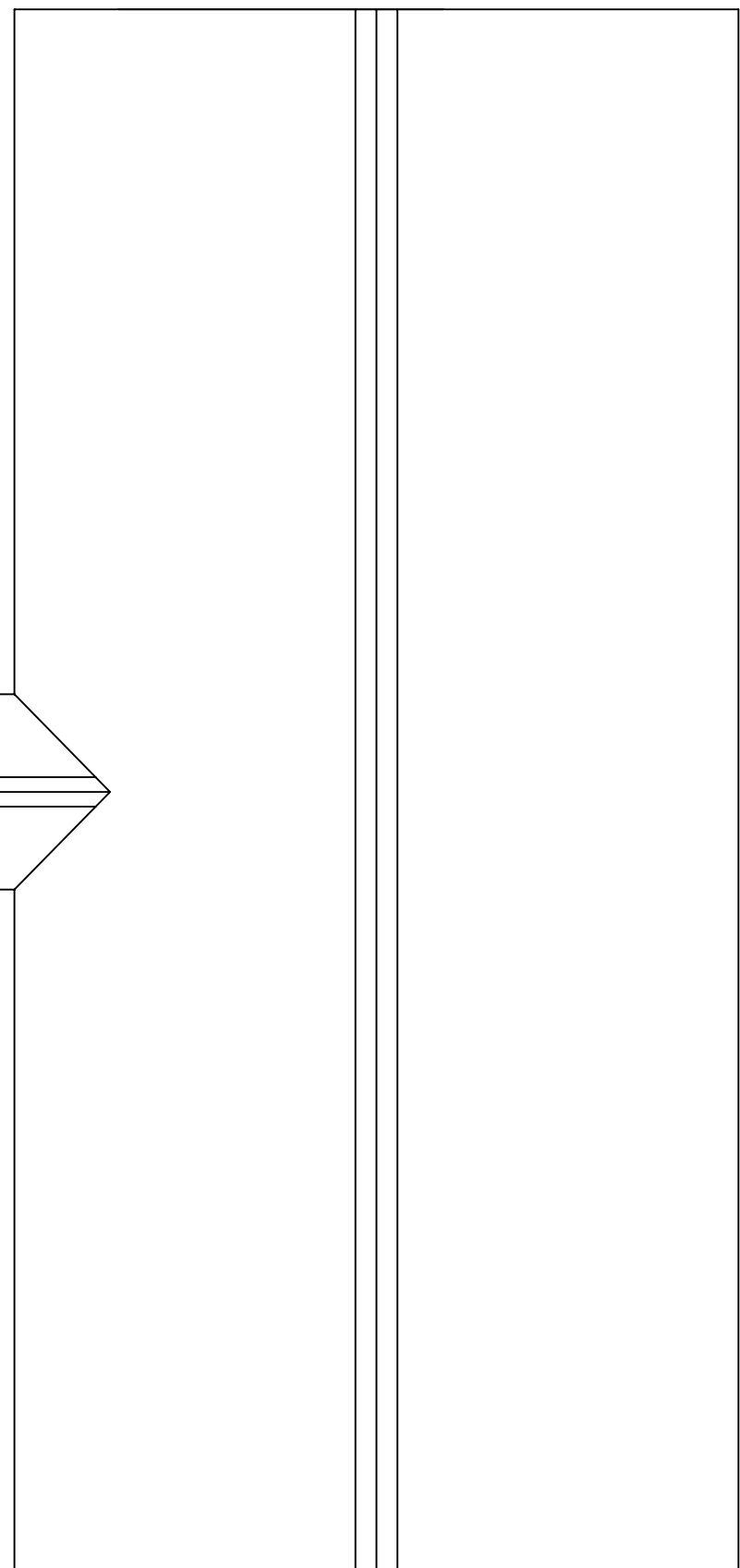
NORTH



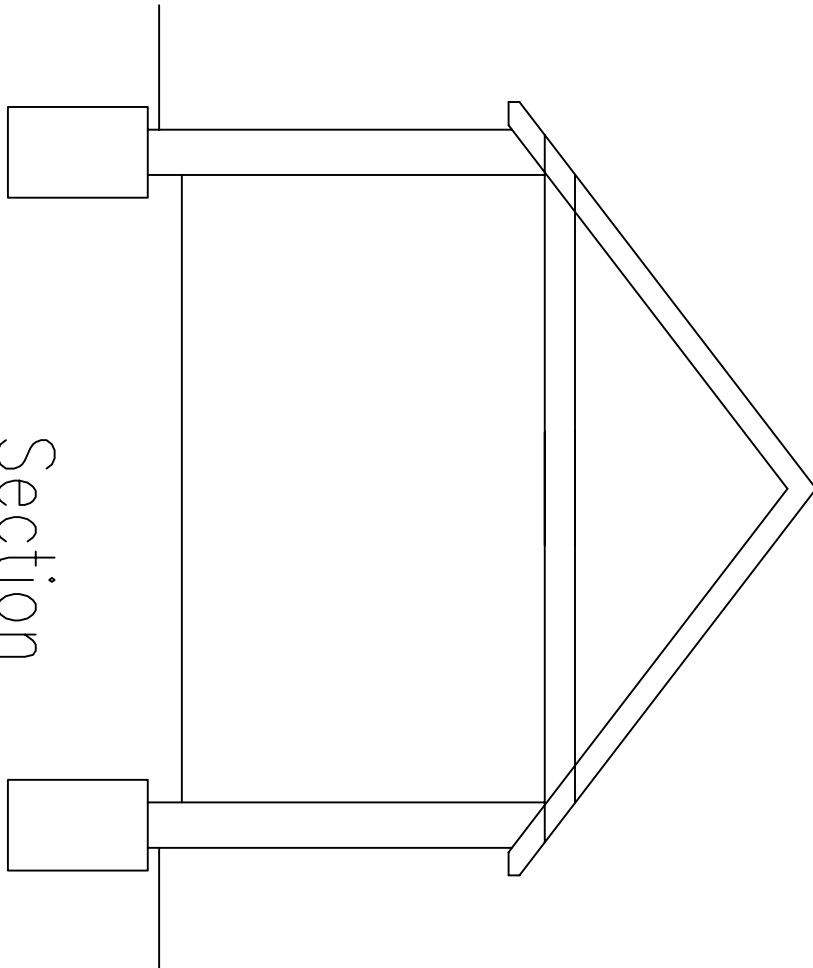
GROUND FLOOR



REAR



Roof



Section

No.	Revision/Issue	Date	

Firm Name and Address
STEPHEN JUPP MRTPI
CHARTERED TOWN PLANNER
348 CHICHESTER ROAD
BOGNOR REGIS
PO21 5BX
T: 01243 822113
E: steve@planning-solutions.co.uk

Project Name and Address
Floor Plan & Elevations
Detached Bungalow
Land at Westbourne Close
EMSWORTH

Project	OTH/1/13	Sheet	3A
Date	20.05.2013		
Scale	1:50 @ A1		

APPENDIX 5

BUNGALOW APPEAL DECISION LETTER

Appeal Decision

Site visit made on 9 December 2013

by Nick Fagan BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 January 2014

Appeal Ref: APP/X1735/A/13/2202188

Land to east of 8 Westbourne Avenue, Emsworth, Hampshire PO10 7QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Long against the decision of Havant Borough Council.
 - The application Ref APP/13/00228, dated 7 March 2013, was refused by notice dated 20 June 2013.
 - The development proposed is the erection of 1 No. one-bedroom bungalow with access from Westbourne Close.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No. one-bedroom bungalow with access from Westbourne Close at land to east of 8 Westbourne Avenue, Emsworth, Hampshire PO10 7QY, Ref APP/13/00228, dated 7 March 2013, subject to the conditions at the end of this decision.

Procedural Matter

2. A third party objector disputes the size of the site described in the application. The size of the site is however clear from the scheme drawings and I was able to verify this during my site visit.

Main Issues

3. The main issues in this case are the effect of the proposal on the character and appearance of the area and the living conditions of neighbours.

Reasons

4. The appeal site lies in a residential area at the junction of Westbourne Avenue and Westbourne Close near to Emsworth's local facilities including a bus route, railway station and shops. The former road is characterised by mainly two-storey detached houses whilst the latter road contains mainly bungalows, apart from the two detached two-storey houses accessed from the track running off the Close at the site's southern boundary.
5. The site itself, as described by the Inspector in the recent appeal decision for a two storey house fronting towards Westbourne Avenue¹, is a vacant piece of open land within the urban area. The appeal was dismissed because the Inspector considered the two-storey house would have appeared as a cramped

¹ APP/X1735/A/11/2166421 dated 16 May 2012

form of development when viewed from the junction because it was very close to 8 Westbourne Avenue's boundary and too close to the footway in Westbourne Close.

