

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

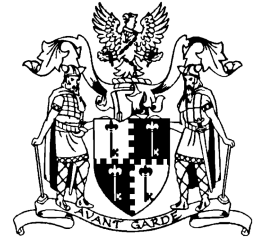
**STATEMENT OF
HAVANT BOROUGH COUNCIL**

28 Lodge Road, Havant, Hampshire PO9 3LL

**Local Planning Authority Reference:
APP/13/00064**

**Planning Inspectorate Reference:
APP/X1735/A/13/2208899**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR MACKLIN AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING DWELLING AND ERECTION OF 1NO.PAIR OF 3 BED SEMI DETACHED HOUSES AND 1NO.2 BED BUNGALOW WITH ASSOCIATED GARDENS AND PARKING AT 28 LODGE ROAD, HAVANT, PO9 3LL.

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LPA REF: APP/13/00064

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The site is located to the end of the residential cul-de-sac that is Lodge Road. The cul-de-sac consists of a mix of two storey detached and semi detached properties. The semi-detached properties dominate the road and are of a particular architectural style with a central ridge with hipped ends and the roof extended to ground floor level to either end of the pair of dwellings.
- 1.2 There is a footpath which runs adjacent to the western boundary of the site providing a link between Lodge Road and Bedhampton Hill.
- 1.3 A detached dwelling is located towards the front of the appeal site in similar line to the general building line of the cul-de-sac as it curves around at the end of the road. The massing of the existing house gives the appearance of a pair of semi detached houses from the wider streetscene due to the width of the front elevation. This site currently has a vehicular access from the road and parking on a driveway and garage for at least three cars.
- 1.4 The rear garden is of a good size, at a depth of 35m and the boundaries are treated with a 2m (approx) Close Boarded Fence and mature vegetation.
- 1.5 The properties to the southern end of the cul-de-sac have rear gardens of between 10 and 20m in depth and the properties that surround the turning circle to the northern end of Lodge Road are generally more generous in size, between 20 and 30m in depth.

2.0 PLANNING HISTORY

APP/13/00841

This is a subsequent application which was submitted by the applicant following the refusal of the appeal scheme. This revised application for the demolition of the existing house and erection of a replacement 4 bed house with detached garage and a 2 bed bungalow was also refused for the following reasons;

1. The proposal would result in an undesirable form of tandem development which would be out of keeping with the character of the locality and detrimental to the amenities of the area. It is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework,

March 2012.

2 The proposed driveway and associated hardstanding by reason of their proximity and relationship with Nos. 26 Lodge Road and 12 Brookside Road and the future occupiers of proposed house to the front of the plot would adversely affect the quiet enjoyment of the occupiers of those properties contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

The plans can be viewed by the following hyperlink;
[Havant Borough Council Planning Pages](#)

3.0 THE APPLICATION

3.1 The application the subject of this appeal was made valid on 18 February 2013 and the application was refused by the Council at the Development Management Committee meeting on 22 May 2013 for the following reasons:

1. The proposal would result in overdevelopment of the plot and an undesirable form of tandem development which would be out of keeping with the character of the locality and detrimental to the amenities of the area. It is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.

2. The proposed driveway and associated hardstanding by reason of their proximity and relationship with Nos. 26 Lodge Road and 12 Brookside Road and the future occupiers of Plot 1 and Plot 2 would adversely affect the quiet enjoyment of the occupiers of those properties contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.

3. 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 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 Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3.2 The application seeks to demolish the existing 4 bed detached house and garage and to construct 1No. pair of 3 bed semi detached houses and 1No. 2 bed bungalows with associated parking and garages.

3.3 All properties would be accessed from Lodge Road. The proposed two storey semi-detached properties are sited towards the front of the site. Vehicular parking for Plot 1 is provided on hardstanding to the front of the dwelling and for Plot 2 within a single garage to the rear of this plot. One visitor car parking space is provided adjacent to the proposed single garage. Plot 1 has a garden depth tapering from 14m to 5m, and Plot 2 an average garden depth of 14m.

3.4 The proposed single storey dwelling located to the rear of the plot is accessed via a driveway which is proposed to run adjacent to the eastern boundary of the site, two parking spaces are provided to the front of this dwelling. This dwelling has a rear

garden of an average 12-13m in depth.

4.0 POLICY CONSIDERATIONS

4.1 The application has been determined against the National Planning Policy Framework and local planning policy. With regards to local planning policy, the application was determined against the relevant policies from the Havant Borough Local Plan (Core Strategy) 2011, which was adopted on 1 March 2011. The relevant Core Strategy policy is CS16.

