

OFFICER REPORT FOR COMMITTEE

DATE: 24 May 2023

P/23/0389/VC

MR KEITH GEORGE

AGENT: C&L MANAGEMENT

ERECTION OF 3-BED BUNGALOW WITH ACCESS FROM CHALFORD GRANGE
- INCREASE ROOF PITCH AND ROOF DESIGN TO ALLOW FOR
ACCOMMODATION WITHIN THE ROOF SPACE (VARIATION OF CONDITION 2
OF P/19/0946/FP)

LAND REAR OF 82 THE AVENUE FAREHAM

Report By

Kim Hayler - 01329 824688

1.0 Introduction

1.1 This application is reported to the Planning Committee for determination due to the number of third-party representations received.

2.0 Site Description

2.1 The application relates to a site within the urban settlement boundary, to the rear of 82 The Avenue.

2.2 Chalford Grange, which lies to the north of the site, has been developed in various stages since 2004. To the west of the site is a flatted development which has a detached bin/cycle store located on the boundary with the application site.

2.3 A Scots Pine and Sycamore tree (which are subject to tree preservation order 543) are located along the south-western/ western boundary of the site.

2.4 Planning permission was granted on 5 July 2022 for the erection of a detached 3-bed bungalow fronting Chalford Grange with a detached single garage on the frontage. Work is well advanced on site in relation to this permitted scheme.

3.0 Description of Proposal

3.1 The application is an alternative to that approved by the Planning Committee under P/19/0946/FP. The application proposes an increase in the height of the roof by one metre and alterations to the roof design from a fully hipped roof to a barn hip style roof. The footprint and eaves height are identical to those approved under P/19/0946/FP.

3.2 The amended roof design and height will facilitate a bedroom, walk-in wardrobe and en-suite within the roof space. The smallest ground floor third

bedroom shown on the original application will be used as a study. There is no proposed increase in the number of bedrooms.

- 3.2 The proposed first floor bedroom would have a Juliet balcony window within its western elevation and high level roof lights within the rear, south elevation. A number of solar panels are proposed on the southern facing roof plane.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

H1 – Housing provision

HP1 – New residential housing development

NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network

NE2 – Biodiversity Net Gain

NE3 – Recreational Disturbance on the Solent Special Protection Areas (SPAS)

NE4 – Water Quality Effects on the Special Protection Areas (SPAS) Special Areas of Conservation (SACS) and Ramsar Sites of the Solent

TIN1 – Sustainable Transport

D1 – High Quality Design and Placemaking

D2 – Ensuring Good Environmental Conditions

Other Documents:

National Planning Policy Framework (NPPF) 2021

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Residential Car Parking Standards 2009

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/19/0946/FP	Erection of 3-bed bungalow to rear of 82 The Avenue with access from Chalford Grange
PERMISSION	25 July 2022

P/16/1016/FP	Construction of two storey detached house with associated landscaping and car parking to the rear of existing dwelling
REFUSED	22 April 2017 – Appeal dismissed 9 January 2018

6.0 Representations

6.1 Six third party representations have been received; two from the adjoining neighbours 80 and 82 The Avenue and four from residents in Chalford Grange, raising the following concerns:

- The additional height will shade and reduce light to the usable garden of 80 The Avenue and the new property will sit very close to the boundary;
- The proposal is now for a house;
- The system is being manipulated; it is moving back towards a house;
- Impact on car parking in Chalford Grange; the turning head should be kept clear;
- Number 82 The Avenue was purchased on the understanding the building behind was a bungalow;
- A house on this site was previously refused and dismissed on appeal.

