DELEGATED OFFICER REPORT

PROPOSAL	**Demolition of existing outbuilding and construction of 1No two bedroom bungalow and garden office annex with associated car parking for two cars.**
LOCATION:	45 Hulbert Road, Havant, PO9 3TA
REFERENCE NO:	APP/26/00180
APPLICANT:	Mrs Sonja Jones
APPLICATION TYPE:	Full planning permission

CONSULTATION EXPIRY DATE: 17/08/2026

APPLICATION EXPIRY DATE: 02/06/2026

WARD: Bedhampton

SUMMARY RECOMMENDATION: Approve with Conditions

1. Site Description

1.1 The application site forms part of the rear garden of 45 Hulbert Road, a two storey detached dwelling located to the south-west of Hulbert Road within an established residential area. The existing dwelling is set back from the street behind a generous frontage that includes a lawned area on the northerly side and hardstanding to the south leading to a detached single garage approximately in line with the house. The lawn and house are well screened from the street by a mature boundary hedge. The property is set within a large plot with an irregularly shaped rear garden approximately 740m2 in size. Within the rear garden there is a large, hipped roof outbuilding containing a garden room, home office, and shower room. The outbuilding is set slightly off the north-west boundary so that the 1.8m close-boarded fencing behind it is retained. This fencing continues around the majority of the rear garden except where a neighbouring garage wall forms part of the boundary and where a few panels have become damaged.

1.2 The existing dwelling has an unusual layout with two main gables forming an ‘L’ shape and a third gable sitting between these at 45 degrees. The property is finished in red brickwork with contrasting red soldier coursing. The main entrance door within the angled gable is dark framed but fenestration is otherwise in white uPVC. The roof is slate. The rear garden outbuilding also has a slate roof with white rendered walls and red brickwork details around the white uPVC fenestration and quoins to the corners.

1.3 This section of Hulbert Road is characterised principally by detached dwellings set within varied and relatively spacious plots. However, there is an existing backland development to the south, approved under APP/10/00802, and dwellings within Mathews Close to the south-west and Michael Crook Close to east are notably more modest.

2. Planning History

At the application site

APP/16/00767 - Part demolition of existing outbuilding and construction of 1No. 2 bedroom bungalow and associated parking. PERMIT 26/09/2016.

APP/15/01203 - Application for non-material change to planning permission APP/12/01230. Addition of chimney to south elevation, slight increase to roof pitch to 35 degrees and small increase in size of study in west elevation. PERMIT 23/11/2015.

APP/13/01270 - Two storey rear extension. PERMIT 12/02/2014.

APP/12/01230 - Extension of existing outbuilding to form 1No. 2 bed detached bungalow with associated landscaping and parking utilising access from Hulbert Road. REFUSE 22/01/2013. APPEAL ALLOWED 10/09/2013.

At No.41 Hulbert Road

APP/10/00802 - Demolition of existing bungalow. Construction of 2No. 3 bed detached dwellings. Revised application. PERMIT 22/12/2010.

3. Proposal

Demolition of existing outbuilding and construction of 1No two bedroom bungalow and garden office annex with associated car parking for two cars.

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, August 2026, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

National Planning Policy Framework, August 2026

DM3	(Determining development proposals)
DM6	(Use of planning conditions and obligations)
S3	(Presumption in favour of sustainable development)
S4	(Principle of development within settlements)
L2	(Making effective use of land)
L3	(Achieving appropriate densities)
DP3	(Key principles for well-designed places)
DP4	(The design process)
P3	(Living conditions and pollution)

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS9	(Housing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Erosion Risk)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
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)
DM18 (Protecting New Development from Pollution)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: N/A
Conservation Area: N/A

5. Statutory and Non Statutory Consultations

County Highways Team

This application seeks approval for the creation of a singular dwelling to the rear of 45 Hulbert Road as well as changes to the internal layout to the site. The Highway Authority wishes to make the following comments.

