

DELEGATED OFFICER REPORT

Site Address:	36 Rownhams Road, Havant, PO9 4QB		
Proposal:	Demolition of existing single storey garage and erection of a two bed, two storey dwelling.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00267	Expiry Date:	06/08/2024
Applicant:	Mr Moth		
Agent:	Mr Knight	Case Officer:	Lesley Wells
	Knight Architectural Design		
Ward:	Leigh Park Hermitage		

Recommendation: **REFUSE PERMISSION**

1. **Site Description**

- 1.1 The application site relates to a mid-terrace property on the east side of Rownhams Road, on land to the rear of this dwelling which included a garage which has been demolished. The host dwelling is constructed with red brick and has a pitched roof. There is a single storey extension to the rear and an approximately 17m distance between the rear elevation of the host dwelling at its widest point and the former footprint of the demolished garage. There is existing access to the demolished garage from Winslade Road which is to the south. There is a dropped kerb and hard surfacing to facilitate this access.
- 1.2 The surrounding dwellings are two storey in nature. There is an area of grass amenity space between the front elevation of the host dwelling and the highway off Rownhams Road.
- 1.3 When the application was submitted the site fell within Flood Zones 2 and 3. The latest Strategy Flood Risk Assessment (SFFA) shows the site and surrounding area, as being within Flood Zone 1, which includes future climate change.

2 **Planning History**

92/57341/000 - Front extension to existing garage, PERM,

3 **Proposal**

- 3.1 Demolition of existing single storey garage and its replacement with a two bedroom, chalet type bungalow, with 2 car parking spaces to the south. The proposal would also have a small garden area to the west.
- 3.2 The size of this 2-bedroom property would comply with the Government's Technical housing standards, with a floor area of 71.9 sqm.

4 **Policy Considerations**

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016
Five Year Housing Land Supply Update December 2024
Strategic Flood Risk Assessment (SFRA) 2024

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS9 (Housing)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)
CS15 Flood and Coastal Erosion Risk

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan

N/A

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Amy Redsull - No Comment

Councillor Richard Joseph Spence Brown - No Comment

Councillor Vicky Rhodes - No Comment

Ecology/BNG - No Objection

I am content that there are no ecological constraints to the proposed development. The applicant has claimed a de minimis exemption for Biodiversity net Gain and I would concur with this: there is no habitat to be affected by the development.

The Council has prepared a Habitats Regulations Assessment which sets out how any planning permission at this location would be acceptable providing that it accords with strategic mitigation measures relating to recreational disturbance and nutrient neutrality.

Developer Services, Southern Water - No Objection

From the information received, Southern Water have no objections to the proposed work proceeding

Environment Agency – Final Comment – No Objection

Following the update to the flood maps this proposal is now situated in flood zone 1 and therefore we have no objection to the application as submitted.

Environment Agency - First Comment - Objection

Environment Agency Position

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason

The submitted FRA (FLOOD_RISK_ASSESSMENT-1918574) dated March 2024) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- take the impacts of climate change into account adequately
 - o There is no assessment of the impact of climate change using appropriate climate change allowances for a 1 in 100year fluvial flood event for the lifetime of the development (100 years for residential).
- consider how people will be kept safe from the identified flood hazards
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for a 1 in 100year fluvial flood event for the lifetime of the development (100 years for residential). Consequently, the development proposes inadequate:
 - o Raised finished floor levels
 - o Resistance and resilience measures
 - o Safe access and egress routes

Overcoming our Objection

The change of use from a garage to a habitable dual storey accommodation for 3 people is a significant increase in vulnerability, and therefore the consequence of this development flooding is significantly increased. We request a more thorough assessment of the future flood risk and hazards to the property and its inhabitants. We also recommend that the applicant includes appropriate mitigation measures. To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it. Product 4 data in section 4 of the FRA, the applicant has not assessed the future flood risk to the site for a 1 in 100year fluvial flood event for the lifetime of the development (100 years for residential). We recommend that the applicant requests Product 4 data from the Environment Agency, to help determine the future risk to this site.