6. The proposal is for a one-bedroom bungalow whose front elevation would face Westbourne Close that has been set back further than the 2012 appeal proposal from 8 Westbourne Avenue's boundary and from Westbourne Close. Although this site is not nearly as deep as the surrounding plots I consider these substantial changes in the design of the new dwelling are sufficient to ensure it would comfortably fit into the local street scene. Sufficient open garden area would be retained at the corner of the junction to maintain its open character and the footprint of the new house would not breach the regular building line along this part of Westbourne Avenue.
7. Concern has been raised both by the Council and neighbours that the dwelling would appear contrived because it would be much smaller in footprint than other houses in the area. Whilst this would clearly be so, I consider its size and design would be entirely appropriate for this site, which would otherwise continue as an unused piece of land potentially at odds with the adjacent well maintained residential garden plots.
8. The lounge, hall and bedroom windows of the bungalow would look towards 1 Westbourne Close but there would be ample separation between these windows and No.1's habitable room windows because of the road and the depth of No.1's front garden and there would be no harm to the living conditions of the occupiers of that property.
9. Havant Core Strategy [CS] Policy CS16 requires that development should use the characteristics of the locality to help inform the design of new development including heights, massing, building lines, plot widths and depths. Although this plot is smaller than those around it the proposed bungalow could be satisfactorily accommodated on it without detriment to the area's character or appearance, and without adversely affecting the living conditions of neighbours. The proposal would therefore comply with Policy CS16 and with Table 4.1 of the Council's *Borough Design Guide Supplementary Planning Document*.

Other Matters

10. CS Policy CS21 contains a requirement for contributions to be made towards infrastructure provision, including transport. This Policy states that a Supplementary Planning Document [SPD] will be prepared to set out the mechanism to be used for taking such contributions together with details of the types and priorities of infrastructure provision but the Council have provided no details of any such SPD and I presume it has not therefore been written or will be superseded by the Council's Community Infrastructure Levy.
11. CS Policy DM12 states that new developments will be required to mitigate their travel impact, including the environmental impacts of travel and impacts on amenity, health and climate change by ensuring that adequate provision is made for integrated and improved transport infrastructure or appropriate mitigation measures, through S106 contributions in accordance with Hampshire County Council's Transport Contributions Policy. However, I have no details of this Contributions Policy. So although I have been provided with details of a signed unilateral planning obligation providing a contribution of £1,980 plus the

Council's monitoring fee I do not know exactly what this contribution would be spent on, or whereabouts in the Borough it would be spent, or the means by which it has been calculated. I am therefore unable to determine whether it would be necessary to make the development acceptable, directly related to it, or fairly and reasonably related in scale and kind and so it appears that such a contribution does not meet the tests in Regulation 122 of the Community Infrastructure Regulations. I have not therefore given this contribution any weight and it is not a reason for allowing this appeal.

12. Concern has been expressed about the potential conflict between vehicles exiting the tandem parking spaces at the rear of the site next to the access to Nos 9 and 10 Westbourne Close. However there is no objection to this parking arrangement from the Highway Authority and I agree with the previous Inspector, based on my own observations at the site concerning the alignment of the road and the speed of traffic in Westbourne Close, that such an access would neither be out of character with the area nor give rise to highway danger.
13. There is no objection from the Council to the effect of the proposed development on the Horse Chestnut tree at the south-western corner of the site and there are no reasons to disagree with the Council on this matter, despite the concerns of some of the neighbours. I am aware of concerns about a foul sewer running under this site but the Council have not raised any objection to this matter and the statutory undertaker has in any case separate powers to prevent building over certain sewers, meaning that any such sewer may have to be diverted at the expense of the appellant. I am also aware of concerns raised about the inadequacy of surface water drainage in Westbourne Close but I have no evidence of any such drainage problems. None of these matters alter my conclusion on the main issues.

