

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Land to rear 50 Silvester Road, Waterloo, HANTS,
HAMPSHIRE, PO8 8TL**

**Local Planning Authority Reference:
APP/17/01121**

**Planning Inspectorate Reference:
APP/X1735/W/18/3202960**

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)



APPEAL BY MR P REX AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR DEMOLITION OF EXISTING OUTBUILDINGS AND CONSERVATORY, CONSTRUCTION OF 1No.3 BED DETACHED BUNGALOW WITH ASSOCIATED CAR PORT, REVISED DRIVE AND LANDSCAPING AT LAND TO REAR OF 50 SILVESTER ROAD, WATERLOOVILLE, HAMPSHIRE, PO8 8TL.

Planning Inspectorate Reference: APP/X1735/W/18/3202960

LPA REF: APP/17/01121

1.0 INTRODUCTION

- 1.1 The application was originally validated on 22nd December 2017 and sought permission for "Demolition of existing outbuildings and conservatory, construction of 1No. 3 bed detached bungalow with associated car port, revised drive and landscaping".
- 1.2 During the course of determining the application there was an issue over the precise location of the northern boundary and an intervening ditch, and the red lined application site was amended accordingly. Consequently, the Certificate A was re-dated and submitted to concur with the amended red line and the application was re-validated on 7th February 2018.
- 1.3 The application was determined under delegated powers on 29th March 2018 where it was resolved to refuse permission on the following grounds:

"1. The proposal would utilise a narrow access located within 1m of a habitable conservatory at No 48a and introduce parking and manoeuvring adjacent private garden areas. It is considered that the use of this drive and parking area with associated vehicle movements, and comings and goings would introduce noise and disturbance detrimental to the quiet residential amenity of the occupiers of both No 48a and 50 Silvester Road. The proposed landscape buffer may conflict with a Southern Water easement and not satisfactorily provide appropriate mitigation. The proposal is therefore considered to have an adverse effect on the amenity of occupiers of neighbouring properties, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012."
- 1.4 It is considered that the Delegated Officer Report is sufficiently detailed to form the basis of the LPA's Statement of Case. Therefore, the Inspector is respectfully requested to first refer to this document that has already been forwarded with the appeal questionnaire.
- 1.5 This Appeal Statement will not duplicate, but only update and elaborate on current policy situation and the reason for refusal as follows:

2.0 PLANNING POLICY UPDATE

- 2.1 Since the decision date of 29 March 2018, there have been updates to the NPPF; the

Council's Draft Local Plan; and the ('Definitive') Solent Recreation Mitigation Strategy was adopted on 1st April 2018. The consequence of these updates is as follows:

NPPF, 2018

- 2.2 The NPPF was updated on 24 July 2018 and with respect to this proposed development and appeal, continues to have a presumption in favour of sustainable development. Paragraph 8 repeats the three dimensions to sustainable development: economic, social and environmental roles and notes that the roles should not be taken in isolation because they are mutually dependent. Paragraph 9 notes that *"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"*. In accordance with Paragraph 11, it is agreed that the principle of housing is supported, but sub-paragraph d) ii) is considered relevant that states:

"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 2.3 Chapter 12 on Achieving well designed places makes high quality buildings a fundamental target with good design that is acceptable to communities a key aspect of sustainable development. Paragraph 127 notes that decisions should ensure that developments *"....will function well and add to the overall quality of the area.....are visually attractive as a result of good architecture, layout and appropriate and effective landscaping....are sympathetic to local character...optimise the potential of the site...create places that are safe, inclusive and accessible....with a high standard of amenity for existing and future users"*.
- 2.4 The NPPF also encourages early discussion between applicants and the LPA about design and emerging schemes to clarify expectations and reconcile issues. This reinforces Chapter 4 on Pre-application engagement and front loading that also encourages pre-application discussions.
- 2.5 Paragraphs 174-177 relate to Habitats and Biodiversity and paragraph 177 confirms that: *The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined*. This is relevant in relation to recent case law and the revised Solent Recreation Mitigation Strategy, which will be detailed below.
- 2.6 It is considered that the new NPPF continues to place an emphasis on achieving sustainable development, provided any adverse impacts do not outweigh the benefits. It is the ability of the proposal to function in terms of its layout and access, without effective landscaping with resultant harm to neighbouring amenity, that is the key consideration in the determination of this appeal. Therefore, the new NPPF continues to be relevant and the LPA are confident that the decision to refuse planning permission was made in accordance with the guidance contained within the updated NPPF.

Draft Local Plan

- 2.7 With respect to the Local Plan, 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, the Draft Local Plan, it

is of relevance in setting out the Council's direction of travel.

- 2.8 The Council's [Draft Havant Borough Local Plan 2036 Consultation Summary](#) indicates that consultation on a Pre-Submission Local Plan will take place in early 2019. With respect to this appeal, the draft High Quality Design Policy E6, reiterates the Council's commitment to achieving high quality design that respects its context and does not cause unacceptable harm to the amenity of neighbours. Additionally, new draft policy E7 seeks High Quality Design specifically for New Homes and sets out spatial criteria. These draft policies are copied in full in **Appendix B**.

'Definitive' Solent Recreation Mitigation Strategy

- 2.9 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 reasons for its designation, interest features and conservation objectives on the link to Natural England's website below:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9011011>

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

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

- 2.11 Natural England's advice in regard to all new housing development within the 5.6km zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan 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>

- 2.12 At the time when this planning decision was made in March 2018 the Council was using the 'Interim' Solent Recreation Mitigation Strategy which was based on a financial contribution per dwelling (£181 + £9 monitoring + £20 admin) and hence £210 was secured with the appropriate Deed. This satisfied the then Strategy.

- 2.13 However, on 1st April 2018, the ('Definitive') Solent Recreation Mitigation Strategy replaced the 'Interim' and the 'Definitive' Strategy now applies to new residential development (this was as approved by Havant Borough Councils Cabinet on the 7th February 2018.) The updated Strategy uses a sliding scale to calculate the SRMS 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 three-bedroom dwelling would require a contribution of £637 plus 5% monitoring fee of £31.85 and Administration Fee of £20 such that the total contribution required would be £688.85.

- 2.14 Therefore, an updated Unilateral Undertaking has been sent to the agents requesting the uplift amount of £498.85 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 D**.

However, at the time of writing the accompanying monies of £498.85, have not been confirmed as having been received by the LPA. Therefore, in the absence of the payment of the outstanding uplift amount, it is the opinion of the Local Planning Authority that the appropriate mitigation measures have not been secured to meet the Definitive Strategy and policy DM24.

- 2.15 It should also be noted that following the Councils determination of this planning application the Court of Justice of the European Union (CJEU) issued a judgement (People over Wind, Peter Sweetman v Coillte Teoranta) which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgement as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage. PINS Note 05/2018 refers to the judgement.
- 2.16 In this case, the development is located within a zone of influence of an SPA, the Local Planning Authority undertook HRA screening which included the requirement for avoidance and mitigation measures in terms of the Interim Solent Recreation Mitigation Project (now Definitive Solent Recreation Mitigation Strategy). Payment at the then applicable rate was received during the course of the consideration of the application. As set out above this rate has now increased for decisions made after 1st April 2018 (including on appeal).
- 2.17 As a result of the above judgement and consequent update in case law, an Appropriate Assessment is also now necessary in accordance with Regulation 63 of the Habitats Regulations. Natural England are a statutory consultee on the Appropriate Assessment stage and the LPA have consulted Natural England on this appeal. Their response is attached at **Appendix E**. As the Inspectorate are now the competent determining authority in relation to this appeal, it will be necessary for the Inspectorate to determine whether this is satisfactory to address the new case law.
- 2.18 However, it is the opinion of the LPA that without receipt of the uplift financial contribution in line with the requirements of the current Definitive Solent Recreation Mitigation Strategy, then all mitigation measures have not been adequately secured. Unless the outstanding uplift contribution of £498.85 are confirmed as being received by the LPA before the Inspector determines this appeal, then the proposal with the shortfall contribution would be contrary to both the Definitive Solent Recreation Mitigation Strategy and policy DM24. This could constitute a new reason for refusal if the Inspector is minded to dismiss this appeal. If the monies are confirmed as being received before the decision is made, then the LPA will advise the Inspector accordingly.