This FRA requires Product 4 information to indicate future flood levels for flood zones 2 and 3 for this site. Please contact SSDENquiries@environment-agency.gov.uk (including a site map and grid reference) to obtain a Product 4 for your development.

Flood risk data requests will be based on existing EA hydraulic river model data with an

allowance for climate change. Data should be taken from the Product 4 to inform the FRA.

Please note, the future flood levels provided in the Product 4 were calculated before the latest climate change allowances were available. Please use the advice within 'Flood risk assessments: climate change allowances' to calculate the most up to date climate change levels. It is for to the applicant to assess and determine which climate change allowance to use, and this should be justified within the assessment. You may need to undertake further assessment of future flood risk using different allowances to ensure your assessment of future flood risk is based on best available evidence.

Climate change allowances

In the submitted FRA, there is no evidence for future fluvial flood levels for a 1 in 100year fluvial flood event (1% AEP) plus climate change for the lifetime of the development (100 years for residential). We request that the applicant adequately assesses the future flood risk, including climate change allowances for the site. The applicant fails to identify within their FRA which allowances has been chosen to assess future flood risk and provide a justification. Therefore, the applicant will need to indicate which climate change allowance has been chosen and the justification behind why that allowance has been chosen. Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk).

Where flood risk data including climate change does not exist, it is the responsibility of developers to undertake this assessment using guidance in 'Flood risk assessments: climate change allowances'. Assessment of future flood risk can be undertaken using:

- Freeboard allowances
- Interpolation based on current flood risk models
- New detailed modelling

Deciding which approach applies depends on the size, vulnerability and location of the development. It is envisaged that large scale developments (e.g. sustainable urban extensions, retail parks, large commercial developments) will need to adopt the detailed approach. Contact us to discuss this on a case-by-case basis. Please note we may charge for this advice.

Finished Floor Level

The applicant also needs to provide an appropriate site-specific freeboard allowance, inclusive of climate change. It is up to the applicant to demonstrate and provide evidence to justify their freeboard allowance. Raised finished floor levels should then be calculated accordingly. Further information can be found here - Accounting for residual uncertainty: an update to the fluvial freeboard guide - GOV.UK (www.gov.uk)

Advice to the Applicant/LPA

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and adequacy of an emergency plan
- Adequacy of rescue or evacuation arrangements
- Provision of and adequacy of a temporary refuge

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in: Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

CIRIA Code of Practice for property flood resilience

[https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx)

[or_property_flood_resilience_.aspx](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx)

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Comments received 19/06/2025

We have received a reconsultation due to new information, however there appears to be no new information on line. The FRA is from 2024 and therefore are objection still applies until information is submitted overcoming our concerns.

Officer comment: When the application was submitted the site fell within Flood Zones 2 and 3. The latest Strategy Flood Risk Assessment (SFFA) shows the site and surrounding area, as being within Flood Zone 1, which includes future climate change. See Section 7.

Nitrate Team - No Objection

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website

at: <https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>.

Officer Comment: *the applicant is aware of alternative mitigation third party providers.*

Planning Policy, PPUD

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for Havant Borough. The Council has also adopted a Housing Delivery Position Statement, which is a material consideration in the determination of applications.

Principle of development

The proposal site is a previously developed site within the urban area (policies CS17/AL2). The principle of development in this location is therefore supported in policy terms. This is strengthened further by the fact that the Council is not able to demonstrate a 5 year housing land supply. The scheme has the potential to contribute, albeit very modestly, to the supply of housing. This must be given some weight in decision making, while noting that the lack of 5 year supply does not indicate that planning permission should automatically be granted for development which would boost housing supply. Rather, permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Flood Risk

On this particular site, whether the proposal is acceptable even in light of the above, hinges on whether the risk of flooding has been satisfactorily addressed. The applicant has noted correctly that the site is identified on the Environment Agency's mapping as being at risk of fluvial flooding, and has submitted a Flood Risk Assessment document. However, this is nontechnical in nature, and it is suggested that it does not contain sufficient detail to conclude that the development would be safe. For example, it states that floor levels will be raised, but no information is provided as to the potential flood levels and the floor levels.

