

P/15/0011/FP

DLM DEVELOPMENTS LTD

FAREHAM NORTH-WEST

AGENT: PMG BUILDING
DESIGN&CONSULTANCY

PROPOSED DETACHED DWELLING, CARPORT, AND ASSOCIATED CAR PARKING
AND LANDING IN GARDEN TO REAR OF 69 & 75 HIGHLANDS ROAD

75 HIGHLANDS ROAD - LAND TO THE REAR - FAREHAM HAMPSHIRE PO15 6BY

Report By

Richard Wright - direct line 01329 824758

Site Description

The application site forms a section of the rear garden of 75 Highlands Road and is located behind both that dwelling and the adjacent frontage property, the bungalow at 69 Highlands Road. At present there are various small outbuildings within the garden.

A dropped kerb provides vehicular access to both of the existing dwellings (although 75 Highlands Road benefits from another apparently more frequently used vehicular access on its north-western side) and leads to a driveway between the two.

An oak tree which is protected by a tree preservation order (TPO) is located close to the south-western site boundary within the rear garden of 77 Highlands Road.

Description of Proposal

Permission is sought for the erection of a detached single storey dwelling on the site.

Access would be provided via the existing dropped kerb from Highlands Road and the existing driveway between the two frontage properties.

The bungalow would be positioned centrally within the plot approximately 2.4 - 2.9 metres from the south-western boundary with the rear garden of 22 Bartlett Close. It would have three bedrooms. The rear garden would be around 10.5 metres in length and between 11 and 16 metres wide.

A permeable surfaced driveway would be created in front of the bungalow with space for two cars to park (one underneath a timber framed car port) and a turning area so that vehicles may leave in a forward gear.

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

CS7 - Development in Fareham

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

DG4 - Site Characteristics

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Development Sites and Policies

DSP2 - Design

DSP3 - Environmental Impact

DSP4 - Impact on Living Conditions

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

FBC.3918/1

REFUSE

18/02/1987

Representations

Three sets of comments have been received objecting to the application on the following grounds:

- Overlooking / loss of privacy
- Loss of light / create an enclosed feeling
- Harm to character of area
- Harmful visual impact
- Exacerbation of surface water drainage problems in area (the use of soakaways is unlikely to be successful in addressing this)
- Noise disturbance and effect on wildlife
- Negative effect on value of nearby properties

A further two sets of comments have been received stating no objection or support but with the following additional points:

- Please take into account the previously dismissed appeal (ref FBC.3918/1)
- Please consider withdrawing permitted development rights to ensure that rooms are not inserted into the roof space or the bungalow extended to the rear without a further planning application.
- The southern boundary has a long-established deciduous hedge which could be retained.
- Concern over potential damage to nearby protected oak tree within garden of 77 Highlands Road.

Consultations

Director of Planning & Development (Highways) - no highway objection subject to the initial 10m of the access from Highlands Road being widened to 5 metres.

Director of Planning & Development (Trees) - I would suggest the impact on the two existing oak trees can be mitigated by a suitable detailed tree protection method statement. Subject

to those details forthcoming, the proposed development could be supported on arboricultural grounds.

Planning Considerations - Key Issues

i) Principle of development / effect on the character of the area

The application site is in the urban area where the reuse of previously developed land for new housing development is acceptable in principle (Policy CS2 of the adopted Fareham Borough Local Plan Part 1: Core Strategy). Garden land such as this does not fall within the definition of 'previously developed land', nonetheless the local plan does not indicate that its use for housing is unacceptable or should be resisted. Whether or not a new house on this site would be acceptable in principle depends on how the proposal responds positively to and respects the key characteristics of the surrounding area (Policy CS17 of the adopted Core Strategy).

An application for a bungalow and garage on this site and in a similar position was refused planning permission by the Council in 1987 (our ref FBC.3918/1). An appeal was lodged but dismissed in that same year. In reaching his decision the planning inspector noted that "there is much modern development in the vicinity, some of it at a high density". Nonetheless, in his view this part of Highlands Road retained "a more spacious and mature character which, at least partly because of the contrasting and extensive modern estates nearby [was] worthy of retention".