3.0 PLANNING CONSIDERATIONS

- 3.1 It is the adverse impact resulting from the extension and use of the vehicular access drive serving the proposed backland dwelling that is considered the key consideration in the determination of this appeal. The reason for refusal notes the narrowness of the access in close proximity to the habitable conservatory and private garden areas at No. 48a and the resultant comings and goings would introduce noise and disturbance, detrimental to residential amenity. It is further noted that the suggested landscaped mitigation may not be realistic and achievable due to a Southern Water easement and restriction on new planting within 3m of the sewer.
- 3.2 The layout plan proposes a drive passing to the east of the retained frontage dwelling,

between No 50 and 48a. This side gap is only between 2.6m and 3m wide and the plan shows a landscaping strip acting as screening and a buffer against this eastern flank wall of No 50. This would further reduce the available width to serve a backland dwelling, pushing the useable drive hard against the eastern shared boundary with No 48a. This adjacent property is set further back, with a conservatory across its rear elevation which is used as a main habitable room. The existing side drive and old garage serving the appeal site, sit further forward than No 48a's conservatory and as such there is currently no vehicular movement encroaching past this rear conservatory.

- 3.3 The appeal proposal would involve the access drive penetrating past the entire west elevation of No 48a with the proposed turning area extending past the rear elevation by a further 16m. This hardsurfaced drive and turning area would therefore be sited immediately adjacent the private sitting out garden area of No 48a, with the proposed car port hard on the shared boundary with No 52 to the west. The regular use of this area as future residents and visitors access the property would result in noise and disturbance – both from the vehicle movements themselves and car doors slamming, as well as pedestrian activity. This noise and disturbance would be taking place adjacent the existing habitable conservatory at No 48a and the quiet areas of both neighbour's private gardens. Furthermore, there would be potential light pollution from headlights shining into the neighbour's conservatory. It is considered the introduction of such additional activity and noise, where neighbours should be able to expect to enjoy their quiet residential amenity, is unacceptable and contrary to policy CS16 clause 1. e).
- 3.4 The proposed hardsurfaced access drive and turning area would be located very close to the eastern boundary with only a marginal step off the boundary and landscaped buffer proposed as mitigation. This proposed landscaped buffer is only approximately 1m wide and its effectiveness to absorb noise, light and visually screen activity is considered limited.
- 3.5 Furthermore, a copy of Southern Water's consultation response letter and accompanying plan showing the approximate position of the foul sewer are attached at **Appendix F** for the Inspectors attention. The estimated position of this sewer was not shown on the submitted plans, but it is considered that the required 3m easement with no new planting, could impact on the ability to adequately plant the proposed buffering landscaping. Whilst this is a technical matter and could potentially be addressed with a sewer diversion, nevertheless this places further doubt on the adequacy and effectiveness of the currently proposed landscaped mitigation.
- 3.6 Without the proposed landscaped mitigation then the adverse impact of the use of the drive and turning area would be further increased and considered harmful to the otherwise quiet amenity currently enjoyed by neighbours. Due to the very tight relationship with No 48a and the narrow drive passing within 1m of a well-used habitable conservatory, then the impact of the use of the proposed drive would be significantly detrimental to the amenity of the occupiers of 48a. The use of the rear turning area would also impact the quiet amenity of both Nos 48a and 52.
- 3.7 The identified adverse impacts of the proposed layout on the living conditions of the neighbours, are considered to outweigh any other economic or environmental benefits of the proposal. Accordingly, the proposal is considered contrary to the updated 2018 NPPF, in particular paragraph 11, and policy CS16 of the adopted Havant Borough Core Strategy.

4.0 **COMMENTS ON APPELLANTS STATEMENT OF CASE**

- 4.1 The Appellant at paragraph 5.2 of his statement, incorrectly states vehicles already pass by 48a. It is agreed that the access already exists, but it only sits aside the eastern flank of the appeal dwelling which overlaps with Nos 48a but does not entirely pass by 48a. Notably the existing garage, if used (as it appears substandard by modern sizes) would contain any vehicle noise by virtue of being enclosed inside the garage. However, cars do not currently pass by No 48a's conservatory and the introduction of these vehicle movements within 1m of the conservatory, cannot fail but to have an adverse impact on the quiet enjoyment of the occupiers of 48a.
- 4.2 Paragraph 5.3 refers to the previous appeal on the site under ref 89/53303 which was dismissed at appeal on 15 May 1990. A copy of the then submitted plans, decision notice and appeal decision are copied in **Appendix G** for the Inspectors information. The differences and similarities are apparent, and these issues were addressed at paragraphs 7.9 and 7.10 of the delegated report.
- 4.3 Paragraph 5.6 states that the number of vehicle movements would be similar to the existing situation. But the proposal is for an *additional* 3 bedroomed family dwelling, so the number of vehicle movements has to increase and cannot possibly 'be similar'. There must be an increase in movements to serve a new dwelling.
- 4.4 At paragraph 5.7 the appellant again refers to the case at 78-80 Silvester Road (APP/17/00530 refers). This was addressed at application stage and the Inspector is respectfully requested to refer to paragraph 7.11 of the delegated report. It is contended that the two sites and schemes are materially different with the frontage dwellings being included within that application site, such that a precedent is not set. Should the Inspector wish to view the details and plans of this scheme, then the documents can be found on the Council's website as follows:

https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_240863

- 4.5 It is acknowledged that the Council's Highway Engineer made no objection on highway safety grounds to the proposal. Adequate on site turning can be provided to enable vehicles to enter and leave the site in a forward gear. However, the highway amenity issues arising from the use of the drive are considered to be directly related to the reason for refusal as impacting the neighbouring amenity.

