

P/18/0059/FP

MRS L BROWN

ERECTION OF DETACHED DWELLING

39 KNIGHTS BANK ROAD FAREHAM PO14 3HX

HILL HEAD

AGENT: MR J MCDERMOTT

Report By

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Site Description

This application relates to a residential property located to the north side of Knights Bank Road opposite the junction with Little Gays. The frontage of the site lies within the urban area but a large part of the rear garden lies within the countryside.

The main two storey dwelling (Pond House) has a ground floor self contained residential/holiday let unit attached to the western side of the building (Still Waters) and there is also a self contained annexe (The Penthouse) in the roof space of the dwelling. Planning permission has more recently been granted for a single storey side extension to the eastern side of the dwelling to provide additional living accommodation and a certificate of lawful development was granted for the erection of detached swimming pool building within the rear garden alongside the rear boundary to No.41 Knights Bank Road. A log cabin is currently under construction within the rear garden which is intended to be used in conjunction with the residential use of the property and would therefore be permitted development.

There is a large pond within the rear garden and the site abuts Titchfield Haven Nature Reserve (SSSI) to the rear. There is a mature Monterey Pine tree on the frontage which is protected by a Tree Preservation Order.

Description of Proposal

Planning permission is sought for the erection of a detached two storey 3-bed dwelling to the western side of the dwelling fronting on to Knights Bank Road. The dwelling would share the existing access to Knights Bank Road with Pond House. Two parking spaces would be provided on the frontage of the proposed dwelling. The dwelling would have shared use of the amenity space to the rear of the existing dwelling which could not easily be subdivided due to the large pond. The dwelling is shown to be sited on the part of the site which lies within the urban area.

Policies

The following policies apply to this application:

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

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

Development Sites and Policies

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/17/0548/LP</u>	Construction of two detached single storey outbuildings APPROVE	18/07/2017
<u>P/17/0042/FP</u>	Single-storey side extension APPROVE	23/02/2017
<u>P/11/0955/FP</u>	ERECTION OF SINGLE STOREY/TWO STOREY SIDE EXTENSION, PROVISION OF FRONT AND REAR DORMERS, ROOF TERRACE AND INSERTION OF VELUX ROOF LIGHTS TO FORM ANNEXE. APPROVE	03/01/2012
<u>P/11/0151/FP</u>	ERECTION OF SINGLE STOREY/TWO STOREY SIDE EXTENSION, PROVISION OF REAR DORMERS & ROOF TERRACE AND INSERTION OF VELUX ROOF LIGHTS TO FORM ANNEXE PERMISSION	19/05/2011
<u>P/09/0804/FP</u>	ERECTION OF SINGLE STOREY AND TWO STOREY SIDE EXTENSION, PROVISION OF REAR DORMER AND ROOF TERRACE, AND INSERTION OF FIVE VELUX ROOFLIGHTS TO FORM ANNEXE PERMISSION	27/01/2010
<u>P/06/1613/VC</u>	VARIATION OF CONDITION 3 OF P/03/1344/FP (TO ENABLE ANNEX TO BE SUB-LET - RETROSPECTIVE APPLICATION) PERMISSION	27/09/2007
<u>P/03/1344/FP</u>	Erection of Two Storey Side Extension to form Self-Contained Annexe, Replace Existing Flat Roof with Pitched Roof and New Detached Single Garage (Alternative to P/03/0483/FP) PERMISSION	27/10/2003
<u>P/03/0483/FP</u>	Erection of Two Storey Side Extension to form Self-Contained Annexe, Replace Existing Flat Roof with Pitched Roof and New Detached Single Garage PERMISSION	21/05/2003
<u>P/02/1390/OA</u>	Erection of Detached Dwelling With Garage OUTLINE PERM	11/12/2002

Representations

Fifteen representations have been received objecting on the following grounds;

