

DELEGATED OFFICER REPORT

PROPOSAL	Two storey and single storey rear extension to accommodate 2No. flats on first floor and extension to existing commercial space at ground floor. Erection of two storey dwelling to rear of site with associated parking, refuse and cycle storage.
LOCATION:	86 Bedhampton Road, Havant, PO9 3EZ
REFERENCE NO:	APP/26/00182
APPLICANT:	Madinah Development Limited
APPLICATION TYPE:	Full planning permission
CONSULTATION EXPIRY DATE:	10/06/2026
APPLICATION EXPIRY DATE:	09/06/2026
WARD:	Bedhampton
CASE OFFICER:	Tina Pickup
SUMMARY RECOMMENDATION:	Refuse

1. Site Description

- 1.1 The application site relates to a detached two storey building located on the north side of Bedhampton Road (B2149) comprising a ground floor Class E unit with 3-bedroom flat above. The red lined application site includes the forecourt in front of the commercial unit as well as the long rear garden served by a narrow side access to the east. From the rear façade the site extends some 30m in length. The side access measures between 2.35m and 2.45m wide.
- 1.2 The building is constructed of brick, with large parts painted, beneath a pitched tiled roof. The ground floor commercial space is currently occupied by a barbers. The eastern side boundary comprises close boarded fencing and there is an old pre-fab garage located against the eastern boundary at the rear of the building. To the rear the first section is lawned with shrubs/vegetation to the sides, but the rear part of the site is completely overgrown and unkempt. Close to the rear western boundary are three mature trees.
- 1.3 The site lies within the defined Bedhampton Local Centre (Policies CS4 and AL3) with Londis, funeral directors, fish and chip shop etc, all similarly within two storey buildings with flats above. The site is also immediately adjacent Old Bedhampton Conservation Area and there is a large TPO'd oak tree adjacent the south-western corner of the site, within the forecourt area in front of number 90.
- 1.4 To the north, east and south the site is surrounded by residential properties, including backland dwellings at 82 and 82B. These rear properties sit close to the boundaries of the site – number 82 at the rear is a single storey bungalow whilst number 82B to the east is a chalet style dwelling having a first-floor obscure glazed window facing the site. To the west, number 90 is a similar two storey building with front ground floor commercial unit which is currently a vacant shop that is linked to the remainder of the property which is in residential use. However, number 90 is not as long at two storey

height, and has a single storey rear kitchen extension and conservatory that currently approximately aligns with the rear of the two-storey element of the application building. The conservatory is sited closest to the shared boundary and provides living space for the occupiers of number 90; and at first floor level the nearest window serves a bathroom and the second window serves a bedroom.

- 1.5 Outside the application site parking is restricted Monday to Saturday between 8am and 6pm to 30 minutes. There is also a dedicated bus stop limiting on-street parking. There are also double yellow lines in the vicinity.
- 1.6 The site lies outside any current day or future flood zone.

2. Relevant Planning History

APP/22/01233 - Two storey and single storey rear extension to accommodate 2No. flats on first floor and extension to existing commercial space at ground floor. Erection of two storey dwelling to rear of site with associated parking, refuse and cycle storage – *Never Validated*

3. Proposal

- 3.1 Two storey and single storey rear extension to accommodate 2No. flats on first floor and extension to existing commercial space at ground floor. Erection of two storey dwelling to rear of site with associated parking, refuse and cycle storage.
- 3.2 It is proposed to add an L-shaped, pitched roof, two-storey extension at the rear of the existing building which would be between 2.5m and 5m deep. The recess would be infilled with a single storey extension with sloping roof, so overall the extended footprint would be full width and 5m deep. The entire ground floor would be for commercial purposes with large staff room, and internal alterations on the first floor would change the existing 3 bed flat into one 2 bed flat and 1 one bed flat. Cycle and refuse stores are proposed against the rear, north, elevation.
- 3.3 To the north of the extended building, a central parking area would provide 2 on-site parking spaces, accessed by demolishing the existing old pre-fab garage on site and extending the existing side path. To the north of the parking spaces would be a new two bed chalet style dwelling with two dormer windows in the southern roof slope. This dwelling would have a 10m rear garden.