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.

Officer Comment

The Highway Authority's standing advice states in section 3.3 that, "Where more than one property is accessed from a single access on the highway the following condition should be placed on the permission:

Prior to occupation the area shown on the approved plan for the parking and turning of vehicles shall be provided and reserved for these purposes at all times.

Reason: To ensure that vehicles parked on the site are able to enter and leave in forward gear.

The plans provided indicates that a turning area similar to that shown in Diagram 1 of the standing advice is proposed.

Building Control
Access to dwelling to be in accordance with requirement B5.

Nutrient Team

Thank you for consulting the nutrients team.

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

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

Climate Change

Corporate/Policy Position

Climate Change and Sustainability considerations are included in the below policies of the adopted local plan and within the Councils Climate Change Strategy and Action Plan.

Adopted Local Plan- Core Strategy
• CS13- Green Infrastructure
• CS14- Efficient use of resources

The Council adopted its Climate Change Strategy and Action Plan in 2024 within which the authority sets out its net zero targets and approach to decarbonisation. The council declared a climate emergency in November 2024 to support this direction and further declared a nature emergency in 2025. Therefore, weight should be given to applications aiming to encourage the installation of sustainable and low carbon technologies and support the removal/reduction of greenhouse gas emissions being produced.

Assessment

CS13- Green Infrastructure

Within the submitted sustainability statement it states that the development shall exceed the percentage improvement of 25% reduction of carbon emissions over AD L Volume 1. Policy CS13 supports the inclusion and enhancement of green infrastructure within development proposals. This can be from numerous mechanisms such as the creation of community gardens, green space, parks and gardens and green corridors etc but it can also be from the inclusion of green walls and roofs. Any planning application should be enhancing this provision where possible and outlining within the design where these measures will be incorporated through a sustainability statement, supporting information and plans that are submitted. The case officer should review whether the proposal is maximising the opportunities onsite to this regard not just in relation to amenity space, but for insulation, preventing overheating and enhancing biodiversity.

CS14- Efficient use of resources

Policy CS14 seeks to ensure that any planning application provides adequate land for waste management, incorporates renewable energy, achieves higher levels of carbon reduction and for non-residential development achieves the BREEAM 'Very Good' standard, unless proven to be financially or technically unviable in line with Policy CS14 of the adopted Core Strategy.

Within the submitted sustainability statement it states that the development shall exceed the percentage improvement of 25% reduction of carbon emissions over AD L Volume 1 Dwellings of Building Regulations which is positive to see. The site

shall also incorporate a heat pump which would introduce a low carbon technology which would improve the efficiency and carbon reduction of the site.

Climate Change Strategy

The Council's Climate Change Strategy and Action Plan is striving to achieve a 68% reduction in emissions by 2030 with net zero targets agreed for the authority by 2035 and for the borough by 2045. The Council's strategy place's significant emphasis and weight within the role of planning not just to reduce emissions but to provide sustainable development for the length of its lifespan, removing any requirement for significant retrofitting and cost in the future.

Greenbox Associates have submitted an Energy Statement and Part O Compliance document as part of the application. The statement outlines that the development will deliver:
• Overall carbon emissions reductions greater than 60% of regulated energy use
• Reduction of regulated carbon emissions from the building fabric beyond 9%
• Management of overheating risk.

The submitted statement confirms that the DER exceeds the TER by 60.29% resulting in an overall improvement of 9.31% in the Fabric Energy Efficiency. It is noted that these calculations are based on Target Emission Rate to measure carbon reduction which uses outputs of energy based on a notional building of a similar scale and development. Using other energy intensity metrics can permit a fuller, more in depth assessment of the performance of energy within a development which can lead to greater and more accurate performance measures of how carbon intensive a development can be, something which this site could consider.