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

7.1 No objection

INTERNAL

Trees

7.2 No objection

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of development
- b) Character and appearance of the area
- c) Living conditions of neighbouring residential properties
- d) Highways
- e) Trees
- f) Habitat Sites

a) Principle of development

8.2 The principle of a dwelling on this site has been established previously by the grant of planning permission (P/19/0946/FP refers) and work is progressing on site to build out the permitted bungalow. This application seeks variation of planning condition 2 of the previous planning permission, seeking approval for changes to the plans.

b) Character and appearance of the area

- 8.3 Policy D1 of the Fareham Plan 2037 states that proposals should be of high-quality design and respond to the positive elements of local character.
- 8.4 The current application differs to the previously permitted application in that the bungalow would have accommodation within the roof, with the eaves remaining at single storey level. The roof would measure one metre higher than that previously approved and would be a barn-hip style rather than fully hipped roof. The roof form is considered to be sympathetic with the character of the area with hipped roofs, gabled roofs and barn-hipped roofs all being visible from Chalford Grange. Access to the dwelling will be from Chalford Grange as previously approved.
- 8.5 The proposed dwelling has been designed to replicate the style of the existing dwellings on Chalford Grange incorporating the characteristic feature buff stone lintels and sills to the front elevation. Whilst the proposed dwelling is not an exact replica of the existing two storey dwellings on Chalford Grange it is not considered that it would be harmful to the appearance of the street scene or the character of the area.

c) Living conditions of neighbouring residential properties

- 8.6 Policy D2 of the Fareham Local Plan 2037 states development proposals should not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook, daylight, sunlight and privacy.
- 8.7 A previous application for the erection of a detached two storey dwelling to the rear of 82 The Avenue was refused in April 2017 (planning reference P/16/1016/FP). A subsequent appeal was dismissed. The reason for dismissal of the appeal related solely to the impact of the development on the neighbouring property to the east (14 Chalford Grange). The Inspector concluded the two storey dwelling, close to the boundary would have an adverse impact upon the living conditions of the occupiers of 14 Chalford Grange.
- 8.8 The bungalow previously approved and under construction, addressed the Inspector's concerns by reducing the height of the building and also by re-positioning the dwelling so that it did not sit 'hard up' to the boundaries with 14 Chalford Grange.
- 8.9 The current proposal raises the height of the permitted roof by one metre and changes the roof design from fully hipped to a barn-hip style. The extended bungalow will measure 11.5 – 15 metres from the rear of 14 Chalford Grange at an oblique angle and will have no windows facing northeast towards its rear garden. The principal windows in 14 Chalford Grange face directly west and

south away from the site. Given these separation distances and the orientation of the plot relative to neighbouring property, the additional height and bulk of the roof are not considered to result in an unacceptable adverse impact upon light, outlook and privacy.

- 8.10 The dwelling will be sited to the northwest of the rear garden of 80 The Avenue. This garden measures approximately 23m in length and 18.5 metres wide. In light of the size of the garden and the distance from the extended dwelling, the additional height and bulk of the roof is not considered to result in an unacceptable adverse loss of light or outlook. Furthermore, rooflights proposed in the rear roof plane would be high level in order to safeguard the privacy of the neighbouring property.
- 8.11 The garden length of 82 The Avenue varies between 10 – 16.5m and the plot is wide, measuring in excess of 23 metres. Due to its positioning on the plot, the dwelling would extend across approximately half of the width of the rear garden of 82, but at an angle raking away. The views from the Juliet balcony would be principally southwest across the proposed bungalow's private garden area and the access, parking and bike store of the adjacent flats to the west. Any views towards 82 The Avenue would be oblique. Furthermore, the rooflights proposed in the rear roof plane would be high level in order to safeguard the privacy of 82 The Avenue. The extended bungalow is not considered to result in an unacceptable adverse loss of privacy, light and outlook.