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Local Plan (Core Strategy) March 2011

CS4 - Town, District and Local Centres

CS9 - Housing

CS11 - Protecting and Enhancing the Special Environment and Heritage of
Havant Borough)

CS16 - High Quality Design

CS17 - Concentration and Distribution of Development within the Urban Areas

CS20 – Transport and Access Strategy

CS21 - Developer Requirements

DM8 – Conservation, Protection and Enhancement of Existing Natural Features

DM10 - Pollution

DM13 - Car and Cycle Parking on Residential Development

Havant Borough Local Plan (Allocations) July 2014

AL1 - Presumption in Favour of Sustainable Development

AL2 - Urban Area Boundaries and Undeveloped Gaps between Settlements

AL3 – Town, District and Local Centres

DM20 – Historic Assets

DM24 - Recreational Disturbance to Special Protected Areas (SPAs) from
Residential Development

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Old Bedhampton Conservation Area Appraisal, 2019

Hampshire County Council Standing Advice, 2017

Listed Building Grade: Not applicable.

Conservation Area: Adjacent Old Bedhampton

5. Statutory and Non Statutory Consultations

Conservation Officer

Legislation

When assessing the proposal, the following legislation and policy context is taken in consideration.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

National Planning Policy Framework (revised December 2024)

Chapter 16 of the NPPF relates to the Historic Environment including paragraphs 202-221. The following are most relevant:

Havant Borough Local Plan (Core Strategy 2011 and Allocations Plan 2014)

Policy CS11 – Protecting and Enhancing the Special Environment and Heritage of the Havant Borough

Policy CS16 – High Quality Design

Policy DM20 (Allocations Plan) - Historic Assets

Assessment

The application site is immediately adjacent to the Old Bedhampton Conservation Area – Character Area 4. It is therefore directly within the setting of the conservation area. As such, the statutory test with S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") applies. This being that planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, must have special regard to the desirability of preserving or enhancing the character and appearance of that area.

Further along from the site on the south side of Bedhampton Road is a Grade II listed building – the Bedhampton Arts Centre. However, due to the intervening development and the road, it is considered that this heritage asset would be unaffected by the proposal.

The proposal is for the conversion of the existing upper floor into two flats, a rear extension, extension of the ground floor commercial unit, and the construction of a chalet bungalow to the rear of the site. As the proposed works are limited to the rear of the building and overall site, they would have limited visibility from public views on Bedhampton Road. It is also noted that the front elevation of the building, which is most visible with the context of the adjacent conservation area, would remain unaltered. As such, the impact of the proposal on the conservation area, (as a designated heritage asset), would not result in harm to the significance of that asset, part of which is the ability to appreciate the streetscene of Character Area 4, which comprises a mixture of more historic buildings, harmoniously within the grain of more recent, urban development, from Bedhampton Road.

Furthermore, the design of the proposed extension and dwelling, is of an architectural style which does not conflict with the predominantly traditional style buildings and therefore, even from the limited visibility vantage points (i.e. glimpsed views, or views from rear windows), the proposals would not detract from the adjacent conservation area.

Overall therefore, taking into consideration the test set out in S72 of the 1990 Act, the relevant policies in the NPPF and Local Plan, it is considered that the proposed development would not result in harm to the Old Bedhampton Conservation Area and as such, no objection is raised.

Conclusion

NO OBJECTION subject to the following conditions:

1. No development shall commence until details and samples of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Hampshire Highways

Thank you for consulting the Highway Authority on the above planning application. The applicant is seeking consent to extend the ground floor commercial floorspace, provision of 2 additional flats above the commercial floor space as well as provision of a new 2-bedroom chalet bungalow to the rear. The Highway Authority wishes to make the following comments. The Highway Authority note that the footprint for the commercial unit is to remain the same with the extension providing a larger staff room. This is therefore unlikely to significantly increase trips on the local highway network and therefore the Highway Authority provide no objections to this element of the proposals. In terms of the additional flats and new chalet bungalow, As the application is for 5 dwellings or less, and onwards there is no required change of vehicle access onto the highway, HCC's Highway Standing Advice should be referred to in the first instance.