The development will include the following sustainability features:
• Low U values to reduce heat losses.
• Good quality double glazing
• Natural ventilation when needed
• Low carbon heating and hot water from a heat pump
• Rationalised glazing design
• Cross ventilation and night ventilation

Although positive to see, it is considered that the site would have potential to include Solar Panels as another form of renewable, low carbon energy, improving the function of the property and reducing additional emissions. It is noted that under the Future Homes Standard produced by Government that any new property would be expected to include this as a mandatory requirement and therefore the proposal should consider this and incorporate this where possible onsite.

Conclusion:

The Energy Statement submitted with this application gives a detailed and positive approach to how the development will design out carbon and follow good practises when it comes to reducing the emissions associated with the development. It is noted that on a new property there are opportunities where this can be enhanced and this should be considered wherever possible, including but not limited to the incorporation of solar PV.

It is recommended that the submitted report is listed within the approved plans of the application and that the following conditions are included with any planning permission that may be given:

1) The development shall be built in accordance with the details submitted within the Energy Statement prepared by Greenbox Associates. As a minimum the development shall achieve a reduction in CO2 emissions of at least 31% of the Dwelling Emission Rate (DER) compared to the Target Emission Rate (TER) of Part L of the 2022 Building Regulations. The development shall be carried out in full accordance with the approved details as submitted in the Energy and Sustainability Statement Report.

Reason: In the interest of sustainability and having regards to the Council's Climate Change Strategy and Action Plan and policies CS13, CS11 and CS14 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.

2) Prior to the occupation of the development hereby approved, details of the heat pump, together with details as to its maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The approved heat pump shall be installed prior to the occupation of the development and thereafter maintained in accordance with the agreed maintenance scheme.

Reason: In the interests of energy efficiency and the amenities of neighbours, having due regard to policies DM10, CS14, CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

3) The development hereby permitted shall not be occupied until:
A) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
B) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

Officer Comment

Although solar PV is not specifically included the agent has annotated the revised roof plan to show where PV panels could be incorporated in the future if required.

Ecologist

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources, and GIS mapping.

In terms of Biodiversity Net Gain, the applicant is claiming a self-build and custom-build exemption. This is an acceptable form of exemption provided that Havant Borough Council agrees that the proposal does indeed meet the definition of a self/custom-build development. If it does not, BNG will be required unless another exemption can be demonstrated.

BNG does not replace the need for ecological assessment. I am content to conclude that this existing residential garden plot is not likely to be of significant ecological value, although may offer suitable habitat for nesting birds within dense woody vegetation. The outbuilding to be demolished appears not to be suitable for supporting roosting bats.

If you are minded to grant permission can I suggest that ecological mitigation and enhancement measures are secured by condition.

Nesting birds, their active nests and eggs are protected under the Wildlife and Countryside Act 1981 as amended. This applies throughout and outside of the bird nesting period (generally considered to be March to August inclusive). Prior to any works a check for nests should be carried out and any active nests must be left in situ, undisturbed, until they become unoccupied of their own accord.

The developed site shall incorporate one integral or externally mounted roosting unit for bats and one integral or externally mounted nesting feature for cavity nesting bird species (to be integrated Swift bricks unless not practical due to nature of construction), installed as per manufacturer's instructions.

Reason: to protect and enhance biodiversity in accordance with the Environment Act 2021, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Arboriculturalist/Tree Officer

None of the trees on site are visible from the street scene and are not defensible to be made subject of a TPO or to request retention as part of the scheme.

I raise no object and request that full planting details for mitigation planting are submitted as part of a condition:

The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan by Treecall and that a planting plan is submitted to the council

Reason: To protect the health of adjacent trees in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

CIL Team

CIL Liable: http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule

The applicant is claiming a Self Build Exemption for BNG of which we are aware.

Mitigation

Mitigation will be required to mitigate against the effects of:

the likely impact of bird disturbance utilising the Bird Aware Solent Revised Strategy, and 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/community-infrastructure-levy-cil/section-106-legal-agreements-4

Southern Water

Development Site is not within Southern Water's Supply Area

The development site is not located within Southern Water's statutory area for water supply services. Please contact Portsmouth Water who are the relevant statutory undertaker.