- Site already overdeveloped with annex and self-contained flat
- Site too small to squeeze in additional dwelling
- Lack of space between dwellings
- Out of keeping with neighbouring properties
- Contrary to Policy CS17 of Core Strategy
- Would not respond positively to key characteristics of the area
- Detrimental to quality of streetscene
- The proposed dwelling would be set back from the building line and would not have its own frontage in keeping with surrounding properties
- Existing large dwelling requires proportional gap between neighbouring properties
- Rear balcony would overlook
- The rear boundary could not be delineated due to the pond
- The proposed dwelling would become an extension of the existing dwelling and concerns over future commercial use
- Concerns business being operated from existing dwelling
- Impact to protected Pine tree on frontage and other boundary trees and vegetation to rear
- Excess number of vehicles at the site
- Dispute over positioning of boundary
- Impact on wildlife, pond and adjacent Nature Reserve
- Increased noise and disruption

One letter of support has also been received

Consultations

Internal

Highways - The site has dual vehicular accesses and sufficient space at the front to accommodate some nine parked vehicles. No highway objection is made to the application, subject to the following requirements being shown on a plan and to conditions -

- The site accesses shall be hard-surfaced for a minimum of 5m into the site.
- To account for the range of dwellings, a scheme with nine car parking spaces will need to be prepared, approved and marked out on site.

Trees - Of concern would be the actual construction of the proposed dwelling, which will put a lot of pressure on rooting environment of the existing mature Monterey pine in terms of access for plant and equipment and storage of materials. The tree report does not sufficiently address the impacts of the construction process on the pine tree in terms of setting out robust tree protection measures, method for delivery and storage of materials and new utility connections. The reconfiguration of the parking bays for the new unit could also impact on tree roots and this needs to be mitigated by using special surfacing.

Ecology - The ecology report by ECOSA confirms that the habitats on site have potential for reptiles, foraging and commuting bats, nesting birds and badgers and makes a number of sensible recommendations to ensure no adverse impacts on these species. The pond on site is assessed to be of poor value to great crested newts. Titchfield Haven is known to support a population of great crested newts (GCNs) and therefore there is a likelihood that ephemeral/short perennial habitat to the north of the pond, scattered bracken in the northern corner of the property and wood logs/piles may get used by GCNs. These areas are however understood to be unaffected. Provided that the measures detailed in ECOSA's ecology report are adhered to, there are no major concerns in relation to this scheme. If you were minded to grant permission, it is suggested that a planning condition for submission of a construction ecological management plan is imposed. Due to the proximity of the site to Titchfield Haven SSSI, Natural England should be consulted in relation to this application.

External

Natural England - No objection subject to requirement for submission of a construction environmental management plan (CEMP) prior to commencement of development. In order to secure appropriate protected species mitigation and biodiversity enhancements Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP). We advise that appropriate planning conditions or obligations are attached to any planning permission to secure these measures.

Planning Considerations - Key Issues

Principle of Development

Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as previously developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.

The current lack of a five-year supply of deliverable housing sites following the Appeal decision at Cranleigh Road, Portchester is a material consideration in this application. In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF, and this contains specific guidance in paragraphs 47, 49 and 14 for Councils unable to demonstrate a 5YHLS.

Paragraph 47 of the NPPF seeks to boost significantly the supply of housing, and provides the requirement for Councils to meet their OAHN, and to identify and annually review a 5YHLS including an appropriate buffer. Where a Local Planning Authority cannot do so, paragraph 49 of the NPPF clearly states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites."

Paragraph 14 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". For decision-taking (unless material considerations indicate otherwise) this means:

Approving development proposals that accord with the development plan without delay; and

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies* in this Framework indicate development should be restricted.

(*for example, policies relating to sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion).