This can be viewed via the following link under the heading Consultation with the Highway Authority <https://www.hants.gov.uk/transport/developers/consultation>

The Planning Authority should however note that the driveway to access the parking provision as demonstrated on the site plan (drawing 22.3295.103 Rev P03) appears to be extremely narrow and it is unclear whether vehicles would be able to access in practice. It is also unclear whether there is sufficient width to allow for manoeuvring into the allocated parking bays in front of the property. This should be considered when determining this planning application.

Landscape Team

None received

Arboriculturalist

Thank you for your consultation regarding this application. I would offer the following comments in relation to the arboricultural implications of the proposed development.

There are no on-site trees to be directly affected by the proposed works. However, there are several off-site trees located adjacent to the development area which, if not appropriately managed in accordance with arboricultural best practice, are likely to experience adverse impacts associated with below-ground construction activity and potential disturbance within their respective Root Protection Areas (RPAs). The trees identified as potentially affected are as follows:

- T2 False Acacia – BS Category U
- T3 Fir – BS Category C
- T4 Yew – BS Category C
- T5 Sycamore – BS Category A

Having reviewed the submitted information, I concur with the tree quality classifications assigned by EcoUrban Consultants and consider them to provide a fair and reasonable assessment of the existing arboricultural value and condition of the trees concerned.

The submitted Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS), and Tree Protection Plan (TPP) appear to be comprehensive, proportionate, and fit for purpose. Collectively, these documents provide an appropriate framework for the pragmatic protection and management of the off-site trees throughout the course of the proposed development, should planning consent be granted.

Subject to the full implementation and ongoing adherence to the recommendations and protective measures contained within the submitted arboricultural documentation, I raise no arboricultural objection to the application. This should include, as a minimum requirement, a pre-commencement site meeting involving the applicant's Arboricultural Consultant and the Council's Arboricultural Officer to review and agree the tree protection measures prior to the start of any works on site.

If you are minded to permit, please attach the following condition:

The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Appraisal and Preliminary Arboricultural Method Statement (Ref: 221521 – AIA EcoUrban – Barrie Draper 10 May 2023) and British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations). To include a pre commencement site visit between applicant's Arboricultural Consultant and the Council's Arboricultural Officer

Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Crime Prevention -Minor Apps

None received

Norse South East, Operations Director

None received

Development Infrastructure Team (CIL & S106)

CIL

CIL Liabe: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>

Mitigation

Mitigation will be required to mitigate against the effects of:

- (a) the likely impact of bird disturbance utilising the Bird Aware Solent Revised Strategy and
- (b) to mitigate against the increased nutrient load at the Solent European Sites.

More information on our website:

- Bird Aware Solent Revised Strategy: <https://www.havant.gov.uk/planning-services/planning-policy/community-infrastructure-levy-cil/section-106-legal-agreements-3>
- Nutrient Neutrality: <https://www.havant.gov.uk/planning-services/planning-policy/supplementary-planning-documents/nutrient-neutrality/nutrient-0>

Biodiversity Net Gain

In England, biodiversity net gain (BNG) is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Developers must deliver a biodiversity net gain of 10%. This means a development will result in more, or better quality, natural habitat than there was before development. More information is available: <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers>

Building Control

None received

Norse - Waste Strategy

None received

Ecologist

Thank you for consulting me on this application. I have reviewed the submitted Biodiversity Net Gain Summary and the Biodiversity Net Gain Statutory Metric (both EcoSupport, March 2026).

The application site comprises a somewhat overgrown garden containing areas of hard surfacing, managed and unmanaged grassland, and dense Bramble scrub and several small trees. I note from representations that at least one sizeable tree appears to have been removed in the last few years.

No information is presented in terms of protected and notable species impacts. The overgrown nature of much of the site may offer suitable habitat for common reptile species and nesting birds, and the clearance of this habitat may impact any species present. I would welcome comment on the suitability of the site for protected and notable species.