Connection to public sewer

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: https://developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: https://www.southernwater.co.uk/developing-building/connection-charging-arrangements

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Proposed soakaways
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. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

No Soakaways should be connected to the public surface water sewer.

Tree Planting
We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains. Reference should be made to Southern Water's publication “A Guide to Tree Planting near water Mains and Sewers” (https://www.southernwater.co.uk/media/pddob0vn/ds-tree-planting-guide-1_nwm.pdf) and the Sewerage Sector Guidance (https://www.water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Condition: In order to protect public apparatus, Southern Water requests that if consent is granted, the following pre commencement condition is attached to the planning permission;

The developer must advise the local authority (in consultation with Southern Water) of the landscaping proposals in proximity of public apparatus in order to protect it in accordance with Southern Water's guidance, prior to the commencement of the development.

Proposed works involve demolition
In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.

Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. If this happens, please call our Customer Service Desk on 0330 303 0119

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

Officer Comment

Informatives relating to the protection of public sewers and new soakaways are recommended in line with the above comments. The Council’s Arboriculturist has also requested that full details of the proposed tree planting be conditioned and it would be appropriate for this to be agreed with the Arboriculturist and Southern Water prior to occupation.

Natural England

Summary, full response letter and document Annexe A available to view online.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution(s) which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development. Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s). We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.
Councillor Liz Fairhurst No comment received.
Councillor Philippa Gray No comment received.
Councillor Michael Lind No comment received.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 14

Number of site notices: 1

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice	First Site Notice	24/07/2026	17/08/2026	Is advertised in the public interest

Statutory advertisement: N/A

Number of representations received: 2

Comment	Officer Comment
Summarised, a redacted version on the letter is available to view online.	A visit was made to neighbouring properties to assess potential impacts, which are discussed in further detail in section 7 below.

Concerns regarding a culvert that crosses the site and its potential effect on future waste and surface water drainage from the development. General concerns on the additional sewage load and surface water drainage. Potential privacy and noise concerns resulting from the demolition of the existing garage. loss of existing trees, and the potential use of the proposed Garden Room. Questions whether the proposed bungalow would appear overbearing.	Southern Water, the Environment Agency, and the Council's Tree Officer were all consulted and have recommended various conditions relating to replanting and control of future drainage provision. It is noted that the easement around the culvert and proposed drainage will be subject to Building Control.
Summarised, a redacted version on the letter is available to view online. Notes that the amended block plan does not show the exact outline of neighbouring properties. Concerns regarding position of proposed outbuilding and removal of trees.	The Block Plan was amended as this had not been updated from the 2016 application and there was a notable discrepancy between this and the more recent Location Plan. The data is taken directly from the Ordnance Survey. Impact to neighbouring properties and trees is discussed in further detail in section 7.

Material planning considerations are addressed in Section 7.

7 Planning Considerations

7.1 Habitat Regulations Assessment & Appropriate Assessment

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. 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 and Mitigation Plan for Nutrient Neutral Development. The applicant has entered into a legal agreement to secure the mitigation packages.

The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed

that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages.

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

(i) Principle of development
(ii) Impact upon the character and appearance of the area
(iii) Impact upon residential amenity
(iv) Parking provision and highway impact
(v) Impact to trees
(vi) Drainage and flood risk
(vii) Developer contributions
(viii) Ecology and Biodiversity Net Gain (BNG)
(ix) Human Rights Act
(x) Equality and Diversity

(i) Principle of development

7.3 The newly published NPPF 2026 Policy DM3 1b takes a proportionate approach to the consideration of planning matters raised by proposals in a way that reflects their scale, complexity and potential impact. Policy DM6 concerns the scope and type of planning conditions to be applied if permission were to be granted. Their use should meet the Government's four tests; necessary, relevant, precise, and reasonable in all other respects. Policy S4 of the NPPF states that, *"Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."* The application site is located within the defined urban area; therefore, development is considered acceptable in principle subject to development management criteria.