The FRA document also contains sections entitled Sequential Test and Exception Test, yet these do not include relevant information to satisfy those tests. The sequential test, which must be passed before the exception test is considered, requires the applicant to demonstrate that there are no alternative suitable sites at lower risk of flooding (i.e. in FZ1) for the proposal development (i.e. a single family dwelling) elsewhere in the borough. This has not even been attempted.

On the basis of the information provided, it is considered that national and local policy (Chapter 14 of the NPPF and the Flood Risk PPG and Policy CS15 of the Core Strategy) on development and flood risk has not been satisfied. A policy objection arises to the proposal on this basis.

Officer Comment: *As stated above, following revised Flood Maps the site falls within Flood Zone 1 and is not at risk from future climate change.*

Portsmouth Water Company

Portsmouth Water have reviewed the application and associated documents for APP/24/00267 and have no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission.

Natural England - No Objection

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to National Site Network sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the named designated sites in the Solent region. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s).

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant

Deterioration of the water environment

As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in any nutrient budget calculation that supports this application, and that any nutrient budget calculation(s) are correct.

Where any bespoke occupancy value has been used within the calculator tool, it is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

Please note that for any budget that includes use of an onsite Package Treatment Plant (PTP), yourselves as competent authority should be satisfied that any bespoke effluent discharge figure has been suitably evidenced. This could be through using a performance test certificate, via adequate robust real-world monitoring data (minimum 12 months representing typical operation), or if these are not available then through use of the precautionary default figure within the nutrients budget calculator. The planning application should be supported by a PTP monitoring and maintenance plan. Please refer to the Environment Agency for comments on wider environmental consideration associated with PTPs and any advice in relation to permits.

Where calculations include removal of nutrients through on-site Sustainable Urban Drainage Systems (SuDs) it is essential for your authority to verify that the necessary supporting evidence has been submitted, as that forms the basis for the SuDS calculations. As highlighted in the guidance that accompanies the calculators on Gov.uk, Natural England advises that SuDS calculations should be undertaken in accordance with CIRIA guidance (C808 – Using SuDS to reduce phosphorus in surface water runoff (2022) and/or C815 – Using SuDS to reduce nitrogen in surface water runoff (2023)). In addition, the SuDS features require management in perpetuity. Your authority must ensure that a robust ongoing management plan is appropriately secured and is enforceable in any planning permission given.

Recreational disturbance - Solent Special Protected Areas (SPAs)

This application is within 5.6 km of the Solent Special Protection Areas and may lead to an increase in residential accommodation through additional bedrooms in the construction of the new dwelling. Natural England is aware that your authority has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the Applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s) and has no objection to this aspect of the application. Please note, your authority's appropriate assessment should reflect the current developer contribution rates, which are updated every April in line with the Retail Price Index.

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: 10

Number of site notice: 1

Statutory advertisement: Not applicable.

Number of representations received: 2 objections

Comment	Officer Comment
Alleged anti-social behaviour associated with use of host dwelling	This is a matter for the Police
Garage already demolish. Loss of privacy, if windows face property.	Please see Section 7 below.

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of one dwelling within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages.

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Flood Risk & Drainage
- (vi) CIL
- (vii) Biodiversity Net Gain
- (viii) Planning Balance

(i) Principle of development

7.2 The application site is situated within a sustainable urban area where further development is considered acceptable subject to the usual development management criteria. One additional new dwelling in such a location would contribute, albeit very modestly, to the Council's overall housing requirement. The Council, at the time of writing the report, cannot demonstrate a 5-year land supply of housing, which is currently at 1.80 years.

7.3 The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the Borough. To support this approach, Policy CS17 of the Havant Borough Local Plan (Core Strategy) (2011) sets out that development will be permitted that makes the most effective use of land in the borough.

7.4 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, considering accessibility to public transport and

proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form. The supporting text of the policy sets out density thresholds, and in this regard the proposal would represent a low-density development at 33 dwelling per hectare on a site of approximately 0.03 hectares.