Conclusion and Conditions

14. For the reasons set out above, and having regard to all other matters raised, I allow this appeal subject to the conditions below.
15. A condition listing the drawings is necessary in the interests of good planning and for the avoidance of doubt. A condition requiring the agreement of samples of external materials is necessary to ensure the bungalow's appearance harmonises with the appearance of neighbouring dwellings.
16. I agree a restriction on permitted development rights for extensions and garages is appropriate to ensure adequate open area and garden is retained and in order to prevent overlooking of the neighbours. I also agree that a condition requiring the dwelling to comply with Level 3 of the Code for Sustainable Homes is necessary in order to comply with Council policy to ensure sustainable construction.
17. A condition requiring parking space is required to ensure the development meets the Council's standards, but only one space is required for this – two spaces are unnecessary since any additional parking requirement can satisfactorily be accommodated on the adjacent Westbourne Avenue, which is very lightly parked.
18. A levels condition is necessary to ensure the height of the proposal is no higher than that of the nearby bungalows in Westbourne Close. And given the

constraints of the site, I agree a Construction Management Plan should be agreed with the Council prior to commencement of work, in order to ensure minimal disruption to neighbours during the construction process.

Nick Fagan

INSPECTOR

Conditions

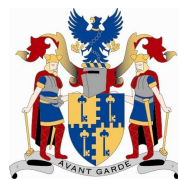
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Sheets 1, 2, 3A, 4 & 10.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling (including to the roof) or garages shall be erected on the site.
- 5) The dwelling shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 6) The dwelling shall not be occupied until space has been laid out within the site for at least one car to be parked and such space retained for this purpose.
- 7) No development shall take place until the height of the building in relation to a nearby fixed Ordnance Datum shall have been submitted to and agreed by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) wheel washing facilities
 - v) measures to control the emission of dust and dirt during construction

APPENDIX 6

OFFICER COMMITTEE REPORT FOR APPEAL SCHEME

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
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DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

Membership: Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Heard, Hilton, Keast and Turner

Meeting: Development Management Committee

Date: 17 July 2014

Time: 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Jo Barden-Hernandez
Service Manager – Legal & Democratic Services

8 July 2014

Contact Officer: Mark Gregory 023 92446232
Email: mark.gregory@havant.gov.uk

Page

PART A - (Items Open for Public Attendance)

1 Apologies for Absence

To receive and record apologies for absence.

2 Minutes

1 - 8

- (a) To approve the minutes of the Development Management Committee held on 5 June 2014 ; and

- (b) To receive the minutes of the Site Viewing Working Party held on 10 July 2014 .

3 Matters Arising

4 Declarations of Interest

To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting.

5 Chairman's Report

The Chairman to report the outcome of meetings attended or other information arising since the last meeting of the Committee.

6 Matters to be Considered for Site Viewing and Deferment

The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.

7 Deputations

To receive requests to make a deputation to Committee.

8 Applications for Development and Development Control Matters 9 - 12

Part 1 - Applications Viewed by the Site Viewing Working Party

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|-------------|--|-----------------|
| 8(1) | APP/14/00232 - Development site at Portsdown Hill, west of Glebe Park Avenue and north of Bedhampton Hill, Havant | 13 - 46 |
| | Proposal: Construction of 46 dwellings, including 30% affordable, comprising 11 No. 5 bed, 21No. 4 bed, 8 No. 3 bed and 6No. 2 bed houses, with associated access from Bedhampton Hill, landscaping and ancillary works. | |
| 8(2) | APP/14/00360 - Coldharbour Farm - Phase 2, Coldharbour Farm Road, Emsworth | 47 - 82 |
| | Proposal: Outline application for the construction of 53 dwellings with new vehicular access from Coldharbour Farm Way with all other matters reserved. | |
| 8(3) | APP/14/00497 - Land adjacent to 8 Westbourne Close, Emsworth | 83 - 106 |
| | Proposal: Erection of 1No. one bedroom bungalow and detached garage with access from Westbourne Close. (Revised application incorporating amendments to planning permission APP/13/0022). | |

Site Address:	Land adjacent to 8 Westbourne Close, Emsworth, PO10 7QY		
Proposal:	Erection of 1No. 1 bedroom bungalow and one detached garage with access from Westbourne Close (revised application incorporating amendments to planning permission APP/13/00022).		
Application No:	APP/14/00497	Expiry Date:	18/07/2014
Applicant:	Mr Long	Team:	Team 2
Agent:	Mr Jupp	Case Officer:	Rachael McMurray
	Stephen Jupp MRTPI	Report by:	Stephen Cantwell
Ward:	Emsworth		

