

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

32 Fishery Lane, Hayling Island, PO11 9NR

**Local Planning Authority Reference:
APP/18/00099**

**Planning Inspectorate Reference:
APP/X1735/W/18/3204791**

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)



APPEAL BY MR AND MRS MACEY AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF 1No. TWO BED CHALET BUNGALOW AT 32 FISHERY LANE, HAYLING ISLAND, PO11 9NR

Planning Inspectorate Reference: APP/X1735/W/18/3204791

LPA REF: APP/18/00099

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The appeal site is located to the south side of Fishery Lane, Hayling Island. The Location Plan is attached at Appendix A.
- 1.2 No 32 is a two storey dwellinghouse accessed via a private driveway off Fishery Lane between No 30 and No 32A. The existing dwellinghouse is positioned to the south of the site behind the neighbouring dwellings and benefits from a large amenity space to the west which is laid as lawn and surrounded with a curtilage boundary consisting of 1.8m timber fencing to the north and mature trees and hedging to the west.
- 1.3 The area of land to the front (north) of No 32 is large in size and is currently hard-surfaced with gravel to provide a parking provision for multiple cars. A mature Horse Chestnut tree is present within this space and is subject to a Tree Preservation Order, however, in 2017 permission allowing for its removal was granted. The curtilage boundary is constructed of mixed materials with 2m timber fencing and 3m hedging to the north and 2m timber fencing to the east.

2.0 PLANNING HISTORY

- 2.1 APP/17/00790- Subdivision of garden and erection of 1 No.3 bed bungalow and detached double garage with access from Marshall Road and erection of a new detached double garage for No 32. Fishery Lane with access from Fishery Lane. **Withdrawn due to a drain running across the site from east to west and objection made by southern water.**
- 2.2 APP/17/01118- Fell 1 No. Horse Chestnut (T1) subject to TPO 0982. **Permitted**
- 2.3 APP/18/00099- Erection of 1 No. two bed chalet bungalow (re-submission) **Refused.** This application is subject to the current appeal.

3.0 THE APPLICATION

- 3.1 The application was submitted on the 30th January 2018 and on the 12th March concerns were raised with the agent regarding the application (see appendix B). During the course of the application amended plans were submitted seeking to address the concerns raised by the Council, however, the revisions were not considered to overcome the concerns raised. The case officers email of 21st March confirmed that the application would be determined as submitted. (see appendix C)
- 3.2 The application was determined under powers delegated to the Head of Planning and was refused on 27th March for the following reasons:
1. *The proposed dwelling would by reason of its size, design and prominent siting be harmful to the existing character and appearance of the area, conflicting with the established pattern of development and spatial characteristics and setting of the street scene creating a cramped and crowded appearance. The proposal therefore conflicts with 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.*
 2. *The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring properties at 32A and No 30 Fishery Lane and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.*
- 3.3 As listed with the Decision Notice, the latest plans submitted by the appellant under APP/18/00099 on the 20.03.2018 were considered in the determination of the application and shall be used for consideration throughout the appeal statement.

4.0 PLANNING POLICY

- 4.1 The Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the Havant Borough Local Plan 2036 (HBLP 2036) between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, it is of relevance in setting out the Council's direction of travel.
- 4.2 The NPPF sets out in paragraph 8 the three dimensions to sustainable development: economic, social and environmental. The roles should not be taken in isolation because they are mutually dependent. In relation to the proposed development whilst the development would provide a new dwelling which has recognised benefits from an economic and social perspective, this particular development is not considered to constitute a development of the right type as required in the economic role and would create issues in terms of impacts on future residents and neighbours. which would be inconsistent with the social role.
- 4.3 Paragraph 9 states:

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and

decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 4.4 As set out in Part 6 the proposed development is not considered to achieve good design in terms of size and prominent siting and the overbearing impact in relation to the adjoining properties in Fishery Lane.

- 4.5 It is agreed that the principle of housing is supported and in accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development, *unless material considerations indicate otherwise*, is acknowledged. However, it is the detailed material consideration about the precise setting of this site and the impact of the detailed design on the street scene and neighbouring properties in Fishery Lane that the LPA find unacceptable. The benefits of the scheme in terms of the NPPF's economic and social role, are not considered sufficient to outweigh the harm to the environmental role.

- 4.6 Paragraphs 125 and 126 endorse the requirement for high quality design:

Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and so evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.

- 4.7 Paragraph 127 sets out planning policies and decisions and states developments should ensure that they:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

4.8 Paragraph 128 endorses the value of negotiation:

Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Pre-application advice was not sought prior to the submission of the appeal application. During the consideration of the earlier application APP/17/00790 concerns were raised by Southern Water in relation to drainage services crossing the site to the west of No 32 leading to the applications withdrawal. The applicant then submitted a new application moving the position of the dwellinghouse into the north driveway of No 32 between No 30 and No 32A with a proposed new access from Marshall Road to the west to serve No 32.

4.9 The Development Plan for Havant Comprises Havant Borough Local Plan (Core Strategy) 2011 and Havant Borough Local Plan (Allocations) 2014. The following policies are considered relevant to the consideration of this appeal:

Havant Borough Local Plan (Core Strategy) 2011

4.10 **Policy CS16** is relevant to both reasons for refusal and sets out the Councils requirements for High Quality Design. The policy states (amongst other matters):

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:

1. Responds to, draws inspiration from and respects local context and:

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;

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking

4.11 The Planning Inspectorate have previously been forwarded copies of the relevant planning policies.

4.12 In addition to the Development Plan the Havant Borough Council Design Guide Supplementary Planning Document 2011 is relevant to the consideration of this appeal.

4.13 The Borough Design Guide SPD supplements Policy CS16 of the Havant Borough Core Strategy and aims to raise the standard of design across the borough. The document was adopted by the council on 14 December 2011 and is a material consideration in the determination of planning applications.

- 4.14 Specific guidance in relation to Residential Development is provided in Parts 4 and 5. Paragraph 5.03 states:

It is important that applications for new development consider the impact of the development on existing residents. The design of new development needs to balance the needs for the new home to have reasonable levels of privacy, whilst ensuring that the development and its residents engage with the street and public realm.

This is particularly relevant to the second reason for refusal and the relationship with the neighbouring properties No 30 and No 32A Fishery Lane. Further explanation for this is provided in part 6 of this statement.