In the 28 years since that appeal there have been appreciable changes to national and local planning policy, with the current stance on the use of garden land for residential development being set out in the first paragraph above. For example, the Council's policy at the time in 1987 on 'residential infilling' which set out clearly defined special criteria, and which the Council's decision to refuse planning permission was based on, no longer exists as part of the development plan. Instead, Policy CS17 of the adopted Core Strategy sets out that "development will be designed to: respond positively and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials". The policy does not refer specifically to garden land, infill or backland development nor do any of the other adopted policies of the local plan.

There have also been quite significant changes to the built environment and the character of the area since 1987. Existing houses have in some cases been enlarged, including notable extensions to 75 Highlands Road for example, and new houses have been built, such as the tandem 'backland' development of two houses in the rear garden of 79 Highlands Road nearby (allowed on appeal in 2011). Immediately opposite the application site on the northern side of Highlands Road lies Buckingham Court, a development of 49 flats, which was granted planning permission in 1989. At the time of the inspector's decision in 1987 there were two detached houses with large gardens on that site which would have presumably played a part in him commenting on the "spacious and mature character" of the area. Whilst today the curtilages of frontage properties along the south side of this short stretch of Highlands Road are still typically larger than the more 'modern' housing development in the area referred to by the planning inspector, this more modern character at a higher density and with more modest plot sizes, and evident in streets such as Bartlett Close which the application site lies immediately adjacent to, is the prevalent form of development.

In summary of the issue of the principle of development, it is acknowledged that a similar proposal on this site was both refused permission and dismissed on appeal in 1987.

Notwithstanding, during the intervening time important changes in the built character of the surrounding area as well as shifts in the emphasis of national and local planning policy with regards backland development have occurred. Taking into account the dominant pattern of development in the area, and the way in which the proposed plot size, density and layout reflects closely the character of the neighbourhood, it is not considered that the proposed dwelling would be harmful to that established character and that the proposal accords with the design and character related criteria of Core Strategy Policy CS17.

ii) Effect on living conditions of neighbours

The 1987 appeal also found that the proposed bungalow would be likely to adversely affect the outlook from several properties. In particular the inspector was concerned about the quality of the environment for those properties on Bartlett Close which he noted had "very short rear gardens" and that the outlook from those properties depended heavily on garden land beyond their own boundaries.

The rear garden of 22 Bartlett Close is approximately 10.5 metres long. A large timber outbuilding lies at its far end adjacent to the boundary with the application site. Given the distance from the rear of the house, the presence of the timber outbuilding, the gap between the boundary and the position of the proposed bungalow (2.4 metres minimum) and the fact that the dwelling would be single storey only with a modest sized roof structure, the effect of the development is not considered by Officers to be harmful, particularly when the Council's own residential extension guidelines indicate that an acceptable distance between windows and two storey elevations, as opposed to single storey as is the case here, is 12.5 metres.

The proposed bungalow would not be positioned adjacent to the boundary with 23 Bartlett Close.

No comments have been received from the neighbours living at either 22 or 23 Bartlett Close.

The neighbour at 24 Bartlett Close, which has a longer rear garden incorporating a triangular piece of land bordering the south-eastern edge of the application site, has raised some concerns but has not raised an objection.

Objections have been received from nos. 103, 105 & 107 Frosthole Crescent. None of these properties share a common boundary with the application site and the nearest of these houses is approximately 26 metres from the bottom of the rear garden of the new property to be created. The sloping level of the site has concerned the neighbours in that they feel the new bungalow may be more visible than if the gardens were flat and on the same level and that overlooking may be possible. However, the difference in site levels is not considered by Officers to be significant enough to mean that views from ground floor windows in the new bungalow would be harmful to the privacy the neighbours enjoy in their properties or that the dwelling would appear more prominent. The applicant has been asked to clarify the exact internal level of the dwelling to ensure that no significant increase in levels is intended. Furthermore, whilst the new bungalow would be visible from houses in Frosthole Crescent it would not materially change the outlook, the sense of spaciousness, from these properties.

