

P/17/0126/FP

MR A. WELLS

PORTCHESTER EAST

AGENT: ROBERT TUTTON
TOWN PLANNING
CONSULTANTS LTD

ADDITION OF A BARN-HIPPED PITCHED ROOF OVER EXISTING GARAGE AND
CHANGE OF USE TO A ONE BED DWELLING. PROVISION OF A DROPPED KERB.

84 MERTON AVENUE PORTCHESTER FAREHAM HAMPSHIRE PO16 9NH

Report By

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Amendments

The plans originally submitted did not contain any on-site parking. Amended plans have been submitted which contain on-site parking for 1 car.

Site Description

The site is located within a residential area in Portchester. No. 84 Merton Avenue is located on a corner plot between Merton Avenue and Alton Grove and fronts Merton Avenue. There is a double garage to the rear of no. 84 which is the subject of this application. The garage has a hipped roof with vehicular access from Alton Grove.

Description of Proposal

The application seeks the sub-division of the site and the alteration and conversion of the garage to a one bedroom dwelling.

The existing garage is single storey with a hipped roof and a ridge height of 4m. The application proposes to increase the eaves height of the garage from 2.2m to 2.8m together with the addition of a partially cropped, pitched roof with a ridge height of 6.4m.

Policies

The following policies and guidance apply to this application:

National Planning Policy Framework 2012

National Planning Policy Guidance

Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document

Residential Car and Cycle Parking Standards Supplementary Planning Document

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

The following planning history is relevant:

<u>P/09/0797/FP</u>	ERECTION OF DETACHED DOUBLE GARAGE	
	PERMISSION	17/11/2009

<u>P/09/0528/FP</u>	(A) ERECTION OF 1.8 METRE FENCE ALONG SOUTHERN BOUNDARY; AND (B) ERECTION OF DOUBLE GARAGE	
	PART	13/08/2009
	PERMISSION	

Representations

At the time of writing this report 26 letters of support, 1 neutral comment and 8 objections have been received.

The letters of support comment mainly on the quality of the proposed design and the need to provide more housing in the urban area.

The objections raised the following concerns:

- obtrusive and overbearing structure within the street scene
- block visibility for cars leaving no. 5's drive
- loss of light to no. 5's bathroom and kitchen
- existing garage is unfinished
- loss of light to no. 82
- overdevelopment of the site
- boathouse description is misleading as it is a house
- pressure on existing parking and congestion of road

Consultations

INTERNAL CONSULTEES

Environmental Health

-No objection subject to conditions.

Highways

-No objection subject to conditions.

Planning Considerations - Key Issues

Principle of development

The site is within the urban area, therefore Policies CS2 and CS6 are applicable. In addition Policy CS10 which seeks to provide for residential development within the urban area provided that the setting of the area is protected, is also applicable.

The site comprises garden land which is no longer identified as previously developed land. Whilst this in itself is not a reason to resist development, proposals on residential garden sites must be considered against the criteria within Policy CS17 which requires all development to respond positively to and be respectful of the key characteristics of the area including scale, form and spaciousness. The proposed alterations and subsequent conversion of the existing garage, is therefore acceptable in principle subject to satisfying the criteria of the Planning Policies summarised earlier in this report.

Impact on host property

The proposed dwelling would be separated from no.84 by approximately 25m and would therefore satisfy the minimum 'back to back' distance of 22m recommended in the Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document. The proposed amenity space for the host property would be a depth of approximately 13m which would satisfy the 11m minimum depth also recommended in the Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document.

The site plan demonstrates that there would be sufficient space for the on-site parking of 2 cars to the front of no. 84 in line with the standards contained in the Residential Car and Cycle Parking Standards Supplementary Planning Document.

Impact on neighbouring properties

Policy DSP3 states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.

The proposed dwelling would be located to the east of no. 5 Alton Grove. There is a window in no. 5's east elevation which is the sole window serving the kitchen. The Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document recommends that two storey side extensions are separated from sole windows serving habitable rooms in neighbouring properties by 6m, but that a lesser distance of 4m may be acceptable in some circumstances. The proposed two storey dwelling would be visible from no. 5's kitchen window, however it would be visible at an oblique angle therefore the separation distance of 4.82m is considered to be acceptable in this case in terms of the impact on the outlook.