- 4.15 Paragraph 5.10 relates to Sunlight:

It is not always possible or reasonable to require all dwellings to have sunlit rooms. However, the extensive obstruction of sunlight to an existing property or its garden by the construction of a new building or extension is likely to be unacceptable. Therefore applicants should consider the effects of loss of sunlight to existing properties and should aim to mitigate these effects wherever possible. This is particularly important where neighbouring properties are taking advantage of the sun's orientation for solar gain. Further information and tables for calculating sunlight availability at different times of the year are available in the BRE guide.

Paragraph 5.08 states that:

New developments should not result in the loss of light to existing buildings.

Due to the position of the proposed works, its height and scale, sunlight would be impacted to both adjacent neighbours No 30 and No 32A resulting in an un-neighbourly and unacceptable impact. This is relevant to the second reason for the refusal and further explanation for this is provided in part 6 of this statement.

- 4.16 Part 5.2 relates to Residential Backland and Infill Developments. Paragraph 5.25 states:

Havant Borough Council acknowledges that backland and infill developments have a role to play in delivering the council's housing and development targets. However, many of these sites are situated amongst existing neighbours and can create an adverse impact.

Development of backland and infill sites should not have an adverse effect on neighbouring properties, should maintain and enhance the existing character and quality of an existing area and should create pleasant and attractive places to live.

This is relevant to both reasons for refusal in that the design of the scheme would not enhance the existing quality and character of the area and would have an overbearing impact on the neighbouring properties No 30 and No 32A Fishery Lane. Further explanation for this is provided in part 6 of this statement.

- 4.17 Paragraph 5.33 specifically relates to Infill Development and states:

Infill development should look to 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. Where perimeter block development predominates,

rear garden infill breaks the perimeter block structure and may reduce the security of internal areas and therefore may be unacceptable.

This is relevant to both reasons for refusal in that the design of the scheme conflicts with the established pattern of development and spatial characteristics and setting of the street scene and would have an overbearing impact on the neighbouring properties at No 30 and No 32A Fishery Lane. Further explanation for this is provided in part 6 of this statement.

- 4.18 Paragraph 5.38 discusses gaps between buildings and states (amongst other points) that:

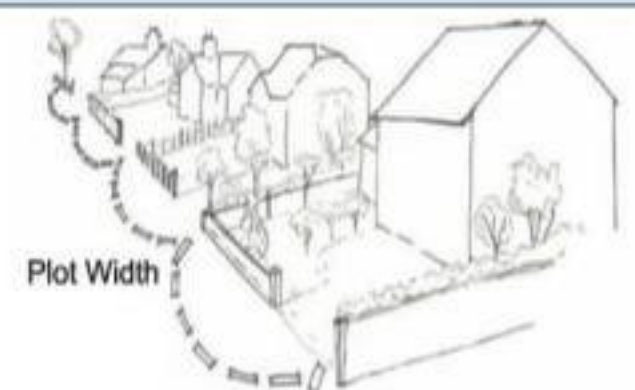
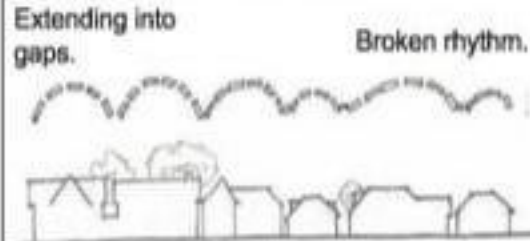
It is important that gaps are retained between buildings. This helps form the pattern of development in an area which in turn influences local character.

This relates specifically to householder extensions and recommends that a two storey extension should not be closer than two metres from the boundary with neighbouring properties. Although No 32 is a new dwellinghouse it is considered that this guidance is still relevant as these distances are not achieved and thus contributes to creating a cramped and crowded appearance within Fishery Lane which is considered to be harmful. Further explanation of this is provided in part 6 of this statement.

- 4.19 Paragraph 4.46 discuss the need for new development to respond to and address the seven key principles of good design and that the applicant needs to have a thorough understanding of the site and its context, in particular local patterns of development. It goes on to state that:

It is crucial that the design of new places is undertaken with a sound understanding of the local pattern of development. This understanding should inform the design of a proposal and reflect local character and distinctiveness, whilst allowing innovate design.

Table 4.1 considers street build up and plot width:

Table 4.1 - Local Patterns of Development – Analysis and Response	
The layout of development should reflect the layout and pattern of development in the neighbouring area, looking to adjoining properties first.	
1. Layout and form	
Plot width This is the typical plot and building width that addresses the main street. The width of the plot and width of the proposed building should be similar to that prevailing in the local area, looking to immediate neighbours first.	
Street build up Existing gaps. Regular rhythm.  Extending into gaps. Broken rhythm. 	This looks at the amount of the street that is built up. The gaps between buildings, or the lack of gaps between buildings plays an important part in forming the character of an area. The gaps can provide us with views to the countryside or landscape to the rear of properties. In town and village centres the buildings often form a continuous frontage to streets, or in the case of Havant Town Centre the continuous frontage is broken in places by gaps and routes through called Twittens, which are unique to Havant. New development should follow the established of pattern of properties on the street.

This is particularly relevant to reason one of the refusal. The proposed dwellinghouse would sit between and remove a visually appealing existing natural gap between Nos 30 and No 32A Fishery Lane and would disrupt the streets appearance and spatial characteristics.

- 4.20 The design guide goes on within Table 1.4 to discuss massing stating *New developments should follow the typical patterns of existing properties, looking to immediate neighbours first. The mass of a new building or extensions should not be allowed to dominate the street.*

The design proposed for the new dwelling is considered to have an unacceptable massing within Fishery Lane and due to the narrowness and restrictions of the plot size. The building has been designed to have a single storey height to the front with two storey to the rear. This does not reflect the typical massing of the adjacent properties within Fishery Lane and creates, as a result, a unusual and cramped feature of development on the street.

5.0 REPRESENTATIONS

- 5.1 During the consideration of the planning application the subject of this appeal 8 representations were received for the original and amended proposal. These comments were from 6 different addresses which are:

No 30 Fishery Lane
No 32A Fishery Lane
No 38 Fishery Lane
No 11 Coronation Road
47 Forest Close
8 Birdham Road

- 5.2 It should be noted that No 30 Fishery Lane consists of a block of flats where multiple people live and 5 representations were received from this address. These representations have been forwarded to the Planning Inspectorate and are summarised in the Officers Report also submitted to the Planning Inspectorate.