d) Highways

- 8.12 The proposed bungalow will be accessed via an existing turning head in Chalford Grange. The turning head has 'Keep Clear' markings on the road; in order to ensure that the turning head is not used as an extended driveway to the proposed dwelling by residents and visitors, a contribution was secured via a Section 106 legal agreement for the provision of a traffic regulation order (TRO) within the turning head. The TRO seeks the provision of double yellow lines and would formalise the existing keep clear markings and would be enforceable ensuring that the turning head would be kept clear for emergency services and refuse vehicles. The contribution for the TRO pursuant to the permitted scheme has been paid.
- 8.13 The proposal makes provision for the parking of two vehicles on the driveway which would accord with the requirements for a 3-bed dwelling as set out within the Council's Residential Car & Cycle Parking SPD. The provision of a garage would be in addition to this which would also provide secure cycle storage.

e) Trees

8.14 There are three mature trees approximately 10 – 12 metres in height close to the western boundary of the site; a Scots Pine positioned within the south-west corner of the site and two Sycamore trees which sit both centrally and within the north-west corner. The Scots Pine and the centrally positioned Sycamore tree are protected by a Tree Preservation Order. It is not considered the proposal would have any adverse impact on the health of these trees and an arboricultural impact assessment and tree protection plan was approved previously.

f) Habitats Sites

8.15 The impact of the development on Habitat Sites has previously been considered and mitigation was secured to address the likely significant effects in terms of increased recreational disturbance (Solent & New Forest) and the impact on water quality (nitrates).

8.16 The land owner purchased 0.91 kg/TN nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment.

8.17 The applicant has sought an amendment, whereby the Agreement refers to the current application reference. The Council has completed an Appropriate Assessment and re-consulted with Natural England.

8.18 The new Local Plan was adopted after the current application had been submitted and after the permitted development had commenced on site. Policy NE2: Biodiversity Net Gain requires at least 10% net gain for biodiversity for the lifetime of the development on proposals for new dwellings.

8.19 Officers are mindful of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states that ' '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.' In this instance officers consider there are material considerations which should be given weight when applying the requirements of Policy NE2 to this specific site and scheme.

8.20 The plot originally formed part of a grassed residential garden and is currently completely cleared (with the exception of the protected trees which are untouched), which means it has little or no meaningful biodiversity value. Furthermore, the original planning application (under which there was no such policy requirement) has been implemented and the bungalow built up to eaves level.

- 8.21 Within the supporting text to policy NE2, paragraph 9.37 of the Local Plan states *'In some instances where it has been agreed that Biodiversity Metric calculations and the requirement for 10% net biodiversity gain will not be applied due to very low ecological baseline value (such as proposals for a single dwelling), it will still be expected to demonstrate general biodiversity enhancements by provision of, for example, integral bat roosting features and integral bird nesting features.'*
- 8.22 Bat roosting features and bird nesting features were secured through a planning condition on the original planning application and conditions are recommended to secure the same with this proposal.
- 8.23 In this case it is considered that as a result of the site being formed from a domestic garden it would have had a low biodiversity value; the fact that the site benefits from a planning permission already which was granted prior to the adoption of policy NE2; the site is under construction and at an advanced stage; and the narrative offered for small single dwelling proposals in the supporting text to policy NE2 are all material considerations that, in the view of Officers, weigh in favour of granting planning permission without requiring full compliance with policy NE2.
- 8.24 If Members do not agree with the suggested approach in relation to biodiversity net gain, the developer has indicated that the project would halt until the necessary calculations are undertaken and the appropriate level of biodiversity net gain achieved off-site. If Members were minded to take this particular approach, Officers recommend that a suitable biodiversity net gain condition is imposed on any permission granted, requiring details of the off site biodiversity net gain to be subsequently submitted and approved by the Council.

Summary

- 8.25 In summary, Officers do not consider that the proposal will have any materially harmful impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, or highway safety. The proposal will not have an adverse effect on the integrity of Habitat Sites as appropriate mitigation has been secured.
- 8.26 Officers consider that the development accords with the relevant policies of the adopted Fareham Local Plan 2037, with the exception of Policy NE2. In the case of Policy NE2, Officers consider that the specific material considerations relating to this site outweigh the requirements of Policy NE2.
- 8.27 Notwithstanding the objections received, Officers consider that planning permission should be granted subject to the imposition of appropriate planning conditions.