Reason for Committee Consideration: At the request of Councillor Gibb-Gray. Due to local interest and the previous appeal Inspector's decision, which refers to "no further development"

EHPBE Recommendation: **GRANT PERMISSION**

1 **Site Description**

The appeal site consists of an area of land which sits adjacent to No. 8 Westbourne Avenue, on the corner of Westbourne Avenue and Westbourne Close. The long side of the site runs parallel with Westbourne Close and the site is enclosed by a 0.6m high wall. Westbourne Avenue is characterised by large, two-storey detached dwellings. Westbourne Close, is characterised by bungalows, set back from the highway with gardens to the front and on site parking provision.

2 **Planning History**

APP/11/01179: Erection of 1No. 3 bed detached house with new access from Westbourne Close. Refused under delegation on 27/10/11. Appeal dismissed.

APP/13/00228: Erection of 1No. 3 bed detached house with access from Westbourne Close. Refused by Committee on 20/06/14 for the following reason:

The design and appearance of the proposed dwelling would result in a contrived and cramped form of development, incompatible with the existing surrounding development. The proposal would therefore result in an incongruous form of development, detrimental to the character of the street scene and amenities of the area. The proposal would therefore be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

An appeal was lodged against the Council's decision and this was allowed in January 2014. The Inspectors decision is at Appendix E. His comments are discussed in Section 7 of this report.

Enforcement History: Following the refusal of APP/11/001179, an unauthorised static caravan was placed on the site. The Development Management Committee authorised an enforcement notice to remove the caravan but it was removed from the site in February 2013 before the enforcement notice was issued. The site is now vacant.

3 Proposal

- 3.1 The proposal is a revised scheme following the approval at appeal of a one-bedroom bungalow in December (APP/13/00228).

The revised scheme would add 1.5m to the length of the bungalow, which would now be 12.5m long. The width of 4.75m and height of 4.3m are unchanged. The proposal adds a detached garage to the southern corner of the site. This would taper in width from 6m to 3m and would be 5.3m long and 3.8m in height and would be capable of housing one car, bins and bicycles, with driveway space for a second car. The site appears to be very slightly smaller than in the appeal scheme by removal of a wedge of land, approximately 1m at its widest, at the southern apex of the site.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Local Plan (Core Strategy) 2011 forming part of the HBLDF

CS16	(High Quality Design)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Local Plan (Allocations) Submission Version 2013

DM 24	(Recreational Disturbance to Special Protected Areas from Residential Development)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control:

Bin storage to be provided.

Development Engineer (Highways):

No objection subject to the provision of two parking spaces, and cycle parking.

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: 9

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 4 objections:

Summary: The Inspector's decision states no extensions or garages to be erected and has attached a planning condition. A tree has been felled and burnt recently, causing pollution contrary to condition 8 of the approval. Previous applications for a garage have been refused; the proposed garage will not allow two cars to fit. The appeal inspector stated that neighbours should not have to endure excessive noise during development: a JCB was used during recent site clearance. Any additional land obtained by the applicant since the appeal is small, perhaps a matter of inches and not worthy of consideration. Is there a required minimum distance to the eastern boundary – the boundary is denoted by a metal fence and not the wooden fence.

These objections are considered within Section 7 below.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan and the previous appeal decision it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appeal decision APP/13/00228
- (ii) Impact on open areas and gardens
- (iv) Impact on neighbours and streetscene
- (v) Parking and access provision
- (vi) Developer contributions

(i) Principle of development

7.2 The site lies within the urban area where residential development is considered acceptable in principle subject to a thorough assessment of other development control criteria, including the previous appeal decision.

(ii) Appeal Decision APP/13/00228 – January 2014

7.3 In his decision, the Inspector said that the main issues were the effect of the proposal on the character and appearance of the area and the living conditions of neighbours. He found that the bungalow had been set sufficiently far away from the boundary with no.8 Westbourne Avenue to the west and from no. 1 Westbourne Close on the east side of the street. He commented that: *"Although this plot is smaller than those around it, the proposed bungalow could be satisfactorily accommodated on it without detriment to the area's character or appearance and without adversely affecting the living conditions of neighbours"*. He said that the size and design was entirely appropriate for the site.