5.0 **CONCLUSION**

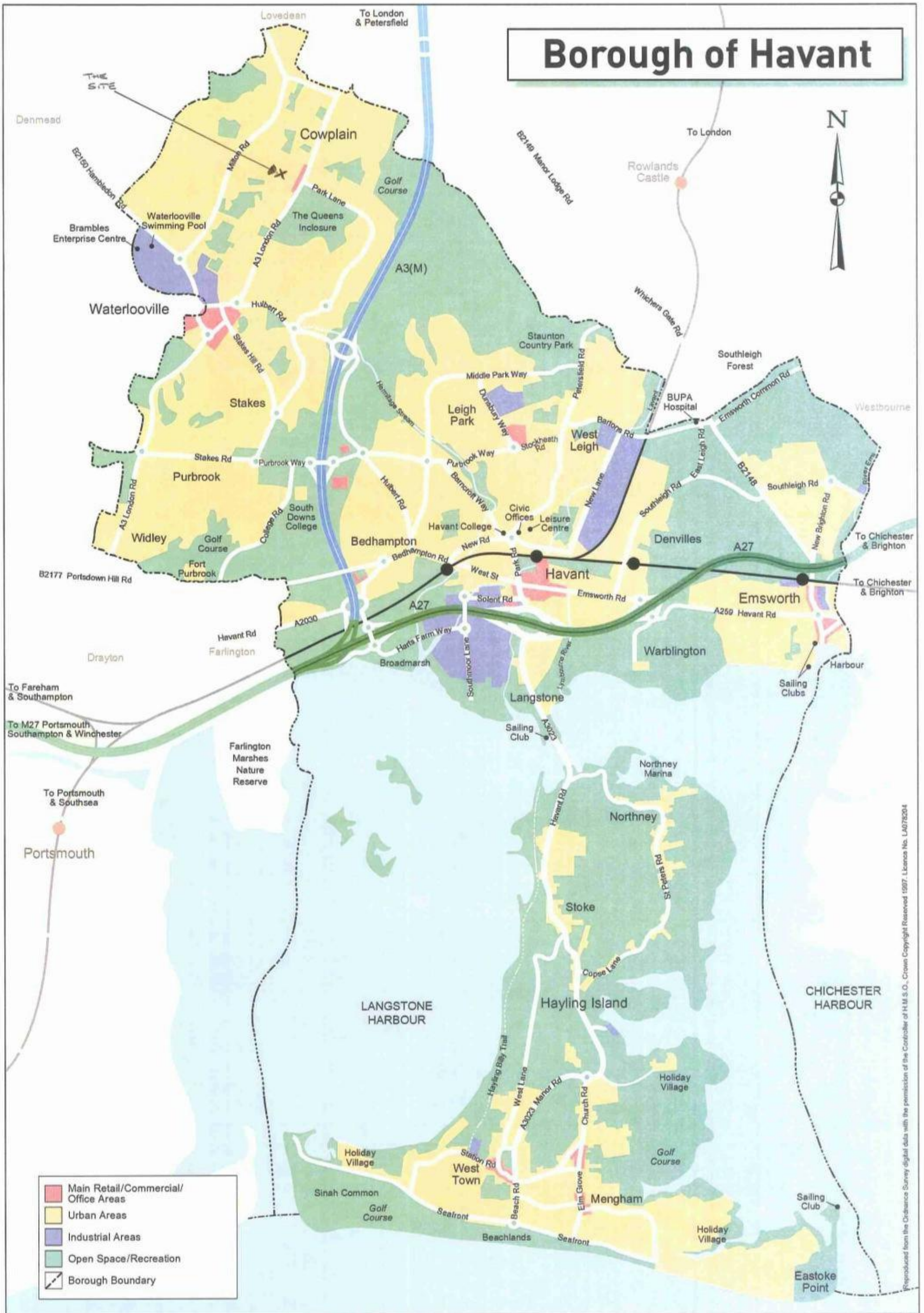
- 5.1 The LPA remains of the view that the access serving the proposed backland bungalow is unacceptably narrow and close to the shared boundary with No 48a. The use of this drive passing the side elevation and conservatory of 48a would have a significant adverse impact on the existing quiet amenity of these occupiers. Furthermore, the penetration of the drive and turning area deep into the garden areas, would invade the quiet private garden areas of both no 48a and 52, to the detriment of the living conditions of both these neighbours. The proposed landscaped mitigation may not be adequate to protect the neighbours from the adverse noise and disturbance and cannot be relied upon to make the proposal acceptable. Accordingly, whilst the proposed bungalow would in principle provide a further sustainable dwelling, the benefits of its provision are not sufficiently offset by the harm to neighbouring amenity.

- 5.2 At the time of writing the lack of the uplift financial contribution to mitigate against the impact on the SPA also makes the appeal proposal contrary to both the Definitive Solent Recreation Mitigation Strategy and policy DM24.
- 5.3 The proposal is therefore currently considered contrary to policies CS16 and DM24 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework, 2018. The Inspector is therefore respectfully requested to dismiss this appeal.

APPENDICES

- (A) Borough Map and 1:1250 Location Plan
- (B) Emerging Policies E6 and E7 from Draft Havant Borough Council Local Plan 2036
- (C) Potential effects on SPA of residential development
- (D) Copy of uplift Deed for Solent Mitigation Strategy
- (E) Natural England's consultation response to current appeal.
- (F) Copy of Southern Water's consultation response and sewer plan
- (G) Copy of plans, Decision Notice and Appeal decision letter for 89/53303

Borough of Havant





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Land Rear of 50 Silvester Road

Scale: 1:1250

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E6 | High Quality Design

- 5.57 This policy would update and replace Policy CS16 (High Quality Design) in the Core Strategy and Policy DM21 (Shopfronts, Signs, Security Shutters and Advertisements) of the Allocations Plan. It also covers aspects of Policy CS8 (Community Safety) of the Core Strategy.

Why this policy is needed

- 5.58 The NPPF makes clear that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This policy sets out the Borough's place-making objectives in terms of delivering high quality design, enhancing connections between people and places and integrating new development with the Borough's high quality natural, built and historic environment.
- 5.59 The Borough has a diverse built environment, but in many cases it will be appropriate to forge new places particularly where areas suffer from neglect and lack of identity. The policy also sets out how the Council aims to create safe and accessible environments so that crime and disorder, and the fear of crime²⁵, do not undermine the quality of life for the Borough's residents.
- 5.60 Havant and Waterloo Town Centres and Hayling Island Seafront in particular lack identity and/or suffer from neglect and have poor connections to the surrounding areas. The Council therefore recognises the importance of good design as part of new development in order to forge new places, as well as responding to and enhancing its natural assets and more attractive built features.
- 5.61 Using Active Design principles²⁶ new development can encourage greater levels of daily physical activity in and around buildings and spaces, and promote healthy communities. Safe and convenient connections for walking and cycling within and around development can also help people to take responsibility for their own health and wellbeing. This policy indicates how appropriate supporting infrastructure can be integrated as part of new development to support physical activity and meet the needs of different users. Policy E7 (Health and Wellbeing) also sets out how new dwellings will be expected to contribute towards improved health and wellbeing of occupants.

E6 | High Quality Design

Planning permission will be granted for development that:

- a. Is designed to a high standard, which helps to create places where people want to live, work, visit and enjoy;
- b. Demonstrates that account has been taken of local design statements, neighbourhood plans and the design elements of conservation area appraisals which identify local character and distinctiveness;
- c. Demonstrates that it:
 - i. Responds to, and draws inspiration from its local context and where appropriate, forge a new sense of place through design;
 - ii. Considers characteristics such as heights, massing, existing building lines, plot widths and depths and proportions of building features such as windows and doors;

²⁵ Department for Communities and Local Government (2017) Chief Planning Officer letter – security and planning

²⁶ Sport England (2015) Active Design. Planning for health and wellbeing through sport and physical activity

<https://www.sportengland.org/media/3426/spe003-active-design-published-october-2015-email-2.pdf>

- iii. Identifies and positively responds to existing natural and built features including listed buildings, conservation areas and other heritage assets within or close to the development;
- iv. Makes a positive contribution to the overall appearance of the street scene and wider area by use of good quality materials of appropriate scale, profile, finish, colour and proven weathering ability;
- v. Produces a positive relationship with and between existing and proposed buildings, streets and spaces;
- vi. Avoids over-dominance and not cause unacceptable harm to the amenity of neighbours through overshadowing, massing, the loss of privacy, outlook, overlooking, and through odour, noise or disturbance; and
- vii. Plans for adverts, signage, lighting and other security features to be fit for purpose, fully integrated with the design, and do not adversely affect the visual amenity of the street scene or the amenity of neighbours.

d. In addition, all non-householder development which will create new floorspace is expected to:

- i. Ensure the layout is appropriate in density, scale, and appearance and sufficiently flexible to respond to changing uses, lifestyles and demography;
- ii. A setting for any new buildings is provided which is in keeping with the surrounding area
- iii. Reduce opportunities for crime and anti-social behaviour and contribute to the creation of safe and inclusive communities;
- iv. Consider new technologies and construction methods as part of building design, taking into account sustainability and resource efficiency;
- v. Integrate with existing local landscape features and characteristics of the area protecting and enhancing local wildlife, biodiversity and ecology;
- vi. Be well connected to and integrate with the local area by linking to existing pedestrian and cycle routes and encourages people to use public transport where possible;
- vii. Ensure that it does not undermine the development potential of adjacent sites;
- viii. Maximise opportunities for mixed uses and the co-location of facilities, particularly in town and district centres in accordance with the design principles set out by Policies KS4 and KS5;
- ix. Promote and encourage healthy lifestyles and neighbourhoods in line with Policy E1.
- x. Incorporate safe, secure and convenient provision for cycle storage and refuse and recycling facilities which is integrated within the overall design in line with Policy IN3;
- xi. Ensure safe and convenient access for all in the public realm, including the elderly, the disabled and less able; and
- xii. Integrate and design affordable housing in a way that is indistinguishable from market housing.