- 5.3 In addition, during the consideration of the planning application consultations were carried out with the following consultees:

Havant Borough Council Arboriculturalist
Havant Borough Council Building Control (No comment)
Havant Borough Council Development Engineer
Havant Borough Council Waste Services
Havant Borough Council Policy (No comment)
Hampshire Constabulary (Crime Prevention) (No comment)
Southern Water

- 5.4 The consultation responses received have been forwarded to the Planning inspectorate and are summarised in the Officers Report also submitted to the Planning Inspectorate.

6.0 PLANNING CONSIDERATIONS

- 6.1 The planning application was refused for two reasons and these are considered in order below:

1st Reason: The proposed dwelling would by reason of its size, design and prominent siting be harmful to the existing character and appearance of the area, conflicting with the established pattern of development and spatial characteristics and setting of the street scene creating a cramped and crowded appearance. The proposal therefore conflicts with 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.

- 6.2 The proposal is for the construction of a two bedroom chalet bungalow with a ridge height annotated on drawing No 17045-541 as 7.365m, situated between No 30 and No 32A and effectively within a driveway currently serving No 32. The driveway is approximately 5.8m wide at its narrowest point widening to approximately 6.8m at the rear elevation of the proposed dwelling. The proposal consists of a dwellinghouse situated to the north of No 32 and within the existing driveway. However this was considered to appear cramped and to have an over-bearing and cramped appearance which was harmful to the visual amenity of the streetscene.

- 6.3 The immediate character of the area is one of medium density, residential development with a mixture of detached and terrace dwellings which are in the majority of two storey height. Flats are present and are situated to the west of the application site. The dwellings have attractive visual breaks between them or are short terraces and have been designed to assimilate with the siting, scale and form of the other dwellings so that they integrate into the area. It is considered the development marks a significant change to the existing characteristics of this part of Fishery Lane, introducing a dwelling into a narrow modest driveway that removes a natural and attractive break between the dwellings. This adversely impacts the prevailing character of the area and does not achieve an effective transition between the respective patterns of development surrounding the site on this highly visible plot. Whilst it is acknowledged the street scene is diverse, having due regard to the constraints of the site it is considered the proposal would be harmful to the open nature of the existing street scene resulting in an excessive building bulk adjacent to the neighbouring properties.
- 6.4 When taking into consideration the siting of the proposed dwelling it would appear overly dominant in the street scene. The applicant has submitted a streetscene perspective in order to assess the visual impact of the dwellinghouse. It is considered that this streetscene demonstrably shows the narrow width of the plot and the 'squeezed in' and cramped and crowded appearance the development would create within the streetscene. Although a matching ridge height to No 32A is proposed this is significantly higher than the neighbours at No 30 and has the potential to appear over-bearing and oppressive in nature.
- 6.5 The proposed new dwelling does not reflect the typical plot sizes present within Fishery Lane. From the narrowest point the plot size width is approx. 5.8m which widens to 6.8m towards the rear elevation of the proposed dwelling. For other neighbouring detached dwellings within the immediate locality the plot width typically starts from 12m which is considerably larger than the plot size proposed for the detached dwelling at No 32. Although plot sizes for detached dwellings reduce towards to the east end of Fishery Lane these still have an approximate width of 9m and are situated in staggered formations reducing their visual dominance which the proposed dwellinghouse does not achieve. Although narrow in form, the terrace dwellings to the east achieve a minimum width of approx. 7.4m-9.4m which is greater than the width proposed for the new detached dwelling. It is also noted that with terrace formations the typical plot size is expected to be narrow than a detached dwelling yet the neighbouring dwellings achieve a greater plot size than the one proposed for a detached new dwelling. The works are therefore considered to not reflect the spatial characteristics of the neighbouring dwellings and would appear in a cramped and crowded form.
- 6.6 It is considered that the proposed design solution does not relate either to the local area or surrounding houses, neither does it establish a high quality contemporary or innovative design, which addresses this sensitive highly visible site. This is emphasised through the scale of the dwellinghouse which would appear contrived and is of a poor design and form in order to be accommodated within a narrow plot form. This is not characteristic of the area and causes the development to not sit well within Fishery Lane. It is therefore considered that this approach lacks a sense of proportion and balance, which would result in the development having an adverse impact on the character and appearance of the area.
- 6.7 Taking these factors together it is considered that the development would appear incongruous, and out of keeping with the character of the area within which it would

be read. As a result, the development would fail to achieve a successful transition within the established pattern of development and spatial characteristics and setting of the street scene. It is considered that the proposed development would mark a significant change to the existing characteristics of this prominent site, which plays a strong role in the character of the area, introducing a much more intensely developed built form that would jar with the prevailing relatively spacious character of the area, and would not achieve an effective transition between the respective patterns of development in the area on this highly visible plot.

- 6.8 An email was sent to the agent on the 12th March 2018 outlining the planning officer concerns and that the application would be recommended for refusal. Additional plans were sent for consideration on 20th March 2018 showing a west profile comparison with annotations for obscure glazing to dormers and an amended the proposed site plan.
- 6.9 The amended plans did not address the principle, scale or position of the development and therefore fails to address the fundamental concern with the contrived design of the proposal and its cramped form. The development was therefore still considered to be contrary to criteria 1 c) of policy CS16 of the adopted Havant Borough Local Plan (Core Strategy) 2011 and paragraph 5.03 of the Havant Borough Council Design Guide which states that the design of new development needs to ensure engagement with the streetscene and public realm. The works were also considered to be contrary to paragraph 127 of the NPPF.
- 6.10 ***The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring properties at 32A and No 30 Fishery Lane and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.***
- 6.11 The application site is situated centrally between No 30 and no 32A Fishery Lane and would utilise the current driveway which provides access from the main highway to No 32 Fishery Lane. The proposed dwelling would be sited approx. 0.2m away from the eastern boundary to the front of the site and would be situated forward of the property and building line at No 32A although it is noted that this part of the dwellinghouse would be single storey. The two storey element would be approx. 7.5m back from the front elevation and would be in part in line with No 30 and No 32A and would project past the rear elevation of the dwelling to the east impacting the dwellings and the amenity space to the rear adversely (there are windows proposed in the east and west elevation at first floor). The proposed roof is in gable form from the neighbouring properties No 30 and No 32A. The height, mass and bulk of the proposed dwelling together with its proximity to the site boundaries would result in an overbearing impact to neighbouring residents.
- 6.12 Due to the proximity of the proposed dwellinghouse situated to the west of No 32A and to the east of No 30 sunlight has the potential to be significantly impacted reaching these neighbouring dwellings with shadowing caused as a result. Most of the windows in east side elevation of No 30 are single windows which appear to be serving primary habitable areas for the flats. Morning and afternoon sunlight would be impacted reaching these key rooms which has the potential to adversely impact the living standards of the occupants of the flats. This is not reflected in the design of the proposed dwelling which proposes a height of 7.365m and gable roof forms facing No 30 and No 32a. Similarly with No 32a being to the east of the proposed dwellinghouse sunlight has the potential to be impacted in the mid afternoon and

evening. Many windows within the rear elevation of 32A including the private amenity space currently enjoyed by the owner would be significantly adversely impacted by having a two storey dwelling to the height proposed in such close proximity to the boundary and this is considered to be un-neighbourly and contrary to guidance stipulated in the Boroughs Design Guide Supplementary Planning Document 2011. In particular paragraphs 5.08 which state that no new developments should result in the loss of light to existing buildings and paragraph 5.10.