4.2 **Policy CS16** (High Quality Design), advises that development proposals would only be permitted where it can be demonstrated that they respect the local context and use characteristics of the locality to help inform the design of new development. Development proposals should avoid causing detrimental impact on the neighbouring and proposed properties. The Havant Core Strategy can be found at; <http://www.havant.gov.uk/havant-11597>

4.3 **The Borough Design Guide** is a supplementary Planning Document to the Core Strategy and was adopted December 2011 which supports Core Strategy policy CS16. The design guide states that “*character helps to define a place and helps distinguish one place from another place. It is much more than building styles and appearance. The character of an area is a combination of the function and level of activity of the place, its existing structures and features, including open space and trees, the surrounding context of the site and how these all relate to one another*”. The Borough Design Guide can be found at; <http://www.havant.gov.uk/supplementary-planning-documents-and-other-material-considerations/borough-design-guide>

4.4 On 1 August 2013, the **Community Infrastructure Levy** (CIL) was brought into force by Havant Borough Council. CIL income can be used to fund additional infrastructure required to support new development including roads, schools, green spaces and community facilities.

4.5 CIL represents a fundamental change from the current system of developer contributions through Section 106 (S106) planning obligations. While S106 will still be used for site specific measures required to make a development acceptable, the introduction of CIL means that the use of S106 will be limited.

4.6 The overall aim of these changes is to make the developer contributions system fairer, faster and more transparent than the previous system. It is intended to give developers more certainty over costs and give councils and communities more choice and flexibility in how to fund infrastructure. The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule (see Appendix B), which was adopted by the Council on the 20 February 2013.

The Charging Schedule and supporting documentation can be found at: <http://www.havant.gov.uk/planning-policy-design/community-infrastructure-levy>

As such this scheme, which represents new residential development, may be liable for CIL at a rate of £80 per additional square metre, (credit is given for the existing dwelling). The CIL amount payable for this scheme is £9200.00.

4.7 **The National Planning Policy Framework** (NPPF) was published on 27 March

2012 and the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. It is considered that the dimension most pertinent to this planning refusal is environmental.

- 4.8 In respect of design **paragraph 56** of the NPPF advises:
The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 4.9 It continues in **paragraph 61**:
Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

And **64 paragraph** states :
Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.0 REPRESENTATIONS

- 5.1 The application which is the subject of this appeal was published in accordance with the Council's adopted publicity procedures, and 13 neighbour notification letters were sent. In addition a site notice was posted. 9 letters of representation were received by the Planning Authority, 7 against the proposal and 2 in support of the proposal. A copy of the representation letters has previously been forwarded to the Planning Inspectorate. The contents of the letters were summarised in the committee report.

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the relevant policies of the Havant Borough Local Plan (Core Strategy) 2011, the NPPF and the reasons for refusal given in the Decision Notice dated 8 February 2013, it is considered that the main issues for consideration with regard to the refusal of this application are set out below.
- (i) Impact on visual amenities and the character of the area
 - (ii) Nature of Development and Impact on Existing Residents and any Future Occupiers
 - (iii) Infrastructure Requirements
- (i) Impact on visual amenities and the character of the area
- 6.2 The appeal site lies within a primarily residential area comprising dwellings of mixed size and character. The cul-de-sac consists of a mix of two storey detached and semi detached properties. The semi-detached properties dominate the road and are of a particular architectural style with a central ridge with hipped ends and an extended section to ground floor level of roof sections to either end of the pair of dwellings. It is considered that the proposed semi-detached building to the front of the plot would accord with this style albeit that the proposed dwelling would be more

narrow in width than the existing development. This conclusion is due to the variance in design of the existing dwellings within the streetscene and the appearance of the existing dwelling which, whilst detached, gives the appearance of a semi-detached dwelling due to the width of the front elevation, and is of a bland and uninspiring design which does not accord architecturally with any of the other properties within the street.

- 6.3 However, the requirement for an access road to the proposed rear dwelling impacts on the setting of the frontage dwelling with additional impacts arising from the siting of both the parking for the dwellings to the front of the site and the provision of a bin store to the front of the site. This congested arrangement contrasts markedly with the mature garden character of the other properties in the road. It is considered to give a rise to a cramped layout, resulting in an overdevelopment of the plot detrimental to the visual amenities of the streetscene.
- 6.4 It is further proposed to develop the rear of the site from residential garden to a third dwelling in the form of a single storey 2 bed property. The character of the cul-de-sac is one of established residential development of mixed type with a highway frontage and gardens of a moderate size. The proposed development, being a tandem development would be out of character with the traditional frontage character of housing in the locality, and whilst the size of the rear garden is larger than most of the dwellings within Lodge Road, it is not considered to be of sufficient size to accommodate the level of development in the manner proposed. It is therefore considered that the proposed scheme would constitute a discordant form of development and would be cramped, out of character and detrimental to the amenities of the area. As such, it is considered that the proposal is not environmentally sustainable as it does not respect the environmental quality of the area, and hence is contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Borough Design Guide, which is a Supplementary Planning Document to the Core Strategy, and paragraph 64 of the NPPF.
- 6.5 Furthermore, it is clear that most of the plot would be developed to provide living accommodation and parking. This would result in a very dense form of development with very limited amenity space or open space and little opportunity for planting. As such the proposal comprises an overdevelopment with unsatisfactory plot sizes and a cramped and congested layout which would be detrimental to the character and appearance of the locality and contrary to the NPPF and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, which states that new development should respond to, draw inspiration from and respect local context.