7.4 On the matter of possible future development, he said:

"I agree that a restriction on Permitted Development [PD] rights for extensions and garages is appropriate to ensure that adequate open area and garden is retained and in order to prevent overlooking of the neighbours"

Accordingly he withdrew PD rights for extensions, including those to the roof (such as dormer windows) and for garages. In considering the current application for the additional 1.5m length for the bungalow and the proposed garage, it is therefore important to consider whether this would leave the dwelling with insufficient open areas and gardens and whether this would cause unreasonable, increased overlooking, or whether other adverse effects would arise beyond those referred to by the Inspector.

(iii) Impact on open areas and gardens

7.5 'Front' Garden to Westbourne Avenue:

In the appeal scheme, the position of the bungalow gave an average garden length to the Westbourne Avenue frontage, of 11.8m. In the current proposal, with the increased length of the bungalow and repositioning forward, this would reduce to 9.8m. This is 2.4m shorter than the length of the neighbouring front garden at no. 8 Westbourne Avenue immediately to the west but similar to those at no.5a Westbourne Avenue and no.1 Westbourne Close nearby, and longer than at no. 3 Westbourne Avenue, where the garden length is approximately 4.5m. The bungalow would conform to the building line of its neighbour no.8. In summary, the measurements illustrate that the 'front' garden length in the proposal is reasonably consistent with the range found in its surroundings; the proposal is unlikely to cause visual harm at this frontage.

7.6 Rear Garden to south:

In the appeal scheme the average length of the area of rear garden was 6m. This space lay between the french doors on the rear wall, and the edge of a driveway which was to provide parking for two cars in tandem, a further strip of garden of average 3m length, lay beyond this driveway, where the site tapers to a point. The main part of the garden also contained a bin store/cycle shed.

In the current proposal the average rear garden length, between the french doors and the side of the proposed garage is 8.2m, i.e. the main part of the garden is 2.2m longer and it no longer contains the bin store/cycle shed, which has been absorbed into the proposed garage. The 3m strip of land beyond the driveway in the appeal scheme is now covered by the proposed the garage.

The effect of the proposed change is to give less rear garden space overall (the difference between the approved driveway and shed and the proposed driveway and garage is 12.5 square metres), but this due the loss of the narrow strip at the tapering southern end of the site. The main body of the rear garden would increase by 2.2m length and by 22sqm in area or 41%. Accordingly it is not considered that the proposal would lead to inadequate garden space. The visual impacts of this change are considered at section 7.8 below.

(iv) Impact on neighbours and streetscene

7.7 The proposed re-siting of the bungalow closer to Westbourne Avenue is such that although the building would be 1.5m longer, it would extend no further behind the immediate neighbour no. 8 Westbourne Avenue. It is also no closer to the side boundary with that property, and the approved bin store/shed at this boundary would be deleted. Two additional windows in the west side of the bungalow are to a wc and en-suite bathroom, accordingly obscure glazing can be required by condition and there would be no significant change in terms of neighbouring privacy. The position of the proposed garage, in the rear corner furthest from this neighbour, and with its pitched-roof design, (maximum 3.8m height) is not considered to be overbearing or unneighbourly. The reduced length of the front garden referred to at 7.5 above, would slightly increase the visibility of the building, but not to such an extent as to render it any more cramped in appearance, by comparison with the appeal-approved scheme.

7.8 In consideration of no 1 Westbourne Close, the intervening distance to the bungalow would be unchanged, this is approximately 19m. Although the additional 1.5m length would be perceptible to neighbours and from the street, it is unlikely to significantly affect the neighbouring outlook. Likewise, the proposed garage is also likely to be visible and would increase the built-up character of the site. However, even with this addition, the

amount of un-built frontage facing towards Westbourne Close would remain approximately 50%; the frontages of other properties in Westbourne Avenue and Westbourne Close are more extensively built up than this.

- 7.9 One further consideration is whether the process of construction work is likely to have a greater impact on neighbours than the approved. Planning permission is rarely, if ever, refused for this reason and safety, noise and pollution, such as dust and dirt are matters dealt with under Environmental Health and health and safety legislation. The Inspector attached some weight to this area of neighbour concern, and used a planning condition to require a construction method statement to ensure minimal disruption to neighbours during development. It is questionable that such a condition is enforceable in planning law and practice with regard to respect to noise and pollution, given that there is other legislation. It is not known how much longer the development process would take, due to the proposed garage and larger bungalow, but it is not recommended that this would be a reason for refusal but the Inspector's condition would be repeated if this application is approved.