- 6.13 Given the increased intensity of development for the proposed site the two storey element proposed towards the rear of No 32A has the potential to appear dominant, overbearing and intrusive to the amenities currently enjoyed by the adjoining properties, affecting their outlook, light and privacy. Having regard to these concerns, it is considered that the development would have a significant adverse impact on the amenities of the neighbouring properties No 30 and No 32A Fishery Lane. As such the proposal would have a harmful effect on these properties and be contrary to criterion 1 e) of Policy CS16 of the Havant Borough Local plan (Core Strategy) 2011, paragraphs 5.03, 5.10, 5.25 and 5.33 of the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and paragraph 128 of the NPPF.

Other Matters

- 6.14 The application site falls within the 5.6km zone of Chichester and Langstone Harbours SPA which are large estuarine basins that contain extensive intertidal mudflats and sandflats that support internationally and nationally important numbers of overwintering and breeding bird species. Please find additional information about the characteristics of the area, the areas for its designation, interest features and conservation objectives on the link to Natural England's website below:

<https://designatedsites.naturalengland.org.uk>

- 6.15 The potential effects of new residential development on the Chichester and Langstone Harbour SPA is outlined in a table contained within **Appendix D**. The evidence base to support the mitigation strategy can be found on the link below:

<http://www.birdaware.org/research>

- 6.16 The development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures. Additional information in relation to the Bird Aware Solent Strategy can be viewed via the following web address:

<http://www.birdaware.org/CHttpHandler.ashx?id=29372&p=0>

- 6.17 During the course of the application a Deed was completed together with a payment for the financial contribution then required of £210 (£180/unit + administration and monitoring fees)
- 6.18 From 1 April 2018, the ('Definitive') Solent Recreation Mitigation Strategy SRMS applies to new residential development as approved by Havant Borough Councils Cabinet on the 7th February 2018. The Strategy uses a sliding scale to calculate the

SRMP contribution for new residential development built within 5.6km of the coastline. As such, the contribution is now calculated based on the number of bedrooms per individual dwelling. In this case, the proposal is for 1No. two bedroom dwelling. This would require a financial contribution of £531.35

6.19 As £210 had already been paid the remaining contribution is £341.35.

6.20 Therefore, an updated Unilateral Undertaking has been sent to the agents requesting the uplift amount of £341.35 to ensure the appeal is determined in accordance with the current Definitive Strategy to enable full compliance with policy DM24. The updated Deed has been signed and returned to the LPA, see copy in **Appendix E**. Payment has also been made for the remaining £341.35 which is considered to satisfactorily address this matter and ensure the works comply with the SRMS, Appropriate Assessment and policy DM24 of the Definitive Strategy. A copy of the consultation response can be seen in **Appendix F** from Natural England who raises no objection to the proposal pending the financial contribution being secured which it has.

6.21 As a result and consequent update in case law, an appropriate assessment will need to be undertaken at the appeal stage by PINS as the competent authority.

6.22 The development would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on the 1st August 2013. Therefore should permission be granted on appeal, this scheme will be liable to pay the Council's CIL upon commencement of the development.

7.0 COMMENTS ON APPELLANTS STATEMENT OF CASE

7.1 The Council's case is set out above and the following comments are made by way of clarification or amplification only where issues not addressed above are introduced.

7.2 Point 5.a by the appellant raises the point that the AMR of the local planning authority does not show a 5 year supply of new housing as required by the NPPF. In response to this the following comments are made:

The proposal is for the development of 1 new dwellinghouse. Although it is noted that this would provide a contribution to the housing supply of the Borough this is by a very small amount and would have to be weighed against any harm caused to the visual amenity of the area and neighbouring dwellings. The Council's most recent Annual Monitoring Report highlights that the Council had a small deficit in its five year supply. A recent review following the 2017/18 completions and recent planning permissions also confirms that the Council does have and can provide a 5.07 year supply of housing land with a 5 percent buffer (please see **Appendix G**) and so is therefore able to meet the need for housing without this proposed dwelling. Therefore the harm caused as a result of the proposal is not considered to outweigh the very small contribution made to housing supply.

7.3 Point 5.e by the appellant raises that the site is not prominently located and respects the building line and broadly mimicking the detailed design of neighbouring dwellings. The council has no objection to the detailed design of the dwelling itself.

As mentioned in section 6 the first reason for refusal was based on the dwellings size, design and prominent siting and therefore the comments made above are disagreed with. It is considered that the design of the proposed dwelling is compromised due to the restrictions in the plot size and narrow width. The design is

out of character with the neighbouring dwellings and has a long single storey front projection with two storey height towards the rear in order to achieve a dwellinghouse in a constrained site. The result of this is a design that is contrived, over-bearing and out of context with the immediate locality.

The dwelling would be set further forward of the building line than the dwellings to the east creating a significant prominent appearance from Fishery Lane. Although this would be single storey, due to the open nature of the site, restrictive size and being forward of the neighbouring dwellings the building would appear dominant and cramped from Fishery Lane which is contrary to the Borough Design Guide and is considered to adversely impact the character of the streetscene.

- 7.4 Point 5.f-i states that plot widths vary along Fishery Lane and that terraced houses have narrow plots.

The plot width for the proposed dwellinghouse measures approximately 5.8m wide. It is considered that a terraced dwelling plot width is not normally comparable to a proposed detached dwelling. A terraced dwelling has a different form and appearance to that of a detached dwelling and an expected smaller plot is associated with a terraced home. However, the terrace dwellings in question to the east of No 32 have a plot width of 7.4m as a minimum which is over 1.5m wider than the narrowest part of the application site. When taking into account the restricted plot size and form of the dwelling proposed within this space this is considered to make a considerable difference and not be comparable to these neighbouring dwellings.