Officers can confirm that none of the 'specific policies' listed in the preceding paragraph

apply to this site. The key judgement in determining this application is therefore whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

Impact on the Character and Appearance of the Area

Outline planning permission (Access only) was granted in 2002 for the erection of a detached dwelling to the western side of the dwelling. This permission has since lapsed without being implemented. Since that time a two storey side extension which contains the self contained sub-let has been erected to the western side of the dwelling which substantially reduces the gap between No.39 Knights Bank Road and the adjacent property to the west (No.35). Officers consider that as a result of the previous side extension, the erection of a detached dwelling within the space between Nos. 39 and 35 Knights Bank Road would now appear cramped to the detriment of the spacious character of the area. Due to the limited space available it is considered the dwelling would also be out of keeping with neighbouring properties in terms of its scale and this is apparent on the submitted street elevation.

The existing dwelling is noticeably the largest within the road with an expansive front elevation measuring 22m in width at first floor level. The existing ground floor projection to the western side of the dwelling and the permitted ground floor extension to the eastern side of the dwelling would extend the width of the dwelling to 31m. The existing dwelling sits within an appropriately generous and wide plot so that it does not appear cramped and there is adequate separation from adjacent properties. The present gaps between the existing dwelling and the neighbouring properties are a minimum of 10m to No.35 and 6.5m to No. 41 which would be reduced to just over 3m with the permitted extension. The proposed two storey dwelling would be sited approx. 3m from the flank wall of the existing dwelling and only 1.5m from the single storey side extension to the existing dwelling. Officers consider that the proposed dwelling would appear 'shoe-horned' into the space available and this is evidenced by the need to set the dwelling back from the Knights Bank Road frontage and the limited width and scale of the dwelling in relation to neighbouring properties.

The Council's adopted Design SPD states that gaps between existing houses can sometimes make appropriate plots for new homes but this will depend on the size and width of the plot and how it compares to others in the street. The proposed dwelling would not be sited within its own plot but would instead share a frontage and the rear amenity space with the existing dwelling which is not in keeping with neighbouring properties and the character of the area. The applicant's intention is to retain ownership of the dwelling initially but also wishes to have the ability to sell the property at a later date. Had it been the intention to physically subdivide the plot then it can clearly be seen that the plot width would not be comparable to others within the street. The Design SPD also states that care should be taken to ensure the space left between houses reflects the spaciousness and character of the area which officers do not consider can be achieved.

The proposed site layout plan highlights an in-fill development that has recently been completed on the opposite side of the road at No.12 Knights Bank Road. Officers consider there are distinct differences between this in-fill development that was considered to be acceptable and the proposed dwelling. The dwelling at No.12 occupies a plot of comparable width and size to the neighbouring properties and the dwelling is also comparable in terms

of its scale. The dwelling sits comfortably within the streetscene, has a private frontage for vehicle parking, private rear amenity space and is positioned to accord with the building line.

It is considered that the proposal would have an adverse impact on the character and appearance of the area and would therefore be contrary to Policy CS17 in that it would not respond positively or be respectful of the key characteristics of the area including scale, form, and spaciousness.

Impact on Living Conditions of Neighbouring Properties

The adjacent property to the west (No.35) has only secondary high level windows within the side elevation and it is not considered that the proposal would have an adverse impact on light and outlook available to the occupants of this property. Concerns have been raised by the occupants of this property regarding overlooking. The first floor bathroom window proposed within the side elevation of the proposed dwelling facing this property could be conditioned to be obscure glazed and fixed shut up to 1.7m above internal floor level to prevent overlooking. The rear facing balcony would have 1.7m high obscured glazed privacy screens to either side which would also limit outlook from the rear bedroom. Whilst oblique views may be possible from the rear facing first floor bedroom window and the rear balcony of the proposed dwelling it would angle away from the neighbouring property at the rear in towards the existing dwelling so that the balcony would be in excess of 5m from the garden boundary. Officers do not consider that the proposal would have an adverse impact on the living conditions of the occupants of the neighbouring property in terms of loss of privacy.