7.4 The erection of a 2 bedroom detached bungalow of a similar appearance, with associated parking has already been found to be acceptable at the application site, following the grant of permission under APP/16/00767, granted 26/09/2016. This permission was not implemented and has since expired. This proposal incorporates some minor changes to the chimney design and fenestration, including the location of the entrance door, and the addition of a garden office outbuilding.

7.5 The Council's Five-Year Housing Land Supply, updated December 2025, indicates the Borough's housing land supply position as 1.3 years with a 20% buffer applied. Policy HO7 of the NPPF indicates that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence.

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

7.6 The Havant Design Guide SPD acknowledges that backland developments have a role to play in delivering the Council's housing and developments. However, it is recognised that such developments may have an adverse effect on neighbouring properties and the character and quality of the existing area. The SPD therefore states that such developments should not have an adverse impact on existing neighbouring properties and should *"...not dominate in terms of mass or height, the street or public frontage, or buildings on this frontage. It should be well designed, it should also be subservient and smaller in size, massing and scale to the frontage property."*

7.7 The proposed bungalow would have a floorplan inspired by the host dwelling, with a roughly 'L' shaped plan linked by a diagonal gable containing the entrance. It would be mostly finished in brickwork, including a twisted feature chimney, with render and dark timber details to the gable ends. The fenestration would be dark coloured aluminium with stone cill and lintel details, and the roof would be in grey concrete tiles. In terms of general appearance and scale the proposal would be similar externally to the scheme previously approved under APP/16/00767, with only minor alterations to the proposed fenestration and chimney. Likewise, the proposed parking and division of the plot to form amenity spaces would be as approved previously.

7.8 The proposed 'Garden Office' was not included in the previous scheme, however this would be a small-scale structure to a maximum 3.9m in height and in a similar style to the proposed dwelling. Although part of the roof would potentially be visible from Hulbert Road over the proposed fencing, the building would be set back over 50m from the street.

7.9 The proposed accommodation would be subservient to the existing dwelling in scale and would be situated well back into the plot such that the proposed dwelling would not be visible within the street scene and the proposed outbuilding would not appear unduly prominent. It is considered that the overall size of the site can support a development that is not cramped or congested and that adequate parking and amenity space for both the proposal and main dwelling would be provided. The proposal is therefore considered to meet the requirements of Policy CS16 in this regard.

(iii) Impact upon residential amenity

Impact on existing residents

7.10 In terms of the potential impact to No.47 to the north, the proposed dwelling would sit adjacent to the shared boundary in approximately the same location as the existing outbuilding, with much of the proposal behind the garage of No.47. A single window is proposed to the north-west elevation and this would directly face the garage wall. Two feature triangular bays within the north-east elevation would have windows angled away from No.47. Given that the design of the proposed bungalow does not differ significantly from the previously approved scheme the impact to No.47 remains acceptable.

7.11 The proposed drive would run adjacent to the boundary with 43 Hulbert Road and remains unchanged from the parking layout as previously approved under APP/16/00767 and at appeal. This neighbouring property is sited approximately 1m from the side boundary and has an obscure glazed bathroom window in this elevation, facing the garage to be demolished. The submitted drawing showing proposed boundary treatments indicates that existing 1.8m high close-boarded fencing between the properties would be retained, however during a visit to the site it was noted that the garage side wall forms part of the boundary. A certificate B was therefore provided and it is recommended that new 1.8m high close-boarded fencing to replace the garage wall is secured by condition.