Other examples include dwellings not within the immediate streetscene which due to the differences in context are considered to not be reasonably comparable to the dwellinghouse proposed within Fishery Lane.

As a specific address has not been mentioned an assumption has been made that the agent refers to the detached dwellings to the north east of the application site between Nos 21-25 Fishery Lane. Although these sites vary in plot width the smallest plot has been taken as an example for this point which still achieves an approximate 9m width. This is considerably larger than the width proposed to serve the new dwellinghouse at No 32 as part of this appeal. The detached house in question is also positioned within a staggered formation reducing the visual dominance of the development. Furthermore the form, layout and design of the dwelling is different to that immediately surrounding the application site of No 32 and is not considered to be an accurate comparison when attempting to justify a reflective layout.

- 7.5 Point k states that the development shall not obstruct the first floor habitable west facing windows at No 32A and east facing windows in No 30.

These points have been addressed in part 6 of the appeal statement.

- 7.6 Point L states that there is a 2m separation distance between the proposed dwelling and nearest part of No 32a.

From plan 17045-142A the nearest point of the proposed dwellinghouse at the north east corner shall be approximately 0.2m away from the shared boundary No 32A at single storey and approx 2.1m away from the dwellinghouse itself. Where the two storey development is proposed the works shall be approximately 0.8m away from the shared boundary with No 32a and 2.2m away from the neighbour. This does not accord with guidance stipulated in the Borough Design Guide which outlines that a

2m distance from the shared boundary should be achieved in order to have an acceptable neighbourly relationship. As the works do not achieve this the development is considered to be harmful to the amenity levels of the neighbouring dwelling No 32A and contrary to the Borough Design Guide.

- 7.7 Point M states that the piece of land shall no longer be used by vehicular traffic representing a material improvement to the living conditions at No 30 and No 32a.

It is considered that the oppressive nature of the development, the over-bearing appearance from the neighbours and the impact caused to sunlight and shadowing would be more significantly harmful than the modest noise generated by the vehicles using the private road to access and exit the existing dwelling at a slow speed.

- 7.8 Point N states that the dwellinghouse shall project a short distance beyond the rear elevation No 32a. Thereby combined with a 2m distance and modest height of less than 7.5m shall not be materially overbearing.

The proposed two storey extension shall project past No 32A by approx 4m which is considered to be a large depth at two storey height, with a gable roof and modest set off the boundary which varies between 0.8m to the north of the two storey works which project past No 32a achieving 1m off the shared boundary for the final 3m rear projection. The height of 7.365m in combination with the design and restricted space between the neighbours is considered to create an oppressive outlook and view point when using the rear amenity space of the neighbour. The works also have the potential to cause significant adverse impacts to light reaching the rear elevation of the neighbour which shadowing created as a result. Strong objection was raised by the neighbour in this regard and the works are considered to be contrary to policy CS16 of the Havant Borough Local Plan.

8.0 **CONCLUSION**

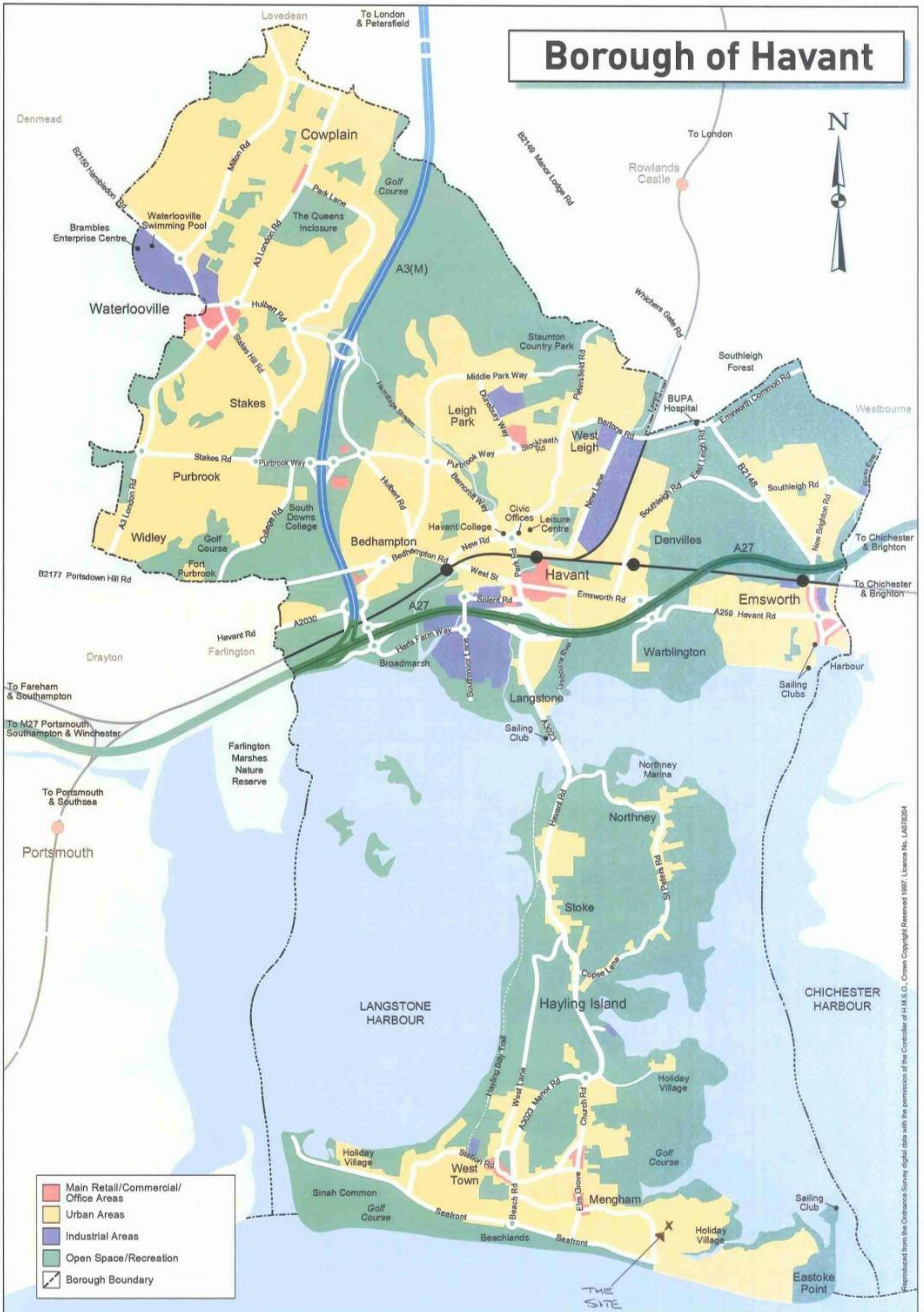
- 8.1 In conclusion the LPA consider that the proposed erection of a 1No. two bedroom dwellinghouse as submitted would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout, scale or design, conflicting with the established pattern of development and spatial characteristics of the vicinity resulting in a cramped form of development. The proposed size and mass of the new dwelling would create a dominant, incongruous feature and have an adverse impact on the setting and visual amenity of the street scene. Additionally, it would result in an unneighbourly and overbearing presence on the occupiers of the neighbouring properties, in particular those at No 30 and No 32A Fishery Lane.
- 8.2 Whilst amendments were made to the scheme it was considered these did not sufficiently address the concerns raised in order for the proposal to be acceptable. Fundamentally both the original and amended plans are for a dwelling of contrived design which does not appear in keeping to the locality.
- 8.3 The proposed development is therefore considered to be contrary to the NPPF, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the adopted Havant Borough Design Guide SPD 2011. The Inspector is therefore respectfully requested to dismiss this appeal. On a without prejudice basis a list of recommended conditions will be forwarded separately to the Inspectorate.