- 7.5 The adopted Local Plan policies echoes the advice in the National Planning Policy Framework (NPPF).
- 7.6 Paragraph 124 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.
- 7.7 Paragraph 129 of the Framework supports development that makes efficient use of land where it considers the desirability of maintaining an area's prevailing character. Policies CS17 and CS9 together are broadly consistent with this approach.
- 7.8 The Framework goes further and sets out at Paragraph 130 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site.
- 7.9 The principle of making more efficient use of an existing urban sustainable site is therefore supported having regard to the surrounding character and built form, albeit that the acceptability of the scheme put forward will turn on consideration of several detailed planning considerations as set out below.
- 7.10 This material consideration is balanced against the other material considerations set out below.

(ii) Impact on the character and appearance of the area

- 7.11 Within the National Planning Policy Framework December 2024 it states at paragraph 135b) that development *"...are visually attractive as a result of good architecture, layout and appropriate and effective landscaping."* Paragraph 135 f, promotes in planning policies and decision making, amongst other matters, that developments: *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*
- 7.12 Policy CS16 of the Havant Borough Core Strategy 2011 states that *"Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design..."* *"Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site"*. Point 1c promotes and recognises the value of high quality design: *"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;"*.
- 7.13 The Havant Borough Design Guide SPD 2011 states *"Infill development should look at the immediate site context for reference and respect the layout and character of the surrounding area, looking to immediate neighbouring properties in the first instance."* It goes on to say for new residential development *"Garden length should normally allow 10 metres between the dwelling and the boundary."* Havant's Design SPD specifically considers backland development at paragraphs 5.25 - 5.27. This notes that 'Tandem' backland developments are difficult to deliver successfully. This is due in general, *"...to*

problems of overlooking, noise and traffic disturbance, loss of amenity, cramping and the adverse effect on the local character" and states that tandem backland developments will only be permitted provided the amenities of the surrounding dwelling and 'host' dwelling can be safeguarded. It is contended that this classic backland development proposed would result in conditions significantly harmful to the host's dwelling amenity and fail to provide a high standard of amenity contrary to both policy CS16, Havant's Design Guide SPD and the Framework

- 7.14 Within the vicinity of the application site there is a strong uniformity of two storey terraced dwellings set in linear rows, fronting the highway with consistent ridge and eaves height. The proposed development would add a backland single detached dwelling to the street scene on Winslade Road. The proportions of the proposed dwelling are smaller in scale than those within the locality and is set back from the highway by approximately 6 metres, meaning that it is not considered to be dominant within the street scene.
- 7.15 Notwithstanding the above, considerations under character of the area also include more general plot size, pattern and layout. The introduction of this backland development dwelling would create two tight and congested plots that are considered to be out of character with the surrounding pattern of development. The length of surrounding rear gardens are larger, meeting the 10m minimum garden length standards as outlined in the Havant Borough Design Guide SPD. This development would not meet this standard and would also cause the rear garden of the host dwelling to be at a length that falls short of the requirement. The length of the rear garden of the host dwelling would be reduced to approximately 8.6m and approximately 5.5m at its narrowest point. The rear garden of the proposed dwelling would be 5.5m in length. This is not considered acceptable in terms of private amenity space standards and is considered out of keeping with the general character of the area. Policy CS16 clause c) requires the characteristics of the locality, including plot widths and depths, to inform design. This proposal would fail that criteria, which is considered to represent a cramped and congested layout resulting in an over development of the site out of character with the existing pattern of development to the locality. The cramped and congested layout of the proposal would result in conditions significantly harmful to the hosts dwelling in terms of disturbance and to future occupiers of the proposal, contrary to policies CS16 & DM10 of the Core Strategy and Havant's Design Guide SPD.