There would be no loss of light from overshadowing from the bungalow.

Having looked at the potential effect of the development, it is concluded that there would be no material harm to the living conditions of neighbours living near to the application site. The proposal is considered to accord with Policies CS17 of the adopted Core Strategy and DSP4 of the emerging Local Plan Part 2. It is recommended that permitted development rights be withdrawn with regards extensions to the dwelling, outbuildings and windows and alterations to the dwelling's roof in order to ensure that no adverse effect from these ordinarily 'permitted' works would be caused to the living conditions of neighbours in the future.

iii) Access and parking provision

The new dwelling would make use of an existing vehicular access from Highlands Road. The Council's Highways Officer has advised that the access is suitable in terms of visibility and design to be used for an additional dwelling subject to improvements to the width of the driveway near the entrance to enable two cars to pass side by side.

Using the driveway between the two existing houses to access the land to the rear is considered acceptable in that both houses are either adequately screened with boundary walls or fencing or have only a limited number of windows and doors in corresponding elevations meaning noise disturbance with the potential to disrupt the neighbours' living conditions would be minimal.

The application proposes two parking spaces with adequate space for turning on site.

iv) Other matters

The applicant is, at the time of writing, working to produce a tree protection method statement to provide more detail on how the construction of the driveway would be done so as to ensure no damage would be caused to the root system of the nearby oak tree in the garden of 77 Highlands Road. The submission of and/or implementation of tree protection measures should in any case be secured by a planning condition in the event consent is granted for the new dwelling.

Several neighbours have raised concerns over surface water drainage and have pointed out that the area already suffers from poor or slow drainage after heavy rainfall. The applicant cannot reasonably be expected to remedy an existing adverse situation which may or may not be due to the topography of the surrounding area, nonetheless it is important to ensure that the development does not materially add to the problem. The applicant has clarified that the driveway is to be made of permeable materials and has indicated that work is currently being carried out to establish what method of surface water drainage is most suitable for dealing with water run-off from other hardsurfaced areas. If planning permission was granted, a suitably worded planning condition could be used to ensure that either further details are provided and approved before works begin and/or that proposed measures are implemented.

The applicant has made a financial contribution towards mitigation measures to offset the impact of new residential development on the Solent's protected coastline and as required by Policy DSP15 of the emerging Local Plan Part 2: Development Sites and Policies.

v) Summary

In summary, the proposal is found to accord with the relevant policies of the adopted and

emerging development plan. The proposed new dwelling would respond positively to and be respectful of the prevailing character of development in the area in terms of its layout, scale, density and design. There would be no adverse effect on neighbours' living conditions. Access and parking provision is adequate for the dwelling proposed. Matters such as surface water drainage, tree protection and others relating to the need to protect residential amenity could be controlled by using planning conditions.

Recommendation

Subject to:

i) satisfactory confirmation of the internal finished floor level of the dwelling in relation to the surrounding land;