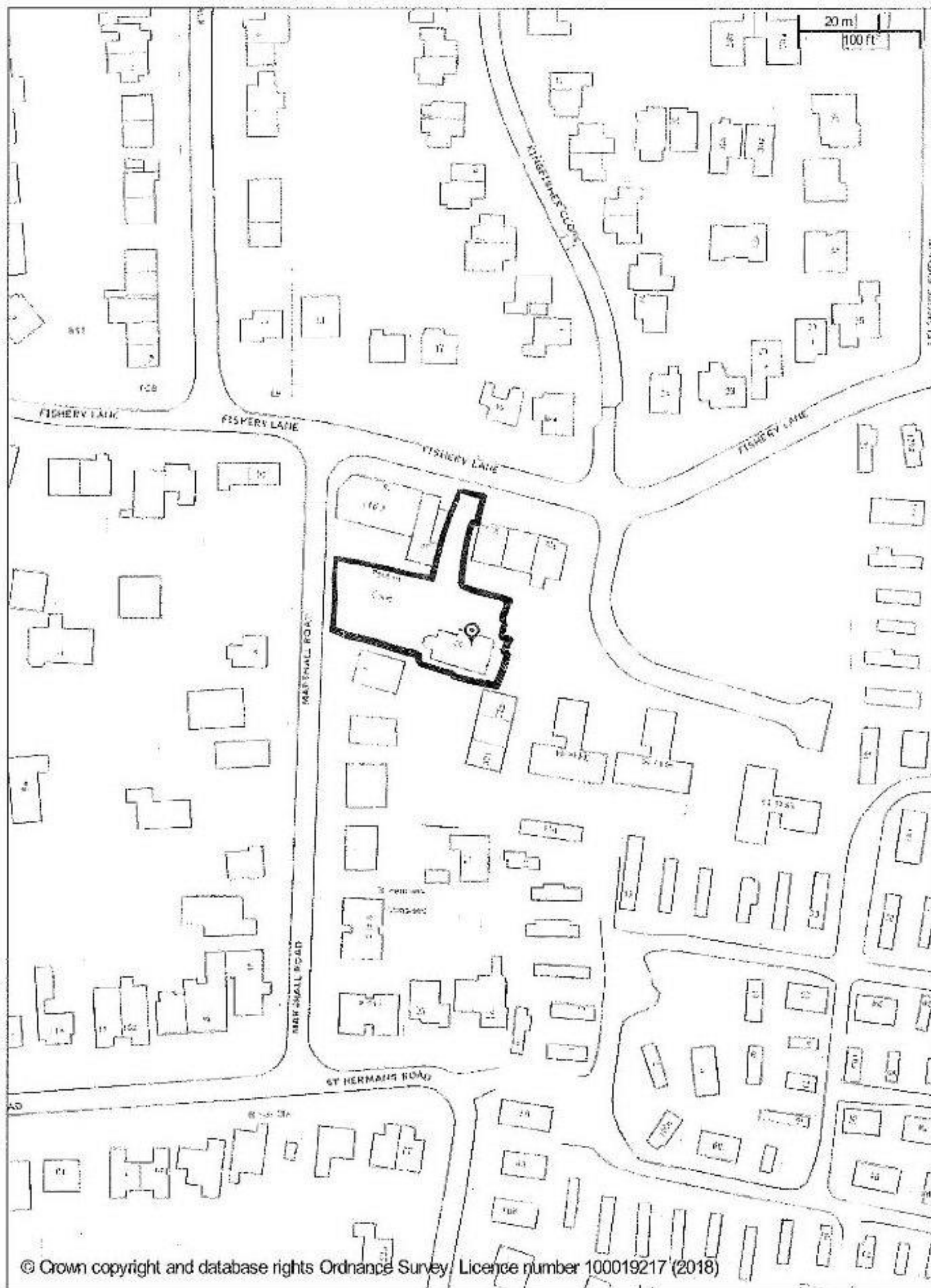
Appendices

- (A) Borough and Location Plan
- (B) Email dated 12th March 2018 from Emma Chisnall, case officer to Martin Critchley, agent acting on behalf of the application.
- (C) Email dated 21st March 2018 from Emma Chisnall, case officer to Martin Critchley, agent acting on behalf of the application
- (D) Potential Effects on SPA of residential development
- (E) Copy of uplift Deed for SRMS
- (F) Natural England Consultation Response
- (G) Havant Borough Councils 5 Year Housing Supply Calculation for period 2018-2023

APPENDIX A

Borough of Havant





APPENDIX B

RE: APP/18/00099- 32 Fishery Lane

CE

Chisnall, Emma

Reply

Mon 12/03, 14:24

'critchleyarchitect@hotmail.com'

HBC - CICO

Dear Jennie,

I have now had the opportunity to assess the application and perform a site visit and I wanted to raise a number of concerns with you that I have regarding the proposal.

The dwellinghouse is proposed to be positioned between No 32A and No 30 Fishery Lane which in its current form is narrow strip of land which provides a natural and appealing separation between the above mentioned dwellings with No 32 to the south. A mature tree is also in place between the dwellings providing a positive contribution to the amenity space along Fishery Lane.