Highways

The proposed dwelling would share a driveway with the existing dwelling which currently has ample room for multiple vehicles which are parked in an informal manner. The proposed site plan shows a total of eight car parking spaces; two of which would be allocated to the proposed dwelling. The Council's Highways Engineer has requested that an amended parking layout is sought to provide a total of nine car parking spaces and it is considered that there is scope to accommodate this. Given that the parking would be a shared facility between a number of residential units it is considered that it would be necessary to mark out the car parking on site to ensure considerate parking and minimise the possibility of on-street car parking.

Trees & Ecology

The site has been identified as having low suitability for roosting bats, badgers, breeding birds, reptiles and great crested newt. The pond supports a limited extent of aquatic vegetation and contains fish both of which indicate that the potential for presence of Great Crested Newt is poor. Recommendations have been made within the supporting ecological appraisal to avoid disturbance to protected species which are considered to be appropriate. Whilst the site is within close proximity to the Titchfield Haven Nature Reserve the siting of the proposed dwelling is not directly adjacent to the SSSI and a buffer zone of at least 15m could be maintained between the development site and the SSSI. Subject to planning conditions to secure a Construction Environment Management Plan (CEMP) and Biodiversity Mitigation and Enhancement Plan (BMEP) it is not considered that the proposal would have a detrimental impact on sites of ecological value or protected species.

There is currently insufficient information available to determine that the Monterey Pine tree on the site frontage would not be likely to be harmed during the construction process as such the proposal cannot be supported on arboricultural grounds.

Solent Recreation Mitigation Partnership

Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Project (SRMP). The proposal involves a net increase of one residential unit. Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMP. In the absence however of such a contribution or the means to secure one, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Paragraph 14 of the NPPF clarifies the presumption in favour of sustainable development in that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies indicate development should be restricted (for example, policies relating to sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion).

The approach detailed within the preceding paragraph, has become known as the "tilted balance" in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

The site is located within the existing urban area where, in principle, the development of residential gardens for housing can be considered to be acceptable. It is also acknowledged that the proposal would deliver an additional house however this would make a very modest contribution towards addressing the Council's current shortfall in five year housing land supply.

Notwithstanding, the harm identified above to the character and appearance of the streetscene, the lack of sufficient information regarding the tree preservation order protected tree on site and the lack of mitigation of the 'in combination' effects on the Solent Special Protection Areas, significantly and demonstrably outweighs the benefits of granting planning permission, when assessed against the policies of the NPPF taken as a whole.

The Officer recommendation to the Planning Committee is that the planning application should be refused.

Recommendation

REFUSE

The proposed development is contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and Policy DSP15 of the Fareham Borough Local Plan Part 2: Development Sites Policy and the Fareham Borough Design Guidance SPD and is unacceptable in that:

i) the proposal would result in a cramped and unsympathetic form of development which would fail to respond positively to and be respectful of the key characteristics of the area including scale, form and spaciousness;

ii) on the basis of the information provided the local planning authority are not satisfied that the protected Monterey Pine tree on the site frontage would not be harmed during the construction process;

iii) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide 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.

Notes for Information

This decision relates to the following plans and documents;

- i) Location Plan drwg No. L01
- ii) Site Layout drwg No.01 Rev A
- iii) Street Elevation - drwg No.1471 A-02
- iv) Proposed Floor Plans - drwg No. 1471 A-03
- v) Proposed Elevations - drwg No. 1471 A-04
- vi) Preliminary Ecological Appraisal (Ecosa Jan 2018)
- vii) Tree Survey, Arb Impact Assessment & Tree Method Statement (N J Trowell Nov 2017)

Note to applicant;