7.12 The proposed Garden Office outbuilding would be located close to the boundaries of the backland site at No.41a and No.35 Mathews Close. No.35 has an outside seating area immediately adjacent to the fenceline with very little screening and, following a discussion with the agent, the Garden Office was repositioned to allow a greater separation distance. The fencing to No.41a has an additional trellis top to approximately 2m in height and is set behind a planted border. Following amendments the proposed

outbuilding would be set at least 1m away from either boundary and, given its relatively small size, the impact to other properties are considered to be limited and acceptable. A condition is recommended to ensure use of the outbuilding remains tied to the proposed dwelling.

7.13 The proposed dwelling is to be single storey and is set a sufficient distance from existing dwellings such that it is considered that its siting would not result in unacceptable loss of privacy or outlook from the existing dwelling. The orientation of the main rooms within the new dwelling is to the south-west and south-east, however existing and proposed boundary screening will prevent overlooking and the distance of separation from the two closest dwellings is acceptable. Replanting details that may assist with boundary screening have been requested by the Council's Arboriculturist and will be secured by condition.

Impact on future occupiers

7.14 The division of the plot would result in acceptable garden lengths. Due to the positioning of the proposed and existing dwellings within the plot it is not considered that the existing dwelling will have an overbearing impact on the amenities of the future occupiers of the proposed dwelling.

(iv) Parking provision and highway impact

7.15 The Highway Authority was consulted and have commented that, as only one dwelling is proposed, and there is no required change of vehicle access onto the highway, HA's Standing Advice should be referred to. The proposed turn area is the same as previously approved and accords with the Highway Standing Advice. Two tandem parking spaces would be provided for the proposed two bedroom dwelling and three spaces would be created for the existing four bedroom dwelling, thereby meeting the requirements specified in the Havant Borough Council Parking SPD (2016) and in accordance with Policy DM13. As to cycle parking and storage provision, the Havant Borough Council Parking SPD (2016) requires two spaces for both the existing and proposed dwellings. There is adequate space within both plots to accommodate this level of cycle parking and it is recommended that further details be secured by condition prior to occupation.

(v) Impact to trees

7.16 The application is accompanied by an Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan. The Council's Arboriculturist was consulted and has raised no objection, subject to a condition requiring that the development be carried out in accordance with the detailed Method Statement and Tree Protection Plan provided and that further details for mitigation planting are also secured. It is noted that none of the trees within the site is subject to a TPO, or would be suitable for such protection.

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(vi) Drainage and flood risk

7.17 Southern Water was consulted and have confirmed that no public sewers would be impacted by the proposal. There is a public sewer and surface water drain within Hulbert Road currently serving the site. It is recognised that new connections to the existing drain system would be required and that further details of the means of foul and surface water disposal will be a matter of consideration for Building Control in conjunction with Southern Water. A culverted pipe was discovered after the appeal decision and the layout of the proposed dwelling and outbuilding has been designed to accommodate this.

7.18 The application site is within Flood Zone 1, however parts of the site have been identified as being at risk of surface water flooding. A Flood Risk Assessment setting out appropriate mitigation measures has been provided and is considered to meet the requirements of Policy CS15. The layout of the proposed hardstanding accords with that of the previously approved scheme and, noting the risk of surface water flooding, it is recommended that any new hardstanding required for parking and manoeuvring be conditioned so that it is porous or permeable or includes suitable provision for surface water runoff as suggested in the Flood Risk Assessment.

(vii) Developer contributions

7.19 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new residential floorspace (measured as gross internal area) in Havant.

7.20 The scheme would be Community Infrastructure Levy (CIL) liable for the new residential floorspace. However, in this instance the applicant is claiming a self-build exemption and the appropriate forms have been submitted.