(iii) Impact upon residential amenity

Existing Residential Amenity

- 7.16 Policy CS16 of the Core Strategy seeks to ensure, amongst other matters, that *"The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking."* whilst seeking quality development. DM10 of the Core Strategy seeks to resist developments that cause, amongst other matters noise. These adopted policies echoes the advice in the National Planning Policy Framework, which requires development of a quality nature. Havant's Design Guide SPD *"...aims to raise the quality of design across the Borough by providing detailed guidance that supplement and helps to implement Core Strategy Policy CS16 High Quality Design."* This policy applies to all developments.
- 7.17 As stated above, the proposal is for backland development. This lies immediately to the rear of the host dwelling and to other properties in close proximity.
- 7.18 As to the size of the proposal this would be approximately 10.4m length, 5.8 width (at it widest point), with a height of 5.3m. Five roof light would be installed to the rear of

the roof (east elevation), with windows at first floor in the north (obscure) and south elevations. The application site is enclosed by 1.8m high close boarded wooden fencing.

- 7.19 The properties with the potential to be impacted by the development would be 34, 36 & 38 Rownhams Road & 111 & 113 Botley Road.
- 7.20 The property in closest proximity to the proposed dwelling would be the host dwelling, No.36 Rownhams Road. The proposal would result in the loss of part of the host's dwelling rear garden area and garage/onsite parking area. The separation distance with the host dwelling and the dwelling would be approximately 10.4m at its narrowest point, rising to approximately 13.6m at its widest. The garden area for the proposal would back onto the garden area of the host dwelling. This would result in a garden area of approximately 5m depth for the proposal, with a maximum depth of approximately 9 m for the host dwelling; with an overall separation distance between the two properties of under 15. In order to maintain a reasonable relationship between new dwellings and neighbouring properties, there should normally be a minimum 20m separation distance, as set out in the Council's Design Guide SPD. This is to ensure that the amenity of occupiers of existing properties are not significantly adversely impacted by new development. The proposal fails to achieve this minimum separation distance, resulting in a cramped and congested layout, constituting an overdevelopment of the plot, which would adversely impact on the living conditions of the occupiers of the host dwelling by reason insufficient private amenity space, disturbance and loss of outlook, contrary to the aims of Policies CS16 and DM 10 of the Core Strategy and Havant's Design Guide SPD.
- 7.21 The proposal would also result in the loss of on site car parking for the host dwelling, which is not replaced in any manner, contrary to the aim of Policy DM13 of the Core Strategy.
- 7.22 To the southwest is No.34 Rownhams Road. This dwelling is located on a corner plot with private amenity space to the front, side and rear. The proposed dwelling is set back from Winslade Road and therefore does not immediately back onto the entire rear boundary wall of 34 Rownhams Road. The proposed parking area (which replaces existing off road parking) would be adjacent the rear boundary and part of the proposed rear garden would be adjacent this dwelling's rear garden to the north. Due to the orientation and separation distance of approximately 20m the proposal would not significantly impact on the residential amenity of the occupiers of this property.
- 7.23 To the northwest is No.38 Rownhams Road. The proposed dwelling would be adjacent to the boundary of this dwelling's rear garden. Due to the single storey nature of the proposal, the 1.8m high boundary treatment, its location with only one high level window, obscurely glazed (which would be conditioned if permission is granted), the development would not materially impact on the living conditions of the occupiers of this property.
- 7.24 To the east are Nos. 111 and 113 Botley Drive. As to 111 Botley Drive, there is an existing garage immediately to the east of the proposal, with an overall separation distance of 20m to the dwellinghouse, with a 1.8m fence high fence as boundary treatment. The roof lights within the roof would be set at 1.7m above floor level. Due to these factors the proposal, would not adversely impact on the living conditions of the occupiers of 111 Botley Road. Due to similar factors (with the exception of an existing garage), the proposal would not adversely impact on the living conditions of the occupiers of 113 Botley Road.
- 7.25 The proposal would be significantly harmful to amenity of the living conditions of the

occupiers of the host dwelling.