9.0 Recommendation

Subject to:

The consideration of any comments received from Natural England in relation to the Appropriate Assessment and the imposition of any conditions they may recommend;

GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development shall be carried out in accordance with the following approved documents:
 - a) Location Plan – drwg no. 1262 – 100 rev B
 - b) Existing site plan – drwg no. 1262 – 101 rev A
 - c) Proposed site plan – drwg no. 1262 – 102 rev C
 - d) Proposed Ground Floor Plan – drwg No. 1262 – 300 rev C
 - e) Proposed first floor plan – drwg no. 1262 – 301 rev C
 - f) Proposed Elevations – drwg No. 1262 – 302 rev C
 - g) Detailed Boundary Treatment – drwg No. A107 V3.1
 - h) Arboricultural Impact Assessment & Tree Protection Plan (Gifford Tree Service 22 October 2019)
 - i) Tree Protection Plan – drwg No. A101 V3.1

REASON: To avoid any doubt over what has been permitted.
2. The development shall be carried out in accordance with the materials schedule approved under planning reference P/19/0946/DP/B on 23 March 2023.

REASON: To secure the satisfactory appearance of the development.
3. The high level rooflight windows shown on the rear elevation of the development hereby approved shall be constructed so as to have a lower internal sill height of not less than 1.7 metres above internal finished floor level. The windows shall thereafter be retained in this condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.
4. The approved scheme of boundary treatment (drwg No. A107 V3.1) shall be completed before the dwelling is first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of residential amenity; in the interests of the visual amenity of the area.
5. The approved landscaping scheme (drwg No. A101 V3.1) shall be implemented and completed within the first planting season following first occupation or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed,

die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

6. The development shall be undertaken in accordance with the Arboricultural Impact Assessment & Tree Protection Plan (Gifford Tree Service 22 October 2019) and Tree Protection Plan (drwg No. A101 V3.1) unless otherwise first agreed with the Local Planning Authority in writing.

REASON: In the interests of the appearance of the area; to ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

7. The development shall be carried out in accordance with the biodiversity enhancements shown on Biodiversity Site Plan drawing number 1262 – 105 rev B and soft landscape proposals drawing number 10710a, approved under planning reference P/19/0946/DP/A on 24 March 2023.

REASON: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework.

8. The dwelling, hereby approved, shall not be first occupied until the approved parking and turning areas have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

9. The Electric Vehicle (EV) charging point shown on drawing number 1262 – 16 approved under planning reference P/19/0946/DP/B on 23 March 2023 shall be provided prior to first occupation of the dwelling.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

10. Notwithstanding the provisions of Classes A and B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be constructed within the curtilage of the dwelling house and no roof additions/alterations shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the outlook and privacy of the adjacent residents; to protect the character and appearance of the locality; to ensure the retention of adequate garden area.

11. The development shall be carried out in accordance with the water efficiency measures (Stroma calculator) approved under planning reference P/19/0946/DP/B 23 March 2023.

REASON: In the interests of preserving water quality and resources.

12. The development shall be carried out in accordance with the Construction Management Plan dated 26 January 2023 and Construction Site Plan drawing number 1262 – 103 rev A, approved under planning reference P/19/0946/DP/A on 24 March 2023 and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

13. No work relating to any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the Local planning authority.

REASON: To protect the amenities of the occupiers of nearby residential properties; in accordance Policy DSP3 of the Development Sites and Policies Plan.