In my opinion there are two concerns with the proposal and that is primarily the impact it has on the character of the area and then the impact it also has on the neighbouring dwellings.

The application site is very narrow and the works will block a natural separation between the neighbouring dwellings which is contrary to the Borough's Design Guide and policy CS16. Policy stipulates that new development should not create a crowded or cramped appearance in the streetscene which the proposed dwellinghouse would by filling this natural break between the neighbouring dwellings. Although the space between the proposed dwelling and the shared curtilage boundary increases to the rear (south) of the site, the dimensions of the dwelling and distance of development to the shared curtilage boundary to the front are incredibly limited meaning that the works would be approximately 0.3m off the shared boundary. This would pose issues with attempting to carry out maintenance to the dwelling and is again contrary to policy and overall the works are considered to result in an unacceptable impact on the character and appearance of the area.

The relationship between the proposed new dwellinghouse and neighbouring dwellings is considered to be unacceptable and would result in a harmful impact. Although the works are proposed to be single storey to the north the proximity of this development to the neighbouring dwellings has the potential to impact the outlook of ground floor windows in place creating an obtrusive and over-bearing appearance. The mass and bulk to the rear at two storey still has the potential to cause shadowing and a loss of light to windows in the rear and side elevation and garden space at No 32A. The development also has the potential to cause over-looking from first floor windows at the front and rear and would impact the neighbouring dwellings windows that are positioned in the side. Objections have been made in regards to these impacts.

I do not consider that these issues can be addressed under the current proposal and I would therefore recommend, following this assessment, that planning permission is refused based on the reasons mentioned above. Should you wish to withdraw the application you

are welcome to do so and this can be requested via email to me. Please can you let me know how you wish to proceed.

Kind regards,
Emma

Emma Chisnall
Planning Officer
Development Management
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446523
Emma.Chisnall@havant.gov.uk
www.havant.gov.uk
www.facebook.com/havantboroughcouncil
www.twitter.com/havantborough

APPENDIX C

RE: Additional Information for 32 Fishery Lane

CE

Chisnall, Emma

Reply

Wed 21/03, 15:50

'Martin Critchley' <critchleyarchitect@hotmail.com>

HBC - CICO

Dear Jennie,

Thank you for the amended plans which were re-advertised to neighbours yesterday for 7 days. A determination shall be made in due course.

Kind regards,

Emma

Emma Chisnall

Planning Officer

Development Management
Havant Borough Council
Public Service Plaza

Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446523

<mailto:Emma.Chisnall@havant.gov.uk> Emma.Chisnall@havant.gov.uk

<http://www.havant.gov.uk/> www.havant.gov.uk

<http://www.facebook.com/havantboroughcouncil>
www.facebook.com/havantboroughcouncil

<<http://www.twitter.com/havantborough>> www.twitter.com/havantborough

APPENDIX D

The potential effects of new residential development on the Chichester and Langstone Harbour SPA can be summarised as follows:

Potential Effect	Site Conservation Objective(s)	Qualifying features	Potential for Impact?	Relevant Mitigation Measures
Decrease in survival rates and populations of over-wintering birds due to increase in disturbance, caused by increasing human population (in combination with other plans and projects)	Maintain or restore the population of each of the qualifying features. Maintain or restore the distribution of the qualifying feature within the site.	All for Chichester and Langstone Harbours SPA.	Yes. Indirect impact. Without mitigation, bird populations would be reduced and/or re-distributed by increased numbers of visitors leading to increased disturbance	Bird Aware Solent Strategy The Strategy proposes:- • a team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc.; • communications, marketing and education initiatives; • initiatives to encourage responsible dog walking; • preparation of codes of conduct for a variety of coastal activities; • site-specific projects to better manage visitors and provide secure habitats for the birds; • providing new/enhanced greenspaces as an alternative to visiting the coast;

Further details in relation to the Bird Aware Solent Strategy can be viewed via the following web address:

<http://www.birdaware.org/CHttpHandler.ashx?id=29372&p=0>

APPENDIX E



hds

THIS UNILATERAL UNDERTAKING is made by DEED on the [DAY] of [MONTH] 20[18]

17 / 10 / 2018

AND GIVEN BY

[FULL COMPANY NAME] incorporated and registered in England and Wales with company number [NUMBER] whose registered office is at [REGISTERED OFFICE ADDRESS] Owner

TO [FULL NAME] of [FULL ADDRESS] Owner Mr & Mrs M. MACEY
32 FISHERY LANE, MAYLING ISLAND, HANTS
PO11 9NR

The Council of The Borough of Havant of Public Service Plaza Civic Centre Road
Havant PO9 2AX

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the Act for the area in which the Land is situated.
- (B) The Owner owns the Land and has made the Planning Application and is proposing to carry out the Development
- (C) The Owner gives this undertaking to perform the obligations set out in this deed.
- (D) The Owner has submitted an appeal number APP/X1735/W/18/3204791 against the Council's refusal to grant planning permission for the Application and the Owner enters into this deed conditionally upon the Planning Permission being granted on appeal.

AGREED TERMS

1. INTERPRETATION

The following definitions and rules of interpretation apply in this deed

1.1 Definitions

Act: the Town and Country Planning Act 1990

Administration Fee: the sum of £20

Commencement of Development: the date on which any material operation (as defined in section 56(4) of the Act) forming part of the Development is begun save that (for the purposes of this Agreement and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, site survey works, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" and similar expressions shall be construed accordingly

Contribution: £487.00 or the sum calculated in accordance with the formula set out at Appendix 1 to this deed (whichever is greater) as a contribution towards measures to mitigate the impacts of the Development on the Solent Special Protection Areas in accordance with the Solent Recreation Mitigation Strategy dated 1 April 2018 (index linked in accordance with the figures supplied to the council by the Solent Recreation Mitigation Partnership).

Development: the development of the Land described in the Planning Application. Land: 32 Fishery Lane, Hayling Island, PO11 9NR and shown edged red on the plan annexed to this deed.

Monitoring Fee: the sum of £24.35 calculated as 5% of the Contribution.

Planning Application: an application for planning permission registered by the Council on 30 January 2018 under reference number APP/18/00099.

Planning Permission: means the planning permission which may be granted for the Development pursuant to an appeal made under section 78 of the Act under reference APP/18/00099.