In terms of Biodiversity Net Gain, the submitted details are procedurally acceptable, and I consider the BNG assessment to be an accurate reflection of the habitat types present. The proposals would result in an overall loss of -69.84% in habitat units. Given the lack of suitable space within the developed site the unit deficits will need to be obtained from an off-site provider, preferably within the same geographic area as the impacts, although the Council is not able to dictate where off-site BNG units are sourced. The applicant should note that any off-site units must accord with the trading rules requirements detailed within the BNG Summary and Metric.

I will be happy to provide further comments upon clarification of the protected and notable species query detailed above.

NPPF, Circular 06/2005 and Natural England Standing Advice require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment, and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration. This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement, as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 12

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice		15/04/2026	08/05/2026	Is advertised in the public interest; Is in conservation area
Press Advert		24/04/2026	18/05/2026	Is in conservation area

Number of representations received: **6**, which can be summarised as raising the following issues and concerns:

Comment	Officer Comment
Application not valid – red line does not extend to public highway	Since corrected and application has been re-advertised
Design & Access statement dated November 2022 and refers to outdated NPPF and lacks Core Strategy policies; Arb report dated May 2023	Noted – but application assessed against current up-to-date policies
Cramped and overdevelopment and intensification of use of site	Noted – see section 7
Non-compliance with adopted policies	Noted – see section 7
Loss of mature tree to facilitate this development with no replacement to offset its loss	Noted – see section 7
Harm to Conservation Area character and Heritage Statement is inadequate	Noted – see section 7
Inadequate parking and outside site restricted to 30 mins only; 5 spaces required, only 2 shown and shortfall will increase pressure on already congested street parking; overspill will have adverse impacts including reduced visibility and knock-on effect to nearby businesses if customers can't park;	Noted – see section 7
Highway Safety risk – increase in traffic movements particularly onto the main thoroughfare of Bedhampton Rd poses a serious risk to pedestrian, cyclist and highway safety. Absence of supporting transport assessment means there is no justification	Noted – see section 7
Use of side access as driveway – too narrow, no manoeuvring space or visibility splays provided;	Noted – see section 7
Overshadowing and Loss of Light, Air and Noise – scale, bulk and siting, and height and proximity will result in overshadowing	Noted – see section 7
Increased vehicle movements introduces additional noise and disturbance	Noted – see section 7
Overlooking and Loss of Privacy – additional window in upper floor of extension will result in overlooking to private living areas and garden	Noted – loss of privacy
Health and Safety Risk from Asbestos Garage – lack of detail re safe removal	Not a planning matter – would be covered by other legislation
Negatively impact trade and viability of local businesses	Noted – see section 7
No noise assessment to consider disturbance from intensified commercial use	Noted but not considered necessary

7 Planning Considerations

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area including adjacent Conservation Area
- (iii) Impact upon neighbouring residential amenity and future occupants
- (iv) Highways/parking provision
- (v) Impact on trees and ecology
- (vi) Developer Contributions
- (vii) Biodiversity Net Gain (BNG)
- (viii) Compliance with the Habitats Regulations

(i) Principle of development

7.2 The application site is located within the defined urban area where further development is considered acceptable in principle, subject to consideration of detailed development management criteria.

7.3 The Council's Five-Year Housing Land Supply, updated 1st April 2025, indicates the Borough's housing land supply position as 1.3 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc.

7.4 It is accepted that the proposal would result in the net gain of 2 residential units, within the main urban area of Havant, in a relatively accessible and sustainable location, making more effective use of the land. The proposal would therefore make a modest contribution to housing supply, and these benefits of the proposal must be afforded weight in the overall planning balance.

7.5 Current policies AL2 and CS17 direct development towards the built up urban areas, and encourage making the most effective use of land; and policy CS9 supports housing that achieves a suitable density that respects the surrounding landscape, character and built form. Policy CS16 seeks High Quality Design that respects its local context, and policy CS11 protects the Borough's landscapes. Policy DM2 seeks to protect existing shops. These policies align with the NPPF, December 2024, and should therefore be afforded weight in the determination of the application, as detailed below.