The owners of no. 5 have raised concerns regarding the potential loss of light to their ground floor kitchen. The proposed dwelling would be located to the south east of the kitchen window and may therefore result in a loss of sunlight available to this room during part of the morning only. The loss of sunlight would be for a limited time of the day. In addition, the amount of sunlight currently available to the kitchen is compromised by the existing boundary wall of approximately 2m in height which is located opposite the window. The limited hours during which sunlight would be lost, combined with the presence of the boundary wall and the existing garage are such that the proposal is not considered to be so harmful to the amenity of the neighbouring property's kitchen window to justify a reason for

refusal.

The owners of no. 5 have also raised concerns about the impact the proposed dwelling would have on the visibility from their drive. It is acknowledged that the size and position of the dwelling would restrict the visibility of drivers exiting no. 5's drive, however it would not restrict the visibility any more than the existing garage. There is no highway objection to the proposal in this regard.

Design and Impact on the Character of the Area

Policy CS17 states that development must respond positively to and be respectful of the key characteristics of the area, including (amongst other criteria) scale, form and spaciousness.

The existing garage is located to the rear of no. 84 however it contributes to the Alton Grove street scene rather than Merton Avenue. The character of this section of Alton Grove is established by chalet style dwellings positioned along a uniform building line. The dwellings to the west of the site (no's 5-11 Alton Grove) have hipped roofs with ridgelines running parallel to Alton Grove. The existing garage is located forward of the building line established by the dwellings to the west of the site, however it is single storey with a hipped roof and a ridge height of 4m. The size and design of the existing garage, in particular the recessive form of the hipped roof, ensures that it respects the character of Alton Grove and does not appear overly dominant given its position forward of the building line established by no's 5-11 Alton Grove. It is of relevance to note that a previous application (P/09/0528/FP) for a larger garage was refused because of its unacceptable impact on the character of the area.

The proposed alterations to the garage would include an increase of the eaves height from 2.2 to 2.8m and the replacement of the existing hipped roof with a pitched roof (albeit partially cropped) with a ridge height of 6.4m (the same height as no's 5-11 Alton Grove). Unlike no's 5-11 Alton Grove which have ridges running parallel to the road, the ridge of the proposed dwelling would be perpendicular to the road with the gable end facing the front of the site.

The prominent position of the dwelling forward of the building line created by no's 5-11 Alton Grove would be emphasized by the increase in size and the dominant design which would incorporate a gable end. The proposed alterations to the garage would result in a much larger and more prominent building which would not respect the scale, form or pattern of development established by no's 5-11 Alton Grove and would as a result be out of keeping with the character of the area and contrary to Policy CS17.

Flood Risk

The site is identified as being a flood zone 3(a), that is as having a high probability of flooding and the proposed development is classified as being 'more vulnerable' in the event of a flood.

The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding to ensure that development is located in areas with a lower risk of flooding before areas at a higher risk of flooding are developed.

The NPPG states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

Table 3 (Flood risk vulnerability classification) in the NPPG states that an exception test is required for 'more vulnerable' development in a flood zone 3a.

The exception test as set out in para 102 of the NPPF is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the 2 parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. Both elements of the test will have to be passed for development to be permitted.

The applicant has not applied the sequential approach nor is the application supported by an exception test.

The application is supported by a flood risk assessment which states that the proposed development constitutes a change of use and a minor development of less than 250m² and that in accordance with NPPF para 104 the sequential and exception tests are not required.

The NPPG defines minor development (in relation to flood risk) as being:

- Minor non-residential extensions with a footprint of less than 250 square metres;
- Alterations that does not increase the size of buildings; and
- Householder development for examples games rooms within the curtilage of the existing dwelling.

The NPPG states that: "The definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling".

The proposed development would increase the size of the existing building and would create a separate dwelling within the curtilage of the existing dwelling. The proposed development clearly does not constitute minor development within the context of flood risk, therefore the sequential approach and the exception test are required.

The supporting text to Policy CS6 (The Development Strategy) states that the council will adopt the sequential approach in accommodating development and will apply the exception test where necessary. Furthermore Policy CS15 states that the Borough Council will promote and secure sustainable development by avoiding unacceptable levels of flood risk.

The application is supported by a Flood Risk Assessment, however this would only become relevant (as part of the Exception Test) if a sequential approach been taken and no other sites in areas less prone to flooding were found to be available. The applicant has not undertaken a sequential approach therefore it has not been demonstrated that the development could not be provided in an area with a lower probability of flooding. The application therefore does not satisfy the requirements of the NPPF or Policies CS6 and CS15.