(ii) Nature of Development and Impact on Existing Residents and any Future Occupiers

- 6.6 The proposed drive which would serve both for access to the parking provision for Plot No.2 and access to plot No.3 would run along the shared boundary with No.26 Lodge Road. The driveway would run past practically the entire length of the curtilage of the dwelling of No.26 and would result in a large area of hardstanding being adjacent to the rear garden area of both this dwelling and the dwelling to the east of the site, No.12 Brookside Close. No.12 is a dwelling with a very short rear garden and as a result it is considered that the use of the proposed drive and expansive area of hardstanding for parking and manoeuvring would result in noise nuisance to the detriment of the amenities of the adjacent residential properties to the south and east of the site.
- 6.7 In relation to the impact of the proposed rear dwelling itself on the amenities of

neighbouring properties, it is proposed to be single storey, and sufficient distance from rear elevations and is not considered to result in unacceptable loss of privacy or outlook. However, it would introduce a new hub of activity into what is currently a quiet residential garden area and this would add to the impact of its inappropriate backland position.

- 6.8 It is not considered that the siting of the proposed development would be detrimental to the amenities of the occupiers to the west or north of the site. The closest dwelling to the west, No.27, is well screened by mature vegetation from the application site and is separated from the site boundary by the public footpath which runs adjacent to both site boundaries.
- 6.9 Having regard to the recommended garden sizes set out in the Borough Design Guide, it is considered that the division of the plot would leave acceptable garden sizes for each of the new dwellings albeit that they would be of an irregular form. Due to the positioning of the proposed dwellings within the plot it is not considered that they will have an overbearing impact on the amenities of the future occupiers of the proposed dwellings. However, it is considered that the proposed driveway and parking provision, which runs along the frontage of both plots 1 and 2 and to the side of plot 2, will have a detrimental impact on the quiet enjoyment of these dwellings by future occupants in terms of the resulting vehicular movement around the dwellings.
- 6.10 It is therefore considered that the cramped and congested layout of the scheme would not be environmentally sustainable as it would result in a negative impact to the amenities of the occupiers of the neighbouring dwellings and any future occupants of the scheme.

(iii) Infrastructure Requirements

- 6.11 At the time of determination of this application a contribution of £5,778 was required towards the Hampshire County Council Transport Contributions Policy, and the necessary arrangements were not in place to secure the contribution under a planning obligation; hence reason for refusal 3 was included in the decision. However, on 1 August 2013, the Community Infrastructure Levy (CIL) was brought into force by Havant Borough Council. The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule (see Appendix B), which was adopted by the Council on the 20 February 2013. As such this scheme as new residential development may be liable for CIL at a rate of £80 per additional square metre (credit is given for the existing dwelling). On the basis of the information supplied with the application the CIL amount payable for this scheme is £9200.00. The agent has been made aware of this requirement and a Liability Notice would be issued by the Council should the appeal be upheld by the Planning Inspector.

- 6.12 The introduction of CIL has had the effect of superseding the previous requirement for S106 contributions to address the Hampshire County Council Transport Contributions Policy, and consequently reason for refusal 3 is no longer being pursued by the Council as part of this appeal.

7.0 COMMENT ON THE GROUNDS OF APPEAL

- 7.1 The issues raised within the appellants grounds of appeal have largely been covered within section 6 of this report.
- 7.2 The application has been considered against both Local and National Planning

Policy and it has been found in section 6 that such a form of development would not be environmentally sustainable and thus would not meet the requirements of Core Strategy Policy CS16 or the NPPF.

- 7.3 It is not considered that the examples of other development within the locality listed in the appellants grounds of appeal are relevant to the consideration of the application site; this site has been considered on its individual planning merits and constraints and examples within different streets and contexts are not considered directly relevant to this case.

8.0 CONCLUSION

- 8.1 The site lies within the urban area, and, whilst the principle of residential development may be acceptable in this location, there are significant concerns regarding the impact of the proposed development in terms of an overdevelopment of the plot and an undesirable form of tandem development which would be out of keeping with the character of the locality and detrimental to the amenities of the area. Furthermore the proposed driveway and associated hardstanding arrangements by reason of their proximity and relationship with Nos. 26 Lodge Road and 12 Brookside Road and the future occupiers of Plot 1 and Plot 2 would adversely affect the quiet enjoyment of the occupiers of those properties.
- 8.2 It is therefore considered that the proposal is not environmentally sustainable for the reasons given in 8.1 and expanded upon in Section 6 and that this outweighs the economic and social need for new dwellings in the Borough as more suitable sites are available. The proposal is therefore contrary to policy CS16 of the of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, most particularly paragraph 64.
- 8.3 The Inspector is therefore respectfully requested to dismiss this appeal. Should, however, the Inspector be minded to allow the appeal and grant permission for the proposal, the Council would request that the planning conditions set out in the separate submitted document are attached to any permission.

APPENDICES

- (A) Site location plan.
(B) Havant Borough Community Infrastructure Levy Charging Schedule