(v) Parking and access provision

- 7.10 According to the Council's parking standards, a one bedroom bungalow is required to provide one space, whereas the current proposal would provide one in the garage and space on the driveway, with space of bicycles in the garage. The Council's Development Engineer is satisfied.

(vi) Developer contributions

- 7.11 The previous permission fell within the Council's transport infrastructure Policy CS21 and would have been required to make a financial contribution of £1980. Under the Council's more recently introduced Community Infrastructure Levy (CIL) a financial contribution of £5,000 would required, although the applicant has claimed exemption under Government self-builder rules; this is currently being checked. Whether or not a CIL payment would be required it is not a consideration in assessing the planning merits of the proposal and as the requirement or non-requirement is prescribed nationally and therefore it is not referred to in the recommendation below.
- 7.12 A contribution of £172 to the Solent Disturbance Mitigation Project is required under the recent policy DM24, which is intended to redress the increase in recreational pressure on the European protected bird and wildlife sites at Chichester/Langstone Harbour, to which each new house in the Borough contributes.

8 Conclusion

- 8.1 In summary, the impacts arising from the proposed increase in length and associated re-siting of the bungalow and additional garage are limited to:
- a reduced length of front garden, thereby slightly increasing the visibility to Westbourne Avenue
 - An increased length of built frontage to Westbourne Close, but leaving approximately 50% un-built frontage
 - A reduction of total rear garden space but a significant increase in the size of the main part of this garden immediately behind the new house.
 - Deletion of the approved bin store/cycle store, which contributes to the increased main rear garden

- 8.2 The changes are considered to be sufficiently minor as to exert no greater negative impact on neighbours or the surrounding area than the appeal-approved scheme. It is noted that if the current application is approved, the Inspector's decision does not prevent the subsequent addition of other outbuildings, under Permitted Development, therefore structures such as the bin/cycle store of the original scheme could be added later without planning permission, unless a slightly broader Permitted Development restriction were to be applied in the new permission, to preserve the garden/open areas, albeit it is considered that future applications for very modest structures, such as a greenhouse or tool-shed might reasonably be allowed.
- 8.3 In conclusion, the proposal is recommended for approval, subject to conditions as previously applied by the inspector, but including other outbuildings in the Permitted Development restriction (underlined in condition 4 below).

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00228 subject to the following conditions and provisions for the payment of the Solent Disturbance Mitigation Disturbance contribution:

- 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Sheet 1A OS Site Location Plan
Sheet 2A – Block Plan
Sheet 3B – Floor Plans, Section and Elevations of Bungalow
Sheet 9A - Floor Plans, Section and Elevations of Garage

Reason: - To ensure provision of a satisfactory development.
- 3 No development shall take place 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 CS11.4, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling (including to the roof) or garages or other buildings shall be erected on the site.
Reason: To safeguard the amount of garden and open space at the site and the character of the area and neighbouring amenities, in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the national planning Policy Framework 2012
- 5 The dwelling shall achieve Level 3 of the Code for Sustainable Homes. The

dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Parking for at least one car shall be provided in accordance with the approved plans prior to the occupation of the dwelling hereby approved. Furthermore, the garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.

Reason: To ensure the retention of adequate on-site car parking in the interests of highway safety and local amenity and to ensure that the garage is not used as additional living accommodation, which would increase parking need and may impact on neighbouring amenities and the character of the area having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 No development shall take place until the height of the building in relation to a nearby fixed Ordnance Datum shall have been submitted to and agreed by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: Changes in levels may materially affect the appearance and impact of the development, having regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) wheel washing facilities
- v) measures to control the emission of dust and dirt during construction

Reason: In order to safeguard the amenities of the area during the period of development works in accordance with policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

- A - Location Plan
- B - Proposed Block Plan
- C - Proposed Elevations & Floorplan - bungalow
- D - Proposed Elevations & Floorplan - garage
- E - Appeal-approved – block plan
- F - Appeal-approved – Elevations & Floorplan
- G - Appeal Decision 15 January 2014 (Ref: APP/X1735/A/13/2202188).

Other documents relating to this application:

<http://tinyurl.com/qfmnb2t>