Then:

DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

10.0 Notes for Information

The proposal includes the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and

under a license agreement with, the Highway Authority. Full details of how to apply can be found at:

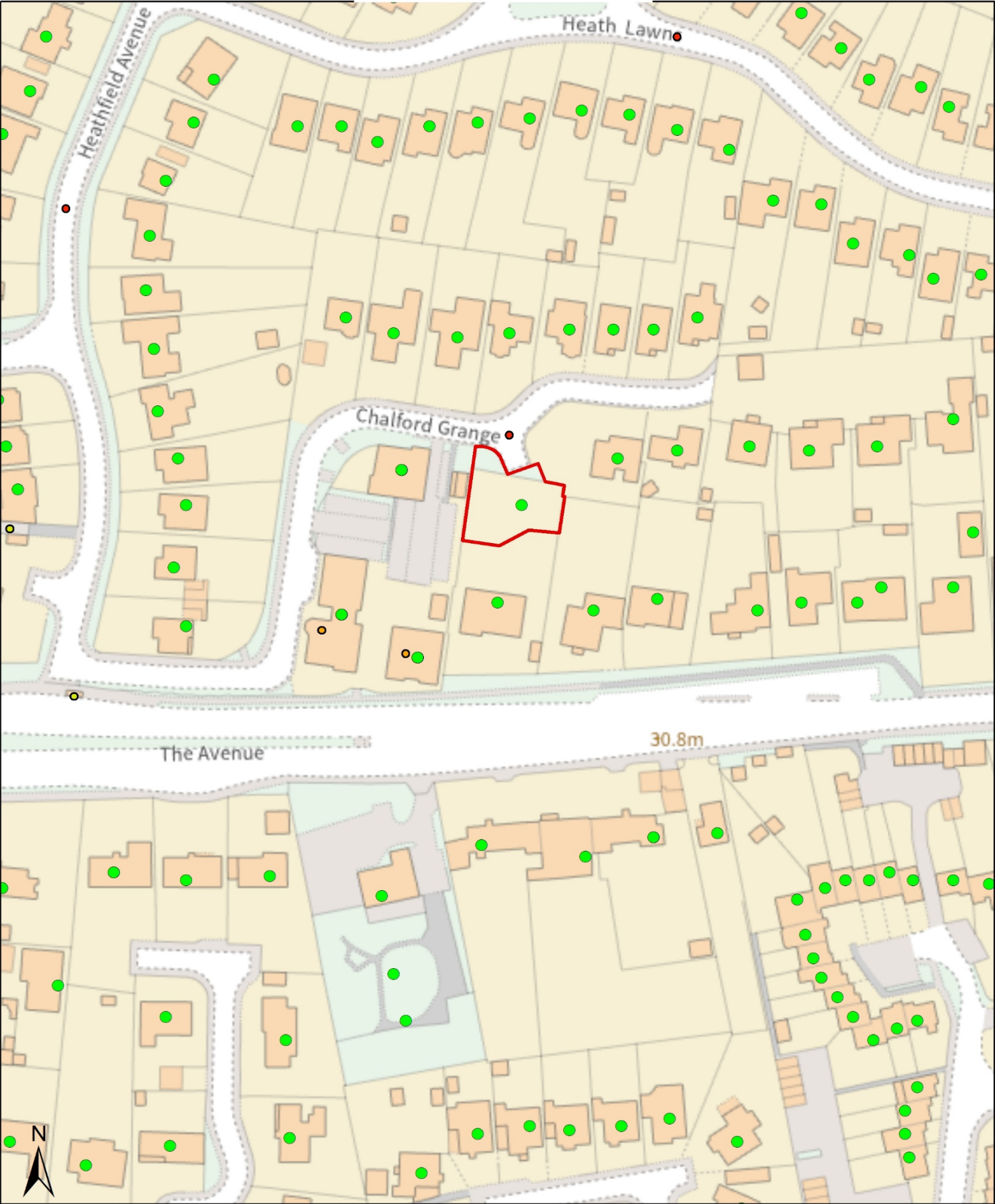
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

11.0 *Background Papers*

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Land to the rear of
82 The Avenue
Scale 1:1,250

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