7.6 It is noted that the ground floor would remain entirely in commercial use and therefore accord with the aims of policy DM2 to retain local shops and the employment opportunities of the site, supporting the vitality and viability of the local centre. This is welcomed, although the size of the "staff room" is noted as being exceptionally large and should the application have been supported the precise use of this area would have been queried and potentially controlled via condition.

(ii) Impact upon the character and appearance of the area, including adjacent Conservation Area

- 7.7 The site is located within a mixed residential and commercial area on a busy classified road. It is noted that whilst the majority of the surrounding development is generally laid out in a traditional linear arrangement, nevertheless there are locally some examples of 'backland' development. Notably numbers 82, 82B and 80 Bedhampton Road, as well as 63A Beaufort Road, are all sited off long private drives behind frontage development. Therefore, it is considered that the proposed rear dwelling would not be out of keeping with the surrounding pattern of development in principle. The introduction of an additional rear dwelling would be compatible with the character of the area. However, the other impacts and technical acceptability of the proposed rear dwelling must be further considered in other sub-sections below.
- 7.8 It is further noted that the proposed operational development, i.e. both the rear extension to the existing building and the rear dwelling, would be sited at the rear of the site, away from any public views. There would be no external changes to the front of the site, and only oblique views of the extended length of the frontage building and rear dwelling when viewed from the public domain i.e. Bedhampton Road, and therefore the visual impact of the development on the street scene and character of the area would be very minor.
- 7.9 Since the site lies adjacent Old Bedhampton Conservation Area then paragraphs 213 to 215 require consideration of the potential harm to the significance of the heritage asset, including its setting. In this instance the site lies adjacent Character Area 4 (Bedhampton Road) as identified by the Old Bedhampton Conservation Area Appraisal, 2019. This area links the older village centre with wider settlement of Bedhampton and includes the old school and Gospel Hall.
- 7.10 The Conservation Officer has assessed the proposal and notes the unaltered front elevation of the existing building which would therefore have no impact on the ability to appreciate the street scene within Character Area 4. The traditional design of the proposed rear development is further noted, and fact that even from limited visibility vantage points the proposal would not detract from the adjacent conservation area . As such it is considered that there would be no harm to the setting of Old Bedhampton Conservation Area.
- 7.11 Overall the proposed design, siting and pattern of development is considered to respect the local context and character as required by Policy CS16 of the HBLP (Core strategy). Furthermore, it is considered that the proposal would not result in any harm to the Old Bedhampton Conservation Area and therefore meets the tests of Section 72 of the 1990 Act and would comply with policy DM20 of the Havant Borough Allocations Plan, and policy CS11 and CS16 of the Havant Borough Core Strategy.

(iii) Impact upon neighbouring residential amenity and future occupants

- 7.12 Policy CS16 also requires new development to be of a high design standard that does not cause unacceptable harm to the amenity of neighbours through, amongst other things, privacy, outlook and overlooking.