Living Conditions

The proposed dwelling would provide adequate internal space in line with the minimum national internal space standards, however the garden for the proposed dwelling would be a depth of only 8m which would fall short of the 11m minimum garden depth recommended in the Fareham Residential Design Guidance SPD. The proposed development would therefore not satisfy the requirements of Policy CS17 which requires new housing to secure adequate external space for future occupiers.

Solent Recreation Mitigation Partnership

Through the work of the Solent Recreation Mitigation Partnership (SRMP) it has been concluded that any net increase in residential development would give rise to likely significant

effects on the Solent Coastal Special Protection Areas (SPA's), either 'alone' or 'in combination' with other development proposals. In accordance with Policy DSP15 of the adopted Fareham Borough Local Plan Part 2 all development is required to mitigate the negative impact. This can take the form of a financial contribution of £176. The applicant has failed either to provide a commuted sum of £176 via s111 of the Local Government Act 1972 or to enter into a s106 agreement to provide the payment prior to commencement. The proposed development is therefore contrary to Policy DSP15.

The Borough of Fareham benefits from a stretch of coastline that has been internationally recognised as Special Protection Areas (SPA's). The European Habitats and Birds Directives protect rare species and habitats. The Directives have been transposed into UK law through the Habitats Regulations. Under these Regulations, the borough council must assess whether or not a proposed development is likely to have a significant effect on an SPA. An assessment is required by the decision maker to determine whether the proposal is likely to have a significant effect on a European site. If necessary, avoidance or mitigation measures could be included to remove the harm which otherwise would have occurred. It is also necessary to look at the proposal in combination with other developments in the local area.

Policy DSP15 sets out that planning permission for proposals resulting in a net increase in residential units may be permitted where 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution that is consistent with the approach being taken through the Solent Recreation Mitigation Project. The SRMP has adopted an interim strategy which requires a financial contribution of £176 per new dwelling for all developments within 5.6km of the SPA's. The interim strategy is to use any contributions to educate users of the coast about the importance of the SPA's, the reason for their designation and the damage that recreational pressure can place on these designations and the bird species that use them.

The Community Infrastructure Levy (CIL) Regulations 2010 came into effect on the 6th April 2010. From that date, Regulation 122(2) provides that a planning obligation can only constitute a reason for granting consent if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

All applications finally determined after the 6th April 2010 must clearly demonstrate that any planning obligation that is used to justify the grant of consent must meet the three tests. The

same tests are repeated in paragraph 204 of the NPPF.

The research undertaken by Natural England and the SRMP set out that mitigation is required and therefore an obligation is necessary to make the development acceptable in planning terms. Similarly the research undertaken indicates that developments whereby the population increases within 5.6km of the coast (which captures the entirety of the Borough of Fareham) means that the required obligation is directly related to the proposal.

Essentially the total cost of the mitigation framework will be £176 per net additional dwelling provided through a development scheme. The research into this cost per net additional household is considered to be fairly and reasonably related in scale and kind to the development such that the tests in paragraph 204 of the NPPF would be met by an obligation.

The applicant has confirmed that they would be willing to make the necessary commuted sum of £176 via section 111 of the Local Government Act 1971, however at the time of writing this report no payment has been received.

In the absence of the necessary financial contribution towards the Solent Recreation Mitigation Strategy interim strategy being provided it is considered that the proposed development is not considered to mitigate its impact and would, in combination with other developments, likely increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas. As such the appeal proposal remains contrary to policies CS4 and DSP15.

Conclusion

The proposed development would be an obtrusive feature within the streetscene which would not provide adequate external amenity space. The proposed development would in combination with other development increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas. In addition it has not been demonstrated that a sequential approach has been taken in relation to flood risk. It is therefore recommended that the application is refused.

Recommendation

REFUSE for the following reasons:

1. The proposed development is contrary to Policies CS17 of the adopted Fareham Borough Local Plan, the Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document and Policy DSP3 of the Local Plan Part 2: Development Sites and Policies and is unacceptable in that:

-its scale, design and position forward of the building line would result in an overtly dominant, visually obtrusive feature which would be harmful to the character of the street scene and

-the proposal fails to provide adequate external amenity space to meet the requirements of the future occupiers of the dwelling.

2. The proposed dwelling would be contrary to Policy DSP15 of the Local Plan Part 2 Development Sites and Policies Plan in that it has not been supported by a financial contribution or a legal agreement to secure a financial contribution. The proposal would

therefore fail to provide the satisfactory mitigation of the 'in combination' effects that the proposed net increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.