How the policy works

5.62 The criteria set out under section c of the Policy E6 apply to all types of development including (but not limited to) the following householder and other minor developments and external alterations to existing buildings:

- Extensions
- Garages, car ports, outbuildings, sheds and greenhouses
- Boundary walls, fences or gates
- Porches
- Satellite dishes/radio aerials
- Dormer windows or other alterations to the roof

- Conversions and changes of use
- Shopfronts
- Signage
- Lighting

- 5.63 The Council recognises it is important to ensure that new signs do not result in a cluttered appearance on an individual building or on the wider street scene. Signs must also be of an appropriate size and scale for the building and its surroundings. Security shutters and other features can also create significant visual intrusions in the street scene. It is important that proposals are fit-for-purpose and are fully integrated within the design.
- 5.64 Illumination, particularly in or adjacent to conservation areas, heritage assets and in or adjacent to or visible from Chichester Harbour AONB, can detract from the overall appearance of a building or area. Signage in or close to the AONB should also have regard to the Policy E11 and the Chichester Harbour AONB SPD (July 2017).
- 5.65 In addition to section c, the criteria set out under section d are relevant to developments which include the creation of one dwelling or more and any new commercial floorspace. It is recognised that the criteria in section d are a guide and development will not be expected to fulfil requirements which are not relevant to the scheme in question.
- 5.66 Constructive pre-application advice is a valuable tool in guiding and progressing development proposals, prior to their submission. The Council's procedure for pre-application advice is set out under the planning pre-application advice guidance note which can be found on the Council's web site. For major proposals, developers will also be expected to engage with Councillors, key stakeholders and the public on major proposals through the Council's Development Consultation Forums. Where appropriate, the local planning authority will also consult the Design Review Panel on development proposals.
- 5.67 At pre-application stage, consideration will be given to the site's opportunities and constraints in light of the policies in the Adopted Local Plan; identifying any aspects which may need to be resolved, and relevant material planning considerations and constraints. Advice will be provided on planning obligations and the appropriate documents which would need to be submitted.
- 5.68 The Borough Design Guide Supplementary Planning Document (SPD)²⁷ complements Policy E6 and provides detailed guidance to raise the standard of design across the Borough. The SPD sets out what developers are expected to deliver in terms of the design of new development, and how the distinctive character and qualities of the Borough could be enhanced through development. Designated Conservation Areas within the Borough also have Character Appraisals and Management Plans, which provide detailed information on these areas which should be given regard when proposing development in line with Policy E9 (Heritage).
- 5.69 The Council is supportive of new technologies and construction methods integrated as part of new development, including Passivhaus design principles in line with Policy E8 (Low Carbon Design). The sustainability and resource efficiency will be considered in the overall design and layout of schemes, including ensuring that where appropriate schemes maximise solar gain and minimise the need for energy heating.

²⁷ The Council intends to consult on a revised Design SPD alongside the Pre-Submission HBLP2036.

E7 | High Quality New Homes

- 5.70 This policy would replace and update Policies CS16 (High Quality Design) and CS9 (Housing) of the Core Strategy.

Why this policy is needed

- 5.71 The NPPF highlights that high quality design and a good standard of amenity should be sought through new development. This policy sets out the quality standards that new housing in the Borough are expected to achieve and how the needs of different groups will be met.
- 5.72 National policy also recognises that local planning authorities should create a high quality built environment and address barriers to improving health and wellbeing. This policy therefore builds on Policy E1 (Health and Wellbeing) to provide opportunities for people to live healthier lives. It requires new homes to have appropriate space for occupants to enable them to have a good quality of life and healthy lifestyle.

E7 | High Quality New Homes

Planning permission will be granted for new homes that meet the following criteria:

- Sufficient private and/or communal outdoor amenity space is provided proportionate to the number of bedrooms;
- New homes are designed to meet appropriate internal space standards²⁸ in order to provide sufficient private and/or communal space for basic daily activities and needs;
- Developments of 10 houses or more (gross) meet enhanced accessibility and adaptability standards on 30% of the proposed dwellings across all tenure types to ensure that new homes are suitable for a wide range of occupants²⁹; and
- Developments of 50 homes or more (gross) meet wheelchair accessibility standards³⁰ on 2% of the total proposed dwellings as part of the affordable housing provision.

How the policy works

- 5.73 All new homes should benefit from outdoor amenity space of a sufficient size and quality. The updated Borough Design Guide Supplementary Planning Document (SPD)³¹ will set out further guidance on the type and form of outdoor amenity space that should be provided alongside new homes. It should be designed to ensure there is no undue loss of privacy or overlooking of adjoining and neighbouring properties in line with Policy E6 (High Quality Design) and Policy E20 (Amenity and Pollution).
- 5.74 Building to appropriate space standards will ensure new homes provide sufficient space for basic daily activities and needs. The Council will therefore require all residential development to meet the nationally described space standard (or any subsequent Government standard) for bedrooms, storage, and internal areas, and associated technical requirements. The Council's starting point will be for all new homes, including housing conversions, to meet the appropriate space standards,

²⁸ Appropriate space standards are achieved by meeting the nationally described space standard, or any subsequent Government standard.

²⁹ Enhanced accessibility and adaptability standards are achieved by meeting M4(2) of the Building Regulations 2015, or any subsequent Government standard.

³⁰ M4(3) of the Building Regulations 2015, or any subsequent Government standard.

³¹ The Council intends to consult on a revised Design SPD alongside the Pre-Submission HBLP2036.

unless it can be shown that the standards are not practicable. For example, an exception may be made where works needed to achieve the standards would adversely affect the significance of a heritage asset or would require impractical changes to a building earmarked for conversion.

- 5.75 The Council recognises that innovative housing solutions such as the emerging 'build for rent' sector have a role in addressing specific housing needs in the Borough. These types of housing models can involve the development of high density housing in town centre locations. To ensure good standard of living accommodation and to support the health and wellbeing of occupants, the same space standards will be required as mainstream housing. Where developers wish to deliver an alternative approach, this will need to be fully justified. Referring to, for example, good design practice and case studies, applicants must demonstrate how the proposed operating models can be successful in providing residents with a high quality of life.
- 5.76 Housing is for different groups including families, children, older people and disabled residents by offering functional and adaptable spaces. On major housing developments of 10 dwellings or more, 30% of new houses will be required to meet as a minimum Part M4(2) of the Building Regulation to ensure that new homes are suitable for a wide range of occupants, including older people for which there is an identified need. For the M4(2) standard, the policy makes particular reference to houses as it is understood this housing type is more suitable for the delivery of this requirement.
- 5.77 Wheelchair accessible homes must be provided as part of the affordable housing provision where the local authority is able to allocate or nominate a person to live in that dwelling. In the case where there is a locally identified need, 2% of the overall housing provision on larger housing developments (50 dwellings or more) should be designed to meet the wheelchair accessible homes standard. However, it is acknowledged that there may be site specific practical reasons where it may not be feasible to meet this requirement.
- 5.78 Material weight will be given to development proposals where a substantial proportion of homes meet the enhanced accessibility and adaptability standards. In such cases, 50% of the overall housing provision should meet the enhanced accessible and adaptable standards. This could include wheelchair accessible dwellings (over and above the 2% policy requirement) as part of the affordable housing provision where there are locally identified needs. Applicants are encouraged to explore how best to meet locally identified needs in consultation with the local authority accordingly.
- 5.79 New houses designed to the enhanced accessibility and adaptability standards should be proportionally distributed across all tenure types, evenly spread across the site, and integrated with the rest of the development in line with Policy E6 (High Quality Design). For major housing schemes, developers should submit a schedule of accommodation which identifies the specific standard under M4 of the Building Regulation each home in the proposed development will meet.
- 5.80 The accessibility and adaptability standards will usually be secured via a pre-commencement condition when granting planning permission. To ensure compliance with the specific standards, the local planning authority should be provided with plans certified for compliance and/or written confirmation from an appointed building control body that the specifications for each dwelling meet the relevant standard.