Proposed Two Storey Extension

- 7.13 The proposed rear extension would be 5m long at ground floor and between 2.5m and 5m long at first floor level. The western elevation would be a full 5m long with the ridge line continued at full height for 2.5m before dropping by 1.2m for the remaining 2.5m. This extended western façade would face number 90 which is already set back behind the application building at first floor level.
- 7.14 The additional length, with mass and bulk of two storey extension, is considered to have an enclosing and overbearing effect on the outlook from number 90, with some loss of light. The proposed development would project beyond number 90's conservatory and kitchen by a full 5m and beyond the first-floor rooms by about 9m. This is a significant overlap, and the flank wall of the extended building is only about 0.5m from the boundary, adding to its oppressive and overbearing impact on the outlook from number 90.
- 7.15 The enlarged side silhouette of the proposed building would result in a significant loss of skyline and perceived daylight having adverse impact on the outlook from number 90, with some associated loss of daylight to the rooms in number 90. Due to the orientation of the proposal being east of number 90, then the actual additional overshadowing would likely be limited to early morning, although the additional roof form may result in longer shadows when the sun is lower. No overshadowing assessment has been provided to accurately assess the loss of daylight and its impact on number 90.
- 7.16 The adopted Borough Design Guide SPD requires rear extensions to avoid loss of light and outlook to neighbours by complying with the 45-degree code. In this instance no 45-degree code assessment has been provided, but it is considered likely that the proposed 5m addition would fail the 45-degree test to both the ground floor conservatory of number 90 and the first-floor bedroom window.
- 7.17 Overall it is considered that the mass and bulk of the proposed extension would have an enclosing and overbearing adverse effect on the outlook from number 90, contrary to policy CS16 and the Borough Design Guide SPD.
- 7.18 There is only 1 additional side window proposed, and this is at first floor on the east elevation and would serve a bathroom and could be obscure glazed by condition. It is therefore considered that this would not result in any additional overlooking or loss of privacy to numbers 84 or 84A.
- 7.19 In terms of future occupiers, each of the proposed first floor flats meet the Nationally Described Space Standards for a 2b(3p) and 1b(1p) flat and all habitable rooms have adequate light. No specific outdoor amenity space is provided for the occupiers of the two flats, but this is not uncommon in flats above commercial units. It is also noted that the site lies in close proximity to Bidbury Mead recreation ground and future occupiers could benefit from this park.

Dwelling at Rear of Site

- 7.20 The proposed siting of the chalet style dwelling at the rear would overlap with 82B by about 1m. As a result, the new dwelling would largely sit alongside the front garage and front garden of 82B and would not affect the light to the existing obscure glazed side window of 82B facing the application site, or 82B's rear garden area.

- 7.21 There would be one ground floor window in the side elevation of the new dwelling facing 82B, but intervening boundary treatments would provide adequate screening to protect neighbouring amenity. Due to the orientation, the height and mass of the new dwelling would result in some additional overshadowing to the front of 82B, but as noted above this would largely be over a garage and front garden area and not any private sitting out space. Any overshadowing to the west, over the rear garden of number 90 would be mitigated by mature screening and trees.
- 7.22 It is further noted that the rear roof slope only contains roof lights, and there would be no direct overlooking to either 82B or 82 from elevated windows. There are however two front dormers proposed and these would face the rear of the extended application building and the rear of number 84A. The separation distance from the rear of 84A and the front of the proposed dwelling is however over 22m, meeting the requirements set out in the adopted Borough Design Guide SPD.
- 7.23 However the separation from the front windows of the new dwelling and the rear of the new flats would only be some 7m. At first floor level particularly, this could result in direct overlooking between the living room and bedroom of flat 2 with the bedroom of the rear dwelling. This cross overlooking would be harmful to the amenity of both future occupiers, contrary to policy CS16.
- 7.24 The proposed rear dwelling meets the Nationally Described Space Standards for a 2b(3p) dwelling and would have a rear garden having a length of 10m, meeting the requirements set out in the adopted Borough Design Guide SPD. As such the new dwelling would provide an adequate standard of amenity for future occupiers.

(iv) Highways/parking provision

- 7.25 Hampshire County Council as Highways Authority have not raised a highway safety objection, but have noted the need to comply with their Standing Advice which sets out that in schemes of 2-5 dwellings using a shared access then on-site turning must be provided to enable vehicles to enter and leave in a forward gear. A tracking drawing can be required to demonstrate turning manoeuvres. Refuse collection points are also required. They also note the narrowness of the access drive.
- 7.26 In terms of on-site parking and manoeuvring, to meet the adopted Parking SPD each of the 2 bed residential units require 2 on-site parking spaces plus 2 cycle storage spaces; and the 1 bed flat requires 1 space plus 1 cycle storage space, which totals 5 on site spaces and 5 cycle spaces. The enlarged commercial unit should at least retain its existing on-site parking. However, only 2 parking spaces and 4 cycle spaces are shown on the plan. No on-site turning is shown for the spaces at the rear, to enable vehicles to enter and leave the site in a forward gear, nor has it been demonstrated that it is possible to manoeuvre into and out of the rear spaces with tracking information. This lack of on-site turning and parking, with no supporting justification for the shortfall, is contrary to policies CS16 and DM13.
- 7.27 The side access drive has been measured on site to be mainly 2.45m wide, but with a pinch point of 2.35m. HCC highways have since advised that wing mirrors of large SUVs are likely to clip on the wall/fence if the road narrows to less than 2.35m. They consider that an access width of 2.6m would normally be required for such a scenario which would account for all the vehicle widths listed in their TG2.