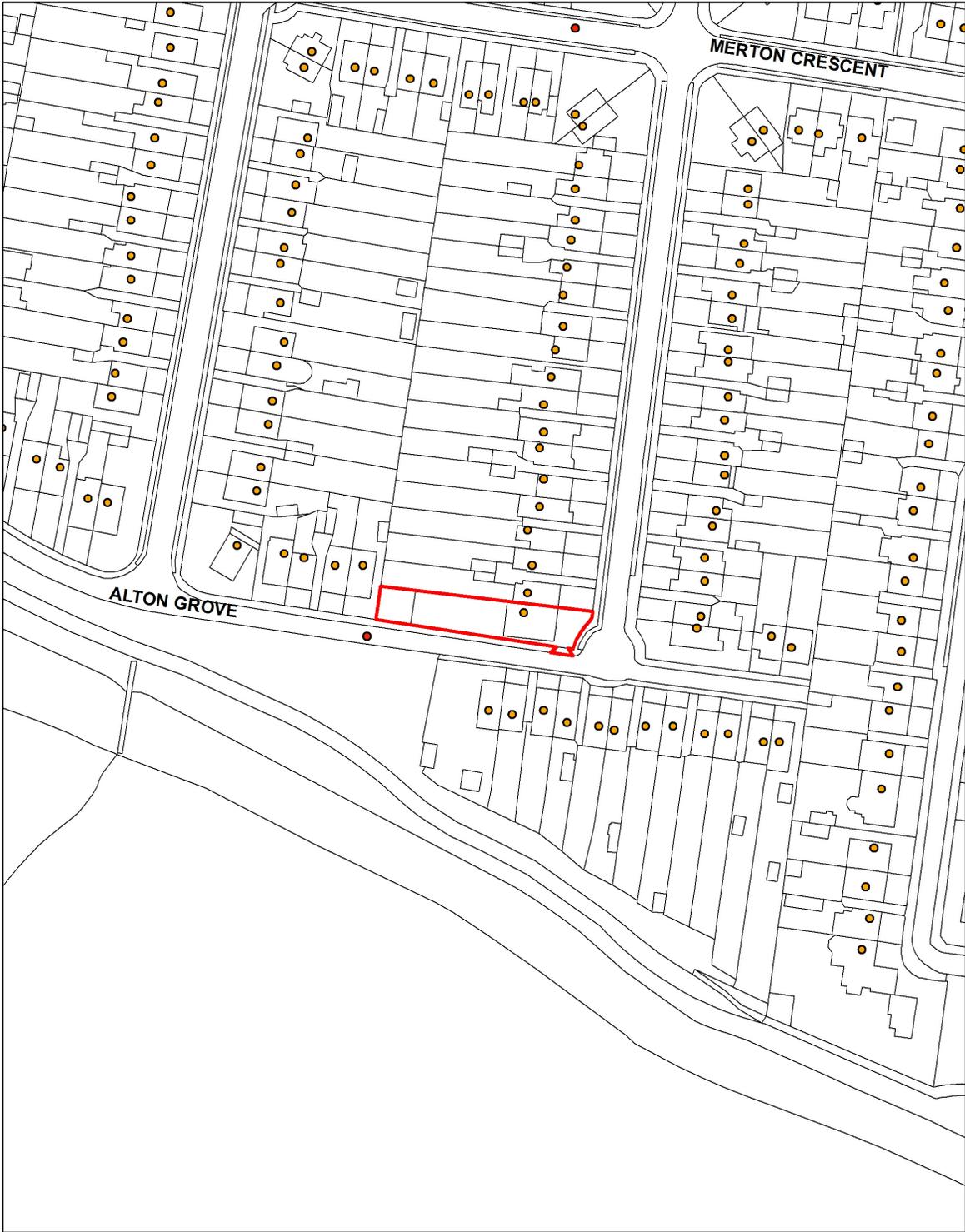
3. The proposed development is contrary to Policies CS6 and CS15 of The Fareham Borough Core Strategy and the NPPF by virtue of the absence of a sequential approach to flood risk being undertaken. As such the proposal fails to demonstrate that the proposed development could not be undertaken in an area at a lower risk of flooding and as a result the proposed development would be unnecessarily located within an area identified as having a higher probability of flooding providing an unacceptable level of flood risk to the occupants of the new dwelling.

Background Papers

P/17/0126/FP

FAREHAM

BOROUGH COUNCIL



84 Merton Avenue
Scale 1:2,500



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