Appendix C

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>

THIS UNILATERAL UNDERTAKING is made by DEED on the 8th of October 2018

AND GIVEN BY

Deanway properties Limited incorporated and registered in England and Wales with company number 01476447 whose registered office is at 35 Millers Road, BRIGHTON East Sussex BN1 5NP

Mr Lee P Pattenden of The Dock Hub, Wilbury Villas Hove BN3 6AH

TO

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/18/3202960 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: £637.00 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: Land to rear, 50 Silvester Road, WaterlooVille, PO8 8TL and shown edged red on the plan annexed to this deed.

Monitoring Fee: the sum of £31.85 calculated as 5% of the Contribution.

Planning Application: an application for planning permission registered by the Council on 7 February 2018 under reference number APP/17/01121.

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/17/01121.

- 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]**

.....

in the presence of:

Witness signature

.....

Witness name

.....

Witness address

.....

.....

Witness occupation

.....

[FOR COMPANIES OPTION 1]

Executed and delivered as a deed by
Deanway Properties Limited
acting by two directors

.....

Director

.....

Director

[FOR COMPANIES OPTION 2]

Executed and delivered as a deed by
Deanway Properties Limited acting by Lee P
Pattenden, by a director

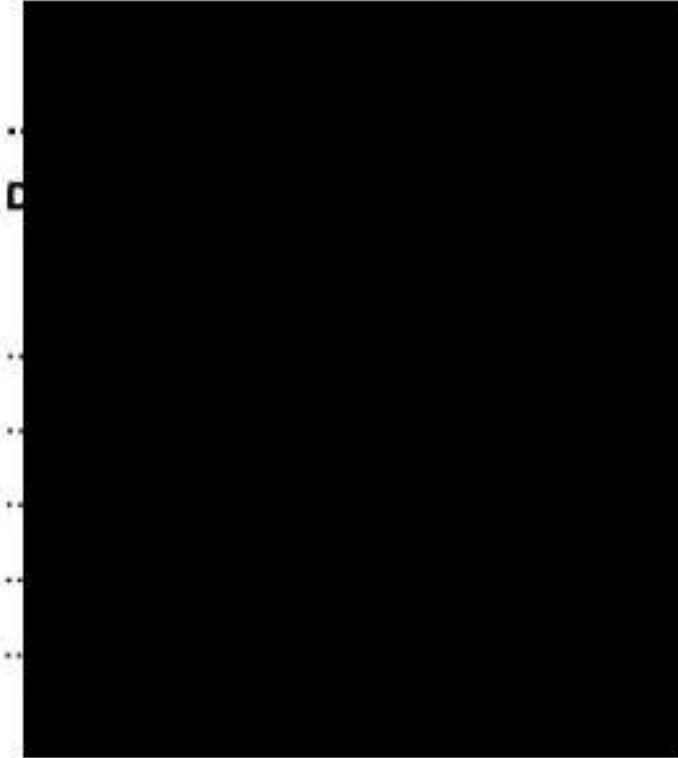
in the presence of:

Witness signature

Witness name

Witness address

Witness occupation



LOCATION PLAN



Source: Google Earth, Copyright 2017
Aerial photograph (License number 10000000)

Scale in meters
0 10 20 30 40 50 60
for 1:1250

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

For the attention of Mrs T Pickup

Dear Mrs Pickup,

Application ref: APP/17/01121

Our ref: 259650

Thank you for contacting Natural England regarding the above-mentioned development.

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). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the [European Site's conservation objectives](#) and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent [People Over Wind Ruling](#) by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

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.

Please note that 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 these definitive rates, which are higher than the contribution stated in the Design and Access Statement for this proposed development.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Yours sincerely,

Kate Mulveagh
Technical Support Advisor – Consultation Team
Natural England
Tel 0300 060 3900

[<http://www.gov.uk/natural-england>](http://www.gov.uk/natural-england)

[<mailto:consultations@naturalengland.org.uk>](mailto:consultations@naturalengland.org.uk)



Department of Planning and
Development
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

Developer Services
Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW

Tel: 0330 303 0119

Email: southernwaterplanning@atkinsglobal.com

Your Ref

APP/17/01121

Our Ref

PLAN-021363

Date

25/01/2018

Dear Sirs,

Proposal: Demolition of existing outbuildings and conservatory, construction of 1No. 3 bed detached bungalow with associated car port, revised drive and landscaping.
Site: Land to rear, 50 Silvester Road, Waterloo, PO8 8TL.
APP/17/01121

Thank you for your letter of 05/01/2018.

Please find attached a plan of the sewer records showing the approximate position of foul sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The 150 mm diameter sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer
3. No new soakaways should be located within 5 metres of a public sewer.
4. All other existing infrastructure should be protected during the course of construction works.



Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) – (4) above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Please note: no soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public (also adoptable) sewers

The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

Yours sincerely

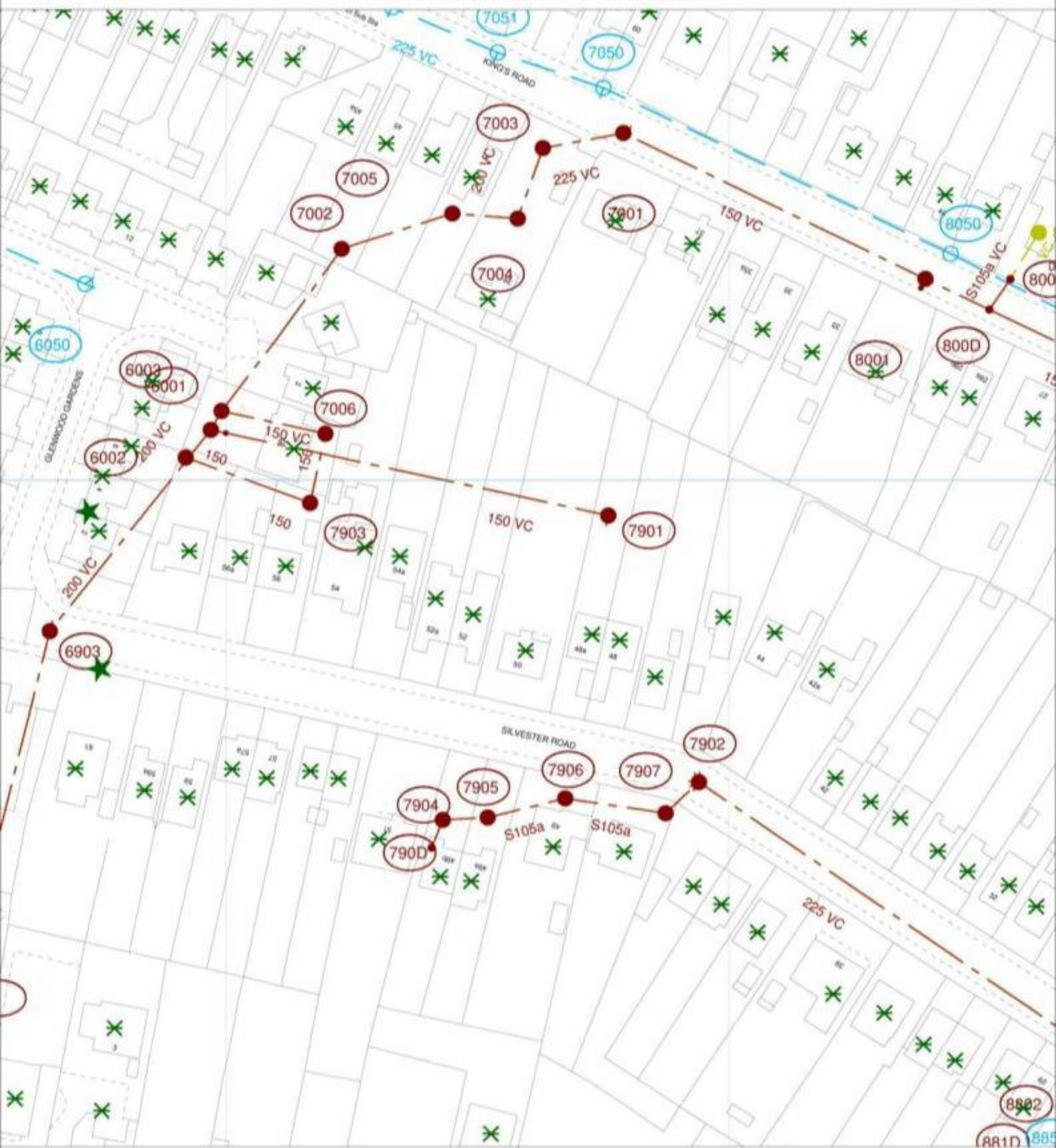
A handwritten signature in blue ink, appearing to read "Maria Kuper".