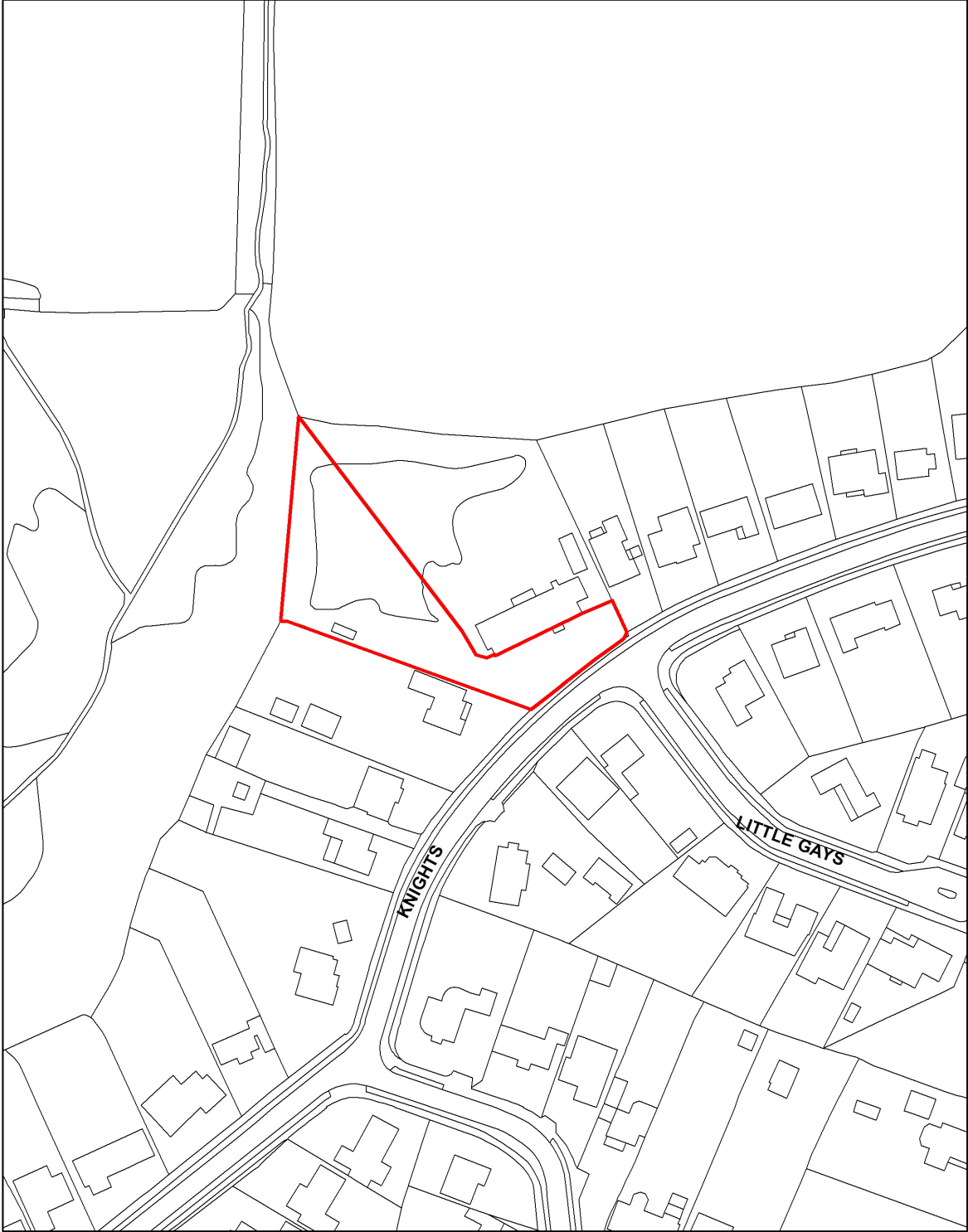
Had planning permission been forthcoming the Local Planning Authority would have sought an amended plan to demonstrate a minimum of nine car parking spaces on the frontage of the existing dwelling to ensure adequate on site car parking provision.

Background Papers

P/18/0059/FP

FAREHAM

BOROUGH COUNCIL



39 Knights Bank Road
Scale 1:1250



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