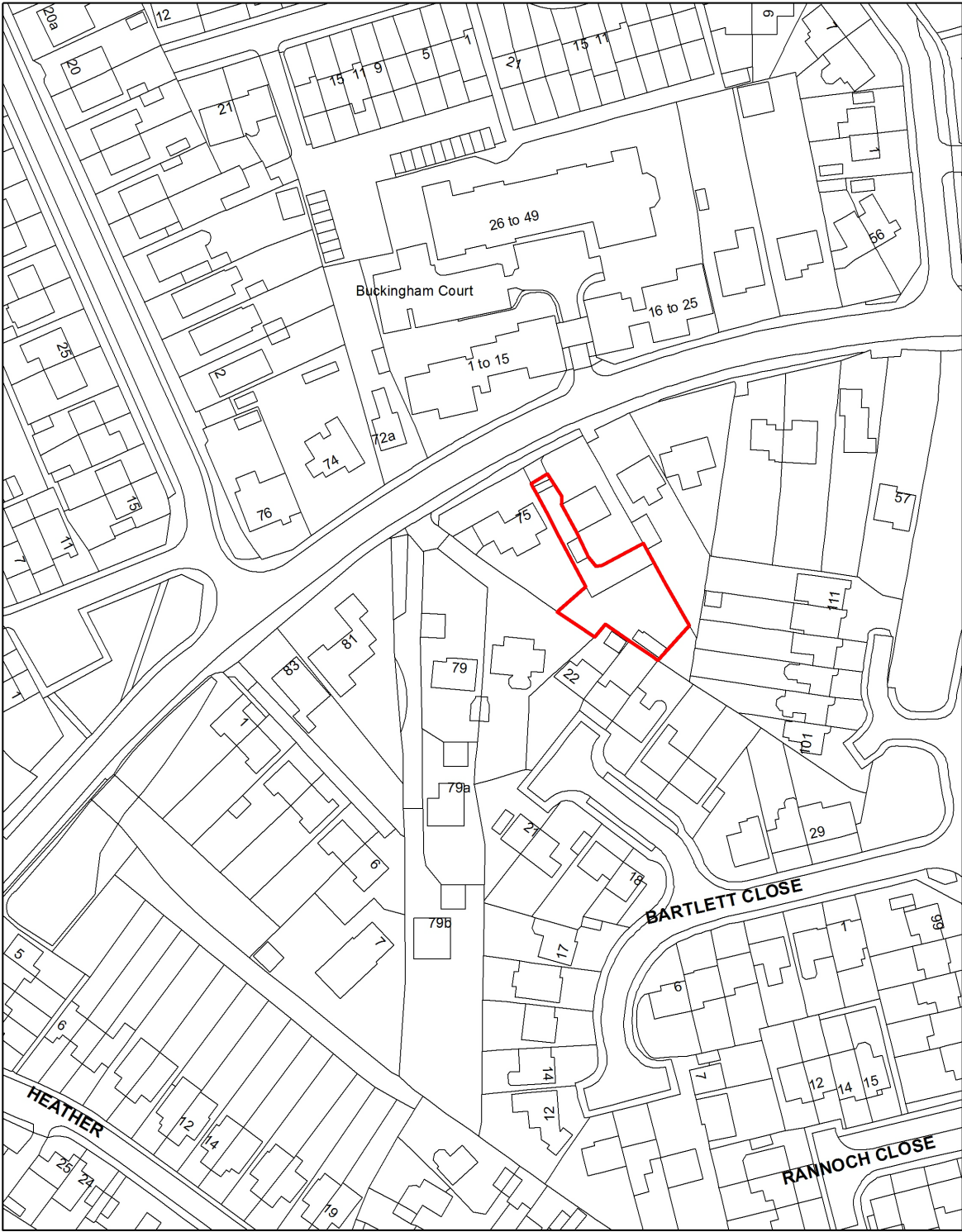
PERMISSION: Time period for implementation; In accordance with approved drawings and documents; Dwelling to achieve Code for Sustainable Homes Level 4; Boundary treatment erected before occupation of dwelling; Parking and turning areas to be provided before occupation of dwelling and retained thereafter; No alterations to car port involving enclosure/adding of doors; Remove permitted development rights for outbuildings, extensions to the dwelling or alterations to the roof including insertion of any windows above ground floor level; Tree protection measures; Vehicular access widened to 5 metres along first 10 metres before occupation of dwelling; Cycle/bin storage provided before occupation of dwelling; Surface water drainage measures; No burning on site; Construction hours.

Background Papers

P/15/0011/FP, FBC.3918/1

FAREHAM

BOROUGH COUNCIL



75 Highlands Road
Land to Rear of
Scale 1: 1.1250



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