Developer Services

Southern Water Sparrowgrove House Otterbourne Winchester Hampshire SO21 2SW www.southernwater.co.uk

Southern Water Services Ltd Registered Office: Southern House Yeoman Road Worthing BN13 3NX Registered in England No 2366670

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: SU6810NE

Scale: 1:1000

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: Ponnayv

Date: 15-1-2018

Southern Water MapGuide Browser

Requested By:

HAMPSHIRE

BOROUGH OF HAVANT

TOWN AND COUNTRY PLANNING ACT, 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1977

To:— Mr. & Mrs. M. Dobb
52 Silvester Road
COWPLAIN
PO8 8TL

Reference No.: 89/53303

In pursuance of their powers under the above-mentioned Act and Orders the Council, as local planning authority, REFUSE to permit erection of 2 storey dwelling and double garage to rear, new double garage at rear for No. 50 - Land at rear of 50 Silvester Road and land at rear of 52 Silvester Road, Cowplain

in accordance with your application received on ...12th April 1989.....

The reason(s) for the Council's decision to refuse permission for this development is/are:—

1. The proposal would result in an undesirable form of backland development, out of keeping with the character of the area and detrimental to the amenities of adjoining residents.
2. The proposed access and turning arrangements would cause an unacceptable level of disturbance to adjoining residents.
3. The proposed development would leave 50 Silvester Road with an unacceptably small plot, out of keeping with the character of the area and with insufficient provision of amenity space for the residents.

N.B.—See notes overleaf.

Civic Offices,
Civic Centre Road,
Havant, PO9 2AX.
Telephone: Havant (0705) 474174.
JY

FOR Director of Planning and Architecture
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Date 21 JUL 1989

All enquiries relating to this refusal should be made of the
Planning Officer, Civic Offices, Civic Centre Road, Havant, PO9 2AX. Telephone: Havant 474174.

O	C
---	---

NOTIFICATION

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act, 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him. (The statutory requirements are those set out in Section 36(7) of the Town and Country Planning Act, 1971, namely Sections 29(1), 30(1), 67 and 74 of the Act).

(2) In cases where a Government Department has expressed views on the proposals which are incorporated in the reasons for refusal of conditions and the applicant wishes to lodge an appeal against such decision then a representative from that Government Department will attend any Planning Inquiry and be available to give evidence if the appellant asks for the presence of such a witness at the Inquiry. In such cases the appellant should notify the Council at the address given on the front of this form without delay. The representative would not be liable to cross-examination on questions of Ministerial policy but only on matters of fact and expert opinion.

(3) If permission to develop the land is granted subject to conditions whether by the local Planning Authority or by the Secretary of the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act, 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act, 1971.

(5) The applicant is recommended to retain this form with the title deeds of the property.



Planning Inspectorate Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927
Switchboard 0272-218811
GTN 1374

HAVANT BOROUGH COUNCIL
PLANNING and ARCHITECTURE
DEPARTMENT

18 MAY 1990

RECEIVED*I have a copy*

Mr and Mrs Dubb
52 Silvester Road
Cowplain
PORTSMOUTH
Hampshire
PO8 8TL

Your reference

Our reference

T/APP/X1735/A/89/143949/P8

Date

15 MAY 90

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 89/53303

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Havant Borough Council to refuse planning permission for the erection of a dwellinghouse and double garage together with the relocation of an existing garage on land at the rear of 50 and 52 Silvester Road, Cowplain, near Portsmouth. I have considered the written representations made by you and by the Council and also those made by interested persons including those made directly to the Council which have been forwarded to me. I inspected the site on 23 April 1990.

2. From my inspection of the site and its surroundings and consideration of the representations made, I take the view that the main issues in this case are whether your project unduly harms the amenities of adjacent residents and whether No. 50 Silvester Road would retain adequate rear amenity space.

3. You contend that if I take into account what exists nearby and consider what the council has approved hereabouts in the recent past, the proposal is reasonable. You maintain that the occupants at No. 48a would have improved amenities since the project would involve the removal of the existing garage and stress that the garden size accords to NHBC regulations. The council draw my attention to national policy guidance contained in Development Control Policy Note 2, (DCPN2) where it is stated that tandem development, consisting of one house immediately behind another and sharing the same access, is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front. Reference is also made to the need to provide adequate space between buildings to allow enough light and avoid spoiling the amenity of adjoining houses. It is the council's view that what you propose would be contrary to this advice and detrimental to the character of the area and residential amenity both of which are interests of acknowledged importance. Additionally local residents object on loss of privacy and light, over-intense development, excessive noise and access danger.

4. On the first issue, namely the impact on adjacent residents, the policy guidance, to which I am referred by the council, identifies 2 aspects of the proposal which are of significance - the dwelling itself and the formation and use of the access. On the dwelling I am satisfied from my assessment of what is proposed and observations on my visit as to what exists, that there would be a limited adverse impact, which, except possibly for No. 50 Silvester Road, would not be so great as to justify the rejection of your appeal. The site is bounded by extensive boundary planting and this, together with the distance from adjacent dwellings would prevent the occurrence of intolerable impact. As for

No. 50, I saw on my visit that it is already overlooked to a marked degree from several windows in the side elevation of No. 52, and what is proposed would cause increased overlooking albeit to a limited extent due to distance.

5. The access would have a far greater impact, particularly on 48a and 50 Silvester Road. You propose to extend the existing 3 m drive to the rear to provide access to 2 double garages and visitor parking for the proposed dwelling. Thus the amount of traffic, as compared to that currently exists could reasonably be expected to more than double and to penetrate further into the rear garden area. The access drive would abutt the side of No. 50 including the side of a partially glazed conservatory attached to the rear elevation and be within 2 m of the side of No. 48a which contains a side door, and main windows of both properties would be close to the extended drive. It is my view that the use of a vehicular access which penetrates so deeply into the rear space of dwellings fronting Silvester Road could not fail to have an adverse impact on neighbouring properties, particularly 48a and 50 which abutt the drive. I do not accept your contention that the amenities of No. 48a would be improved as the existing garage which abutts the boundary would be removed and replaced by one further away as this argument does not acknowledge the increase in the amount of traffic nor the additional length of drive close to the boundary. As for No. 50 its rear garden, which would be reduced by over half, were this appeal to be allowed, would suffer from the traffic generated by the proposed dwelling as would the rear-facing rooms, including and in particular, the conservatory.

6. On the adequacy of the rear amenity space which would be retained by No. 50, I note there would be an area of over 100 sq m between the house and the proposed replacement garage and this would, to my mind, cater adequately for the needs of residents. I accept it would be a significant reduction in size and would be far less than adjacent properties but this does not persuade me the rear garden would be unacceptably small.