- 7.28 It is noted that the access would be serving 4 properties – the rear chalet, 2 flats and the commercial unit. With the building length being some 20m, then this reinforces the need for on-site turning as it would be impossible to pass or reverse along such a narrow length. It is also noted that because the access to the flats is on the side, then pedestrians would also be using the side access and there is insufficient room for a vehicle to pass a pedestrian or anyone using the side door into the building. It is considered that the side access is clearly substandard and overly narrow for any intensification of use.
- 7.29 Overall it is considered that the lack of onsite parking and turning, together with the narrow width of the access is such that there would be additional pressure to park on the adjacent highway. This is already restricted to 30 minutes during the daytime Monday to Saturday and no parking survey has been provided to demonstrate there is on-street capacity for the overflow parking as required by paragraphs 4.31 to 4.33 of the adopted parking SPD. The proposal is therefore considered contrary to policies CS16, DM13 and the Parking SPD.

(v) Impact on trees and ecology

- 7.30 There are several trees on land immediately adjacent the site. The TPO'd oak tree at the front of the site would be unaffected by the proposal. There is also a fir, yew and sycamore tree located close to the shared western boundary with number 90, towards the rear of the site.
- 7.31 None of the trees need to be removed to enable development and the siting of the proposed rear dwelling lies outside the identified root protection zones. However, given the proximity to the 3 trees the necessary protective fencing would need to be set back to enable construction resulting in some activity within the RPA of these trees. This would be mitigated with ground protection, and an Arboricultural Method Statement is provided.
- 7.32 The Council's Arborist raises no objection to the proposal and recommends a condition requiring compliance with the submitted documents. Third party comments are noted that a tree has been removed in the last few years, but this does not seem to be a very recent event.
- 7.33 With respect to ecological implications of the proposal it is noted that the rear part of the site is overgrown and unkempt and could provide suitable habitat for various species. However no preliminary ecological survey has been provided to provide full ecological information on which to base an informed decision. Without a preliminary ecological survey it has not been demonstrated that there would be no adverse ecological impacts arising from the development. Since policy CS11 seeks to protect the special environment of the Borough, including habitats, and policy DM8 specifically seeks to protect and enhance local habitats, then the proposal and lack of a preliminary ecological survey is contrary to these policies.

(vi) Developers Contributions/CIL

- 7.34 As the development creates new mixed use floorspace for both commercial and residential purposes then the scheme is CIL liable. CIL forms 1 and 2 have been submitted, and it is noted that no exemption is claimed. However, given the recommendation for refusal, the Draft Liability Notice has not been prepared and could be done so at appeal stage if necessary.

(vii) Biodiversity Net Gain

- 7.35 In terms of Biodiversity net gain (BNG), this is now a legal requirement for planning permission introduced for small sites such as this (since 2nd April 2024). In this case a Biodiversity Metric has been submitted which identifies a 69.84% net loss of area habitat units requiring a total of 0.08 units to achieve the 10% net gain.
- 7.36 The Council's Ecologist agrees that the BNG assessment is an accurate reflection of habitat types present and concurs the net loss in habitat units. There is however no opportunity to provide the gain on site, so the unit deficit will need to be obtained off-site and secured via a pre-commencement condition. Therefore, should planning permission had been recommended then the mandatory pre-commencement BNG conditions would be applied.
- 7.37 Whilst the shortfall is noted to be relatively significant, the supporting information is accepted as complete and accurate. Therefore, there is no need to impose an additional reason for refusal for lack of BNG information.