- 1.2 A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.4 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.5 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.6 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.7 References to clauses are to the clauses of this deed.
- 1.8 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the Act, section 111 of the Local Government Act 1972 and any other enabling powers.
- 2.2 The obligations contained in clause 3 of this deed are planning obligations for the purposes of section 106 of the Act and are entered into by the Owner with the intention that they bind the interests held by those persons in the Land and their respective successors and assigns.
- 2.3 This deed shall have effect from the date hereof.
- 2.4 The obligations contained in clause 3 of this deed are enforceable by the Council in accordance with section 106 of the Act.

3. COVENANTS WITH THE COUNCIL

The Owner covenants with the Council to pay the Contribution, Administration Fee and Monitoring Fee to the Council prior to commencement.

4. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission

- (a) expires before the Commencement of Development,
- (b) is varied or revoked other than at the request of the Owner, or
- (c) is quashed following a successful legal challenge.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it

[FOR INDIVIDUALS]	
Executed and delivered as a deed by [INSERT NAME]	Mr & Mrs M. MACEY.
in the presence of:	
Witness signature	
Witness name	TRACEY COYLE
Witness address	THE LIFEBOAT INN 30 SEAFRONT, HAYLING ISLAND
Witness occupation	LANDLADY.

[FOR COMPANIES OPTION 1]	
Executed and delivered as a deed by [COMPANY NAME] acting by two directors [INSERT DIRECTORS NAME]	Director
[INSERT DIRECTORS NAME]	Director

[FOR COMPANIES OPTION 2]	
Executed and delivered as a deed by [INSERT COMPANY NAME] acting by [INSERT DIRECTORS NAME], by a director	 Director
in the presence of:	
Witness signature Witness name Witness address Witness occupation	

LOCATION PLAN



LOCATION PLAN 1:1250

10 20 30 40

metres

APPENDIX 1

Contribution formula and rates

In this deed the Contribution is calculated in accordance with the following formula:

$$\text{Contribution} = (A \times B) \times C$$

Where:

- A = the number of dwellings at the applicable bedroom rate given in the table below
- B = the applicable bedroom rate given in the table below determined in accordance with the number of bedrooms per dwelling
- C = the monitoring fee calculated at 5% of the total of A X B

Solent Mitigation Contribution Rates (index linked)	
No of Bedrooms	Amount
1	£337
2	£487
3	£637
4	£749
5+	£880

APPENDIX F

Date: 01 October 2018
Our ref: 260051
Your ref: APP/18/00099



Emma Chisnell
Planning Officer
Havant Borough Council

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Emma,

Planning consultation: Erection of 1No. two bed chalet bungalow.

Location: 32 Fishery Lane, Hayling Island, PO11 9NR

Thank you for your consultation on the above dated 27 September 2018 which was received by Natural England on 27 September 2018

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO MITIGATION

The application site is within 5.6km of the Solent and Southampton Water Special Protection Area (SPA) and will lead to a net increase in residential accommodation. To address any potential significant effects, any forthcoming planning application will need to comply with 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) Definitive Strategy.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

Natural England's advice on other natural environment issues is set out below.

European Designated Sites

This application is in close proximity to Solent Maritime Special Area of Conservation and Chichester and Langstone Harbours Special Protection Area and Ramsar protected sites.

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the

agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Natural England notes the proposed SRMP contributions are based on those in the interim strategy rates. Appropriate assessments must be complete with no lacunae based on the best available scientific information according to the CJEU. As I am sure you are aware, the new Bird Aware Solent Definitive Strategy Rates came into force on 1st April 2018. Natural England's legal advice is that the appropriate assessment needs to include the new definitive strategy rates as permission has not yet been granted, only a resolution to grant.

Therefore, Natural England advise that the mitigation package should be £531.35 based on the definitive strategy rates and including the monitoring and administration fees (<http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>).

Please note that recent case law ('[Sweetman II](#)') outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to 'screen out' impacts at the stage of considering Likely Significant Effects (LSE) rather avoidance/mitigation measures should be considered through an Appropriate Assessment. Therefore where impacts are identified as having a LSE, the HRA will need to move on to the Appropriate Assessment stage where avoidance/mitigation measures can be fully assessed.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make. You may also want to seek your own legal advice on any implications of this recent ruling for your decisions.

Chichester Harbour SSSI

Provided the measures as outlined in the above box are secured, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection on this aspect of the application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28(1) (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

In addition, Natural England would advise on the following issues:

Protected species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Should the application change please consult us again.

Yours sincerely

Rachael Clemson
Dorset, Hampshire and Isle of Wight Area Team

APPENDIX G

Five Year Supply Calculation for period 2018-2023			
	Calculating the required supply		Dwellings
a	OAN requirement 2016-2036		9,260
b	Completions 2017/18		290
b(i)	Previous years completions		649
c	Remaining requirement	a-b-b(i)	8,321
d	Remaining years of period		18
e	Annual requirement	c / d	462
f	Five year requirement	e x 5	2,311
f(i)	Five year requirement with 5% buffer		2,427
f(ii)	Five year requirement with 20% buffer		2,774
	Identified Supply		
g	Supply over 5 year period 2018-2023		2,461
	Five year land supply (expressed in years):		
	Excluding buffer	g / (f/5)	5.3
	With 5% buffer	g / (f(i)/5)	5.07
	With 20% buffer	g / (f(ii)/5)	4.4



HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

**APPEAL BY MR AND MRS MACEY AGAINST THE DECISION OF
HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING
PERMISSION FOR THE ERECTION OF 1No. TWO BED CHALET BUNGALOW AT
32 FISHERY LANE, HAYLING ISLAND, PO11 9NR**

Planning Inspectorate Reference: APP/X1735/W/18/3204791

LPA REF: APP/18/00099

LIST OF SUGGESTED CONDITIONS

If the Inspector is minded to grant planning permission for the development, then the LPA would suggest the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 3 No development shall take place until finished floor levels for the proposed building relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of the amenities of the area having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework 2018.

- 4 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.
- Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018
- 5 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.
- Reason:** To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 6 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
- Reason:** In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 7 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension or outbuilding permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
- Reason:** To protect the amenity of the area and to secure satisfactory levels of private amenity space for future residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 8 The car parking, servicing and other vehicular access arrangements shown on the approved plans Drawing No 17045-142A to serve the existing dwelling and the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.
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.
- 9 The development must be undertaken in accordance with the Tree Survey and Landscape Assessment V2 and Tree Protection Plan (Drawing No 17045-143) dated 21.02.2018 supplied by *Martin Critchley Architecture and Design*.
Reason: To secure the conservation and enhancement of existing natural features and having due regard to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011
- 10 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.