7. However your appeal fails because, in the terms of DCPN2, the amenity of adjoining houses is spoiled by the creation and use of the access to the proposed dwelling at the back and the disturbance which would be suffered by the house in front. Additionally the house in front already has limited privacy and the proposal would reduce this even further. I have taken into account the fact that the current residents at No. 50 do not object to your project but neither this nor any other matter raised is of such weight as to override the conclusion I reached on the first issue which has led me to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

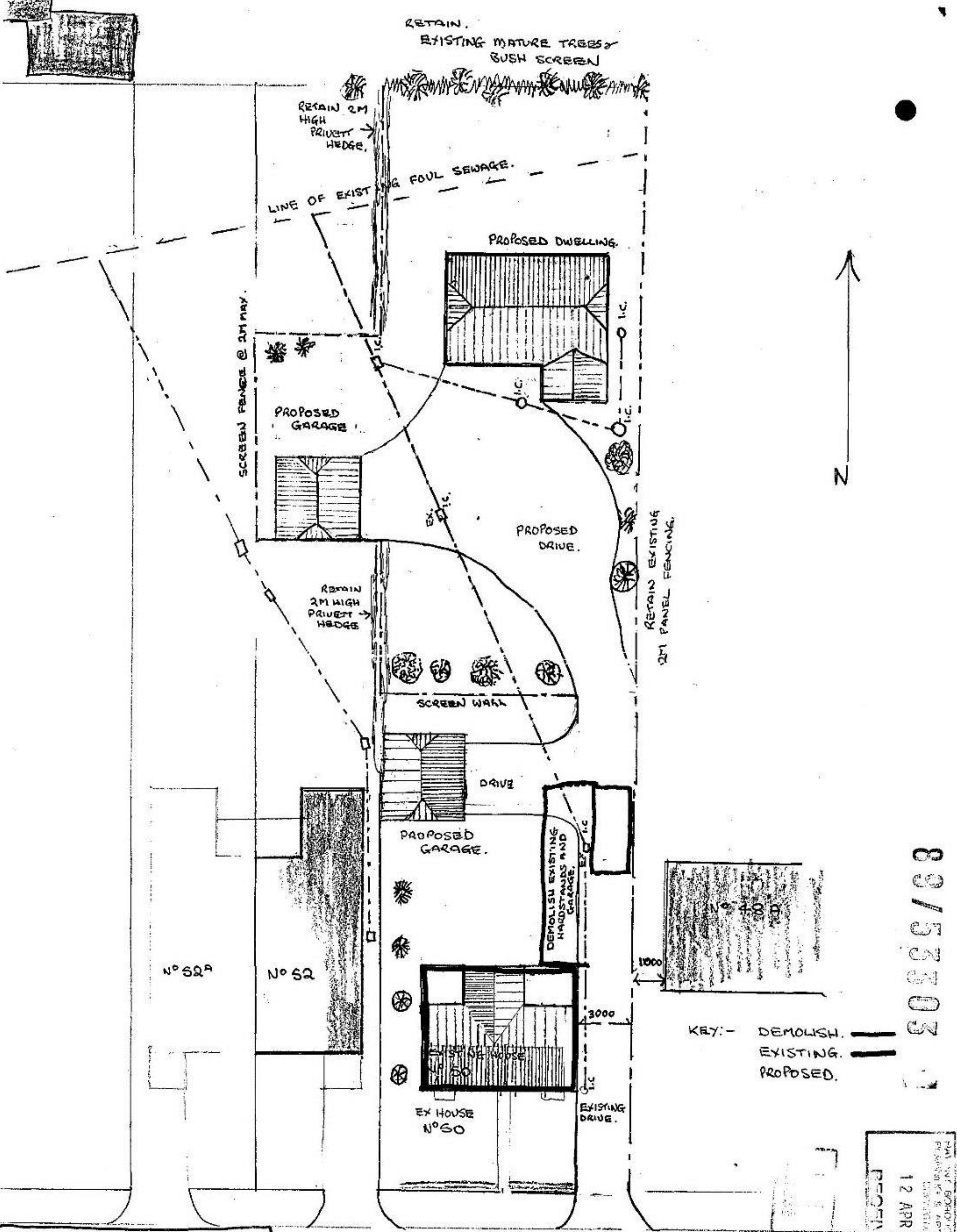
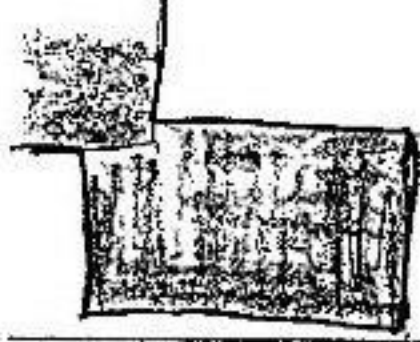
I am Sir and Madam
Your obedient Servant


P N PENNELL BA(Hons) DipTP FRTPI
Inspector

8513303



PLANNING & BUILDING
DEPARTMENT
12 APR 1989
RECEIVED



PROPOSED DWELLING & GARAGES
AT 50, 52 SILVESTER ROAD.
COWPLAIN
BY MR & MRS DUBB
DRAWING N. R. 1

SILVESTER ROAD.

KEY:- DEMOLISH.
EXISTING.
PROPOSED.

PAID BY BOROUGH COUNCIL
12 APR 1989
RECEIVED

SCALE
BLOCK PLAN. 1:200

89/53303

PLEASE NOTE!
HOUSE TYPE OPPOSITE HAND TO
(AS BLOCK PLAN)

HAYWYAT BOROUGH COUNCIL
PLANNING & ARCHITECTURE
DEPARTMENT
APR 1989
RECEIVED

89/53303



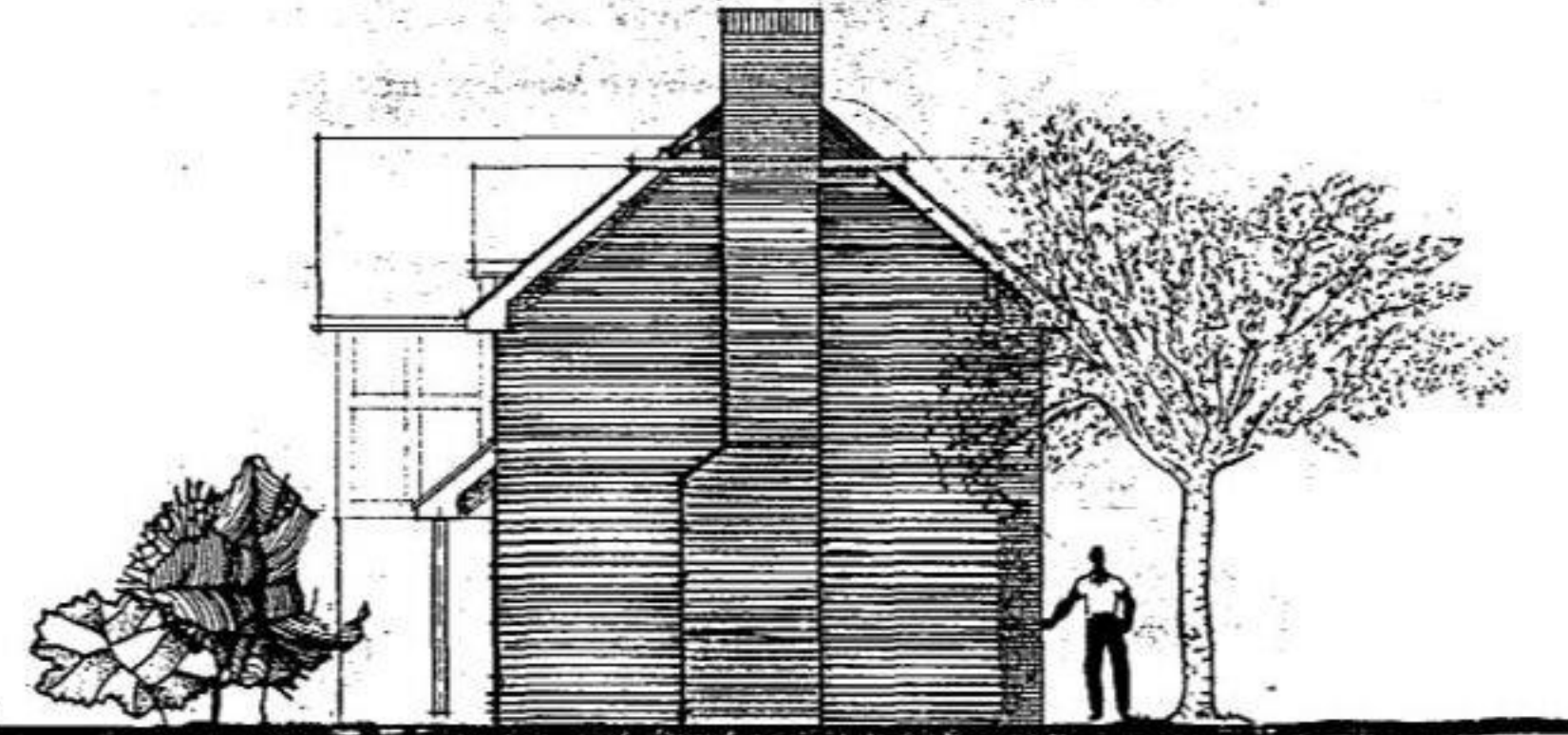
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION

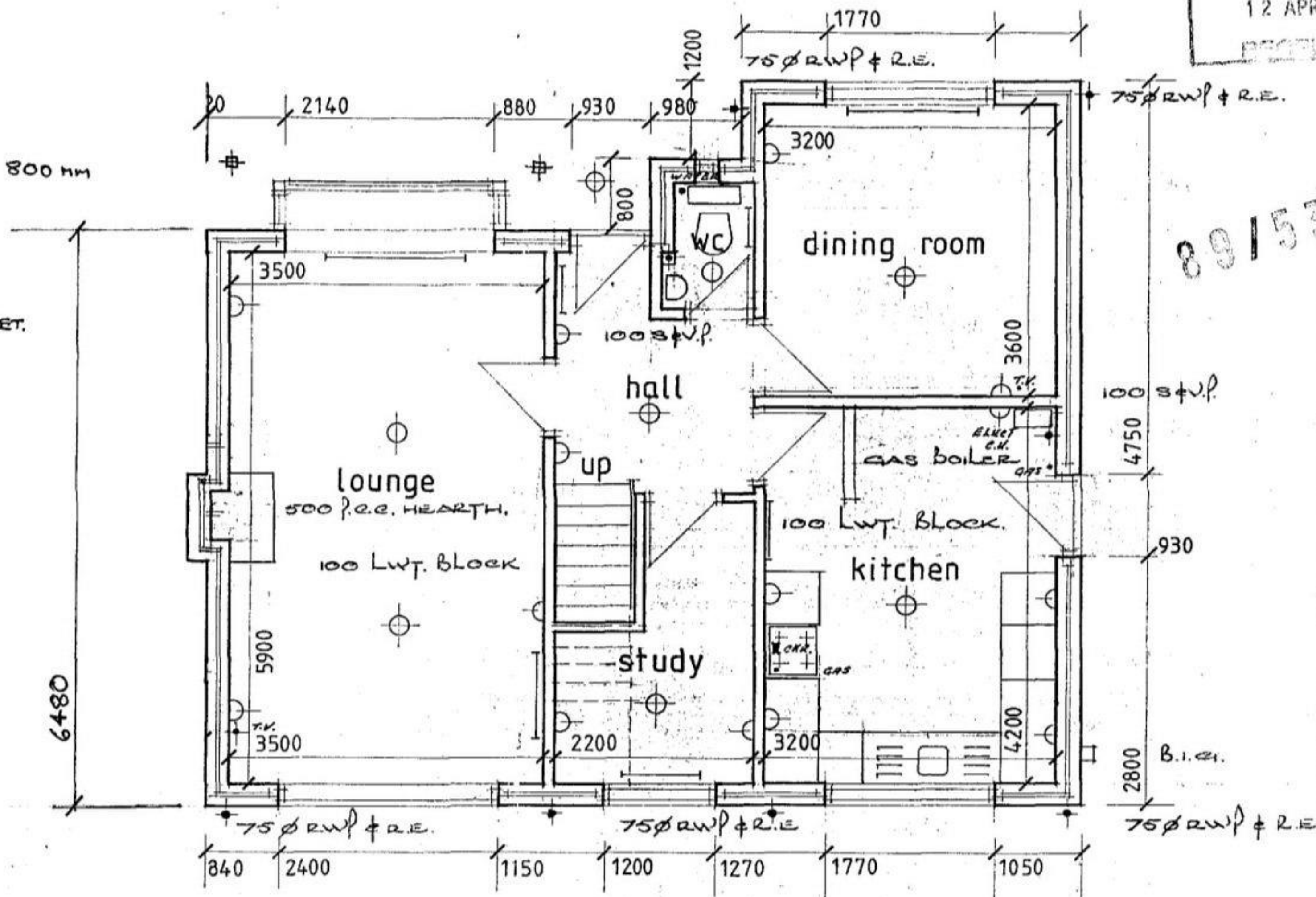
SCALE 1-100

DRAWING N.R.2.

STAIRCASE.

225 GOING
200 RISE
MIN HEADROOM 2M.
MAX PITCH 42°
MIN WIDTH BETWEEN HANDRAIL 800 MM
HANDRAIL MIN 900
BALUSTRADE MIN 940
BALUSTERS MAX 100 C/C
SOLID RISERS
LL/S OF STAIR CLAD IN P.B. & SET.

PLANNING DEPARTMENT
12 APR 1988
RECEIVED



89153303

GROUND FLOOR PLAN

SCALE 1:50

DRAWING N.R. 5.

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR P REX AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR DEMOLITION OF EXISTING OUTBUILDINGS AND CONSERVATORY, CONSTRUCTION OF 1No.3 BED DETACHED BUNGALOW WITH ASSOCIATED CAR PORT, REVISED DRIVE AND LANDSCAPING AT LAND TO REAR OF 50 SILVESTER ROAD, WATERLOOVILLE, HAMPSHIRE, PO8 8TL.

Planning Inspectorate Reference: APP/X1735/W/18/3202960

LPA REF: APP/17/01121

List of Suggested 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Detached Bungalow Drawing No BS Rev 02

Proposed Bungalow Drawing No BS

Reason: - To ensure provision of a satisfactory development.

3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings and the hardsurfaced areas, including the frontage parking spaces and access drive, 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4 No development shall commence until details of the planting for the hereby approved sedum roof has been submitted to and approved in writing by the Local Planning Authority. Such details shall include specification of the plant species, sizes and numbers, method of installation i.e. mat or tray or blanket system; and a landscape maintenance management plan for a minimum of 5 years. The sedum roof shall be implemented in accordance with the approved details and any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate long term landscaping scheme for the roof to mitigate any impact upon the amenities of neighbouring properties, in accordance with policies CS11 and CS16 of the Havant Borough Core Strategy 2011 and the NPPF.

5 No development shall commence on the site until a more detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the boundary screening areas and frontage area and shall include plant

species, planting sizes and spacings, and detailed planting position in relation to the sewer on site and boundaries. Such approved planting shall be completed prior to the first occupation of the development.

All such planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period shall be replaced before the end of the next planting season.

Reason: To ensure an appropriate standard of screening for neighbouring amenity and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

6 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure (other than those shown on the hereby approved plans) permitted by Part 1, Classes A, B, C and E of The Town and Country Planning (General permitted Development) Order 2015, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to maintain control of such additions in the interests of the amenity of neighbouring residents, to ensure an adequate amount of amenity space and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.

7 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve 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.

8 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.