7.21 The scheme is liable for contributions towards Nutrient Mitigation and the Solent Recreation Mitigation Strategy. The applicant has entered into a legal agreement to secure the mitigation packages and has paid the contributions, which are as follows:

Nutrient Mitigation	£2686.66
Solent Recreation Mitigation Strategy	£851.30

(viii) Ecology and Biodiversity Net Gain (BNG)

7.22 All development within the Borough is expected to protect, conserve and enhance the Borough's Local Ecological Network in accordance with Policy CS11. The Council's Ecologist has been consulted and has raised no objection, noting that the site is an existing residential garden and the agent has confirmed that the proposal is self-build. When the application was submitted, self-build housing applications were granted an exemption from the legal requirement to demonstrate 10% BNG on a site. However, a condition requiring the provision of a bat roost and bird nesting feature is recommended and an informative regarding the protection of nesting birds has also been included.

(ix) Human Rights Act

7.23 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

(x) Equality and Diversity

7.24 This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

8 Conclusions

8.1 The site lies within an established settlement area where the principle of residential development is acceptable. The proposal would make efficient use of land and provide one additional dwelling, making a modest contribution to the Council's housing supply. Having regard to the scale, siting and design of the dwelling, it is considered that the development would preserve the character and appearance of the area and would not result in unacceptable harm to neighbouring residential amenity.

8.2 The proposed dwelling would provide an acceptable standard of accommodation for future occupiers, with satisfactory private amenity space, parking, cycle storage and access arrangements. Matters relating to highway safety and parking for the existing dwelling, drainage, ecology, biodiversity net gain, CIL and impacts on European protected sites have been assessed and found to be acceptable, subject to the required mitigation being secured before planning permission is granted.

8.3 The proposal is considered to accord with the relevant provisions of the development plan, the Havant Borough Design Guide SPD, the Havant Borough Parking SPD and the newly published National Planning Policy Framework. It is therefore recommended that planning permission be granted, subject to the conditions set out below.

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9. RECOMMENDATION:

That the **Head of Place and Growth** be authorised to **GRANT PERMISSION** for application APP/26/00180 subject to the following conditions:

Conditions:

GENERAL	
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: Site Location Plan 28195-PD100 A Proposed Site Block Plan 28195-PD105 A Proposed Site & Roof Plan 28195-PD110 A Proposed Boundary Treatments 28195-PD120 A Proposed Floor Plan 28195-PD111 A

	Proposed Elevations 28195-PD112 A Proposed Sections 28195-PD113 Design and Access Statement 28195-PD600 Arboricultural Impact Assessment & Method Statement DS/53826/AC Tree Protection Plan & Arboricultural Method Statement DS/53826/AC Energy Statement and Part O Compliance Nutrient_Calculator_Solent_Maritime_V_03_01_3 45 Hulbert Road Flood Risk Assessment Sept 2026 **Reason:** To ensure provision of a satisfactory development.
3	The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable. **Reason:** In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
4	The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Assessment and Tree Protection Plan and Arboricultural Method Statement by Treecall. **Reason:** To protect the health of adjacent trees in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.
5	The development shall be built in accordance with the details submitted within the Energy Statement prepared by Greenbox Associates. As a minimum the development shall achieve a reduction in CO2 emissions of at least 31% of the Dwelling Emission Rate (DER) compared to the Target Emission Rate (TER) of Part L of the 2022 Building Regulations. The development shall be carried out in full accordance with the approved details as submitted in the Energy and Sustainability Statement. **Reason:** In the interest of sustainability and having due regard to the Council's Climate Change Strategy and Action Plan and policies CS13, CS11 and CS14 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.
6	The developed site shall incorporate one integral or externally mounted roosting unit for bats and one integral or externally mounted nesting feature for cavity nesting bird species (to be integrated Swift bricks unless not practical due to nature of construction), installed as per manufacturer's instructions. **Reason:** To protect and enhance biodiversity in accordance with the Environment Act 2021, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.
7	Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension or roof alteration shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

	Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
8	The outbuilding described as a 'Garden Office' shall be used solely for purposes incidental to the occupation and enjoyment of the dwelling hereby permitted and shall not be converted to a separate unit of living accommodation or used in connection with any trade or business. **Reason:** The outbuilding is not in a satisfactory position, has insufficient amenity space and has insufficient on-site parking to be occupied or otherwise used separately from the main dwelling and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
PRIOR TO OCCUPATION	
9	Notwithstanding any details previously provided, prior to occupation of the dwelling hereby approved a planting plan and specification shall be provided clearly showing all new trees to be planted, to be agreed in writing by the Local Planning Authority and Southern Water. The development shall thereafter be carried out in accordance with the approved details. **Reason:** In the interests of the amenities of the area and having due regard to Policies DM8, DM10, and CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
10	Prior to the first occupation of the development hereby approved, details and specification of any fixed external lighting to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and operated in accordance with the approved details and shall be maintained as such thereafter. Reason: To protect the residential amenities of neighbouring occupiers in accordance with Policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
11	Prior to the occupation of the development hereby approved details of an electric vehicle (EV) charging point shall be submitted to and approved in writing by the Local Planning Authority. The approved EV charging point shall be installed prior to the occupation of the development and thereafter maintained and retained. Reason: In the interests of energy efficiency having due regard to Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
12	Prior to the occupation of the development hereby approved, details of the heat pump, together with details as to its maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The approved heat pump shall be installed prior to the occupation of the development and thereafter maintained in accordance with the agreed maintenance scheme.

	Reason: In the interests of energy efficiency and the amenities of neighbours, having due regard to policies DM10, CS14 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
13	The development hereby permitted shall not be occupied until: A) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and B) All measures necessary to meet the approved water efficiency calculation have been installed. **Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
14	Prior to occupation of the dwelling hereby approved the areas shown on the approved plans for the parking and turning of vehicles shall be provided and thereafter kept available for these purposes at all times. The proposed hard surfaces shall either be made of permeable or porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site. **Reason:** In the interests of highway safety and to ensure adequate provision for surface water drainage, having due regard to policies CS15 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
15	Prior to the occupation of the dwelling hereby permitted, all boundary treatments shown on approved Drawing No. 28195-PD120 A shall be erected and completed, including the provision of any new 1.8 metre high close-boarded fencing required to replace the existing garage wall forming part of the boundary with No. 43 Hulbert Road. The approved boundary treatments shall thereafter be retained and maintained in a wholly sound and effective condition. **Reason:** To safeguard the amenities and privacy of existing and future occupiers and to ensure a satisfactory form of development, having regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

16	Prior to the occupation of the development hereby approved, details of cycle provision in accordance with the requirements of the Havant Borough Council Parking Supplementary Planning Document shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle provision shall be fully implemented prior to occupation and thereafter retained for its intended purpose. **Reason:** In the interests of sustainable development and to ensure adequate cycle provision, having due regard to Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
POST OCCUPANCY	
17	At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity. **Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

Informatives:

1	In accordance with Policy DM3 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 after the initial site visit. Revisions and additional information were received making your application acceptable.
2	Nesting birds, their active nests and eggs are protected under the Wildlife and Countryside Act 1981 as amended. This applies throughout and outside of the bird nesting period (generally considered to be March to August inclusive). Prior to any works a check for nests should be carried out and any active nests must be left in situ, undisturbed, until they become unoccupied of

	their own accord. You are advised to contact Natural England on 0300 060 3900 for further information.
3	The applicant's attention is drawn to the fact that any new connection to the public sewerage or surface water disposal system will require the prior approval of Southern Water. The developer is advised to contact Southern Water at an early stage to discuss connection requirements and any necessary agreements. Please read Southern Water's New Connections Services Charging Arrangements documents which have been published and are available to read on Southern Water's website via the following link southernwater.co.uk/infrastructure-charges. For further advice, please contact Southern Water on 0330 303 0119 or via the website southernwater.co.uk.
4	No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. No soakaways should be connected to the public surface water sewer.
5	In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken. Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. If this happens, please call our Customer Service Desk on 0330 303 0119.