Future Residential Amenity

- 7.26 The size of this 2-bed property would comply with the Government's Technical housing standards – nationally described space standard and would be built to energy efficient standards.
- 7.27 The proposal would be sited hard up against the northern and eastern boundaries of the site, with car parking and access off the southern boundary. The garden area would be to the west which is approximately 5.5m in depth and 7.4m wide. The size of this private garden would not meet the minimum requirement in Havant's Design Guide SPD of 10m between the dwelling and the boundary, which would fail to provide a high standard of amenity for future occupiers. The separation distance between the proposal and the host dwelling would be approximately 14m, considerably below the minimum requirement of 20m, which would have negative impacts on the quality of life for residents of the development, through an increased in noise and disturbance impacting on the occupiers enjoyment of their garden contrary to Policy DM10 of the Core Strategy. This lack of an appropriate separation distance between the two properties, would be contrary to Havant's Design Guide SPD that there should be a separation distance of a minimum distance of 20m between dwellings. The proposal is also contrary to Policy CS16 and the Framework, both of which promote well designed and quality development.
- 7.28 The proposal would have two parking spaces, but fails to provide car parking for the host dwelling, which is covered in more detail in the section below, which fails to comply with Havant's Car Parking SPD and Policy DM13 of the Core Strategy. The proposal also fails to provide cycle and bin storage for the proposal, which is likewise covered in the following section.

(iv) Highways and parking

Access

- 7.29 The existing access to the site from the site off Winslade Road would continue to be used for the proposal, which is considered acceptable.

Parking

- 7.30 Policy DM13 of the Core Strategy states:

"Residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document."

- 7.31 Havant Borough Council's Parking SPD sets out off-street parking standards relating to new development in the Borough, in recognition that *"...developments should not create undue impact on the built environment, street congestion, road safety issues or create tensions within a community". The SPD goes on to state "The Council considers that there is clear and compelling justification for local parking standards to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets."*
- 7.32 As a proposed 2 bed dwelling the development is required to provide 2 spaces as well as cycle storage to meet the Parking SPD.

7.33 Two parking spaces are proposed for this two bed roomed dwelling. This would normally satisfy the requirements in Havant's Car Parking SPD for this two bed dwelling. However, the proposal results in the loss of the existing parking for the host dwelling (ie 2 spaces, plus a garage), with no information provided to enable an assessment to be made of the availability, or otherwise, of onstreet parking for this property. It is considered that the lack of car parking provided by the proposal for the host dwelling, is likely to increase competition for onstreet car parking that is available, which is likely to give rise to an unacceptable inconvenience to the living conditions of neighbouring occupiers, with particular regard to parking congestion, with the potential of leading to frustration and resentment within the community, against the occupiers of the host dwelling and the development. Policy CS16, among other matters, seeks high quality design that does not cause unacceptable harm to the amenity of neighbours and Policy DM13 seeks to permit development where it provides car parking in accordance with the standards set out in the SPD. The proposal, would result in the loss of onsite parking for the host dwelling, with no information provided to demonstrate that such parking is not required, which is considered to conflict with Havant's Car Parking SPD and Policy DM13 of the Core Strategy.

7.34 No cycle provision (or bin storage) is proposed for the development, which is contrary to Havant's Car Parking SPD. However, having regard to space within the site, it is considered that there would be sufficient space for cycles and bin storage. Given this, to ensure the extent of refuse bin storage has reasonable access to the highway collection, details of bin and cycle storage could be secured by condition were permission to be granted.

(v) Flood risk

7.35 The application site when submitted fell within Flood Zone 2 and 3 and a Flood Risk Assessment accompanied the proposal. However, following the publication of updated Flood Maps the site now falls wholly within Flood Zone 1 and outside of future climate change. National Guidance states that Flood Zone 1 is suitable for all types of development. Therefore, the information in the FRA submitted with the application, which was not comprehensive, is no longer relevant, due to the site now falling wholly within Flood Zone 1.

Drainage

7.36 The foul sewage would be disposed of by an existing mains sewer. As to surface water this would be disposed off by an existing water course. Foul and surface water drainage falls within the remit of Building Control.

CIL

7.37 As to CIL, acknowledgement of receipt of CIL Form: Assumption of Liability was served on the applicant on 18/6/24, which confirms that the applicant has statutorily assumed liability to pay the Council's Community Infrastructure Levy upon commencement of the development, if permission is granted. The CIL liability for this site currently stands at £10,040.32.