(viii) Compliance with the Habitats Regulations

- 7.38 In order to comply with Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 the application requires a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA) as the proposal is likely to have a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed net gain in two residential units.
- 7.39 The LPA operates two packages of avoidance and mitigation measures. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. However, the submitted occupancy calculator is incorrect as it has not accounted for the existing 3 bed flat that would be lost as a result of the proposed development; which in turn means the wrong occupancy rate has been used in the submitted Nitrogen Budget. Therefore, it has not been possible to undertake an HRA AA.
- 7.40 Given the recommendation for refusal on other matters, updated documents have not been requested, and therefore Natural England have not been consulted as required by the Habitats Regulations. Taking a precautionary approach to decision-making as required by Government guidance, at this stage the risk of the proposal having an adverse effect on a European site's integrity cannot be ruled out and it is therefore necessary to include the non-provision of any avoidance and mitigation packages for both recreational disturbance and impact on water quality as a reason for refusal as contrary to policies CS11, CS21 and DM24, as well as non-compliance with the Habitats Regulations. Should an appeal be lodged against the decision to refuse, then these matters can be revisited at appeal stage.

8 Planning Balance and Conclusion

- 8.1 It is acknowledged that the Council's Five Year Housing Supply (updated April 2025) is below the threshold, engaging paragraph 11 d of the NPPF, December 2024 with its presumption in favour of development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places etc.
- 8.2 It is acknowledged that the proposal would provide two new dwelling units in a sustainable location making more effective use of the land, which would make a very small contribution to the Council's housing need. This would weigh in favour of the development. There would also be short-term economic benefits associated with the construction works and contributions made by future residents to the economy. But being for just 2 units, these benefits would be marginal.
- 8.3 However it is contended that the proposal would result in harm to neighbouring amenity (number 90) from overbearing and enclosing effects; harm to future occupiers from cross-overlooking; and harm to highway safety and amenity from inadequate on-site parking & turning, narrow access width and resultant pressure to park on the highway. It has also not been demonstrated that there would be no harm to habitats and the likely significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality has not been mitigated.
- 8.4 All these issues conflict with the adopted development plan policies and the NPPF such that the harm would significantly and demonstrably outweigh the benefits of the delivery of 2 additional dwellings, when assessed against the policies as a whole. The proposal is therefore recommended for refusal.
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9. RECOMMENDATION:

That the Interim Head of Planning be authorised to Refuse application **APP/26/00182** for the following reasons:

1. The mass and bulk of the proposed 5m two storey rear extension to the existing building would result in an overbearing and enclosing effect on the outlook from, and light available to, the occupier of the adjacent residential property at number 90 Bedhampton Road. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Borough Design Guide SPD 2011, and the National Planning Policy Framework.
2. The siting and relationship of the dormer windows in the proposed rear dwelling with the windows in the proposed first floor rear flat in the extended building, would give rise to direct overlooking of adjacent properties to the detriment of the amenities of the future occupants of these properties. The lack of separation distance would enable direct lines of sight between units with resultant cross-overlooking and loss of privacy. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Borough Design Guide SPD 2011, and the National Planning Policy Framework.

3. The proposal does not provide on-site turning to enable a vehicle to enter and leave the site in a forward gear, nor sufficient on-site vehicle and cycle parking to meet the adopted Parking SPD 2016. Combined with the narrow access width this would result in overflow parking and additional pressure to park on the highway for which no justification has been provided, which would be contrary to highway safety and highway amenity. The proposal is therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, the Parking SPD 2016 and the National Planning Policy Framework.
4. The overgrown nature of much of the site may offer suitable habitat for common reptile species and nesting birds, and the clearance of this habitat may impact any species present. In the absence of a Preliminary Ecological Appraisal (PEA) carried out by a suitably qualified ecologist, it has not been adequately demonstrated that the proposed development would not result in any harm to protected sites, species or habitats that may be present at the site. The proposal is therefore contrary to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.
5. In the absence of a Habitats Regulations Assessment and suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant adverse effect on the Solent European Sites. The development would be likely to result in increased recreational pressures from future residents and have an impact on the water environment, and as such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) 2014, Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework, December 2024.

Informatives:

In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

Offering a pre-application advice service, and

Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

You were updated about issues, but your application is considered unacceptable for the reasons set out in this Decision Notice.