Biodiversity Net Gain

7.38 Biodiversity net gain (BNG) is a legal requirement for planning permission introduced for small sites such as this on 2nd April 2024.

7.39 The Ecologist has been consulted over the proposal and is "*...content that there are*

no ecological constraints to the proposed development. The applicant has claimed a de minimis exemption for Biodiversity net Gain and I would concur with this: there is no habitat to be affected by the development."

- 7.40 Having given due consideration to the nature of the proposal, which was confirmed via a site visit, it is clear that no habitat will be lost as a result of the works. On this basis it is agreed that the development is exempt from BNG requirements.

8. Planning Balance

- 8.1 The Council's current housing land supply is 1.8 years, and as the site is not within a protected area nor includes assets of particular importance, it would be necessary to apply paragraph 11d) ii) of the Framework.
- 8.2 The Framework seeks to boost the supply of homes and make more efficient use of land in an accessible location. The proposal would provide a net increase of 1 home in a reasonably accessible location in a residential area and does not conflict with the local plan's strategic land use policies. Along with the contribution the proposal would have to the Council's 5-year housing land supply and continued housing supply deficit, these benefits would attract moderate weight based on the dwelling involved.
- 8.3 As to the impact on the character and appearance of the area this attracts moderate weight.
- 8.4 Policy CS16 of the Core Strategy and the Framework promotes high quality design in development. The proposal does not satisfy this policy aim due to its cramped and congested layout, which fails to provide adequate amenity space for the proposal and the host dwelling adversely impacting on the residential amenity of existing and proposed occupiers, which attracts significant weight.
- 8.5 The proposal results in the loss of parking for the host dwelling and has failed to demonstrate that it would not increase competition for onstreet car parking that is available, which is likely to give rise to an unacceptable inconvenience to the living conditions of neighbouring occupiers to which modest weight is given.
- 8.6 The lack of harm in respect of the European Protected Sites, highway safety regarding the access and BNG issues is recognised. However, in the planning balance the absence of harm is neutral neither weighting for or against the proposal.

9 Conclusion

- 9.1 The proposal would provide an additional dwelling, which would be a modest addition to the Council's housing stock. In balancing this consideration, the proposal would be out of character with the appearance of the area and amounts to an overdevelopment of the site, which would fail to provide adequate amenity space which would be significantly harmful to the amenities of future occupiers and the occupiers of the host dwelling. The development of the site in the manner proposed would not provide adequate provision of on-site car parking for the host dwelling or demonstrate that such parking is not required, in accordance with Havant Borough Council Parking SPD and therefore the proposal would have a detrimental impact on the amenities of occupiers of the host dwelling and the locality. The proposal is therefore contrary to policies CS16, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and Havant's Car Parking SPD and the National Planning Policy Framework. The adverse impacts would significantly and demonstrably outweigh the benefits of one additional dwelling. The proposal is therefore recommended for refusal.

10 RECOMMENDATION:

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/24/00267 subject to the following reasons:

- 1 The proposal amounts to overdevelopment of the site due to its cramped and congested layout on a site of insufficient size, which would result in poor living conditions for future occupiers and would have an adverse impact on the character and appearance of the area. This would be contrary to Policies CS16 and DM10 of the Havant Borough Council Core Strategy (2011), Havant Design Guide SPD and the National Planning Policy Framework.
- 2 The proposed dwellinghouse would significantly and harmfully reduce the outdoor amenity space of No.36 Rownhams Road, essentially reducing it in half. This would have an adverse impact on the occupiers of No.36 by providing insufficient amenity space contrary to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Havant's Design Guide SPD and the National Planning Policy Framework.
- 3 Development of the site in the manner proposed would not provide adequate provision of car parking for No. 36 Rownhams Road, and has failed to demonstrate that such provision is not required, in accordance with the Local Planning Authority's adopted standards set out in Havant Borough Council Car Parking SPD. This would have a detrimental impact on the amenities of the occupiers of No. 36 Rownhams Road, nearby residents and the locality. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Car Parking SPD and the National Planning Policy Framework, which promotes quality residential amenity and social cohesion.