

**P/15/1122/FP**

MR D. GORMAN

**FAREHAM EAST**

AGENT: ROBERT TUTTON  
TOWN PLANNING CO

PROPOSED ERECTION OF A DETACHED ONE-BEDROOMED BUNGALOW,  
FOLLOWING DEMOLITION OF EXISTING LEAN-TO GARAGE.

LAND TO REAR OF 23 HIGH STREET FAREHAM PO16 7AE

***Report By***

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***Site Description***

The property at 23 High Street is a four-bedroomed end of terrace house (Grade II Listed) lying within the urban area and the Fareham High Street Conservation Area. Approximately 13 metres along the westward facing rear garden is a garage outbuilding lying across the plot the other side of which is another larger section of private garden belonging to the house. It is this western part of the rear garden of 23 High Street, along with the garage itself, which comprises the red edged application site subject of this planning application.

The application site is enclosed by tall red brick walls on its southern, western and northern sides. These walls are listed by virtue of being structures within the curtilage of a listed building. The northern boundary is also partially formed of the southern elevation of the outbuilding in the rear garden/car park of The Golden Lion public house which is listed, again by virtue of being within the curtilage of the Grade II Listed pub.

To the south of the site lies the rear garden of 22 High Street whilst to the west lies Civic Way and beyond it the Civic Offices of the Council.

***Description of Proposal***

Permission is sought for the construction of a new detached, one-bedroomed bungalow.

The bungalow would occupy the eastern part of the site to the immediate south of the outbuilding to The Golden Lion pub. The dwelling would be L-shaped with a bedroom, kitchen/dining room, bathroom and lounge. It would be constructed from red brick with a slate roof incorporating two solar panels in the southern plane.

The existing garage outbuilding would be demolished except for the eastern elevation wall which would remain. Two car parking spaces would be laid out in the area where the garage previously stood with vehicular access continuing to be provided via a pair of gates leading out into the car park to the rear of The Golden Lion pub. The applicant's agent has clarified that these car parking spaces would remain for the use of the existing house at 23 High Street and would not be available for use by the occupant(s) of the new bungalow. Notwithstanding this, emergency access from a door set in the east elevation of the bungalow would be provided across the parking area.

A pedestrian access gate set in the red brick boundary wall already exists at the far western end of the site leading out onto Civic Way. It is intended that this would be the main access route for the new bungalow.

***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

CS17 - High Quality Design

**Approved SPG/SPD**

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

**Development Sites and Policies**

DSP3 - Impact on living conditions

DSP5 - Protecting and enhancing the historic environment

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

***Representations***

Three letters of support have been received in response to the application with the following points:

- It is in keeping with the sympathetic restoration of the existing houses (nos. 23 - 24 & 25 High Street)
- The bungalow will make little or no difference to neighbouring properties as it appears it will not be visible from any of them
- It would add to the residential nature of the northern end of the High Street

One letter of objection has been received from Walsingham Planning consultants on behalf of Fuller, Smith & Turner PLC, owners of The Golden Lion public house. The letter raises the following concerns:

- Contrary to the claims in the statement submitted by the applicant, the application site is clearly part of a larger burgage plot. The application is contrary to Fareham Local Plan Part 2 Policy DSP5 as it fails to take account of the Conservation Area Character Appraisal and, far from preserving or enhancing, actively seeks to break up an element that has been identified as fundamental to the historic character of the High Street.
- The side entrance, accessed over the pub car park, would be the only way delivery vehicles could reach the proposed construction site.
- There is the risk that the amenity of residents of the new dwelling will be affected by the use of [and noise from] the adjacent pub garden. This is likely to lead to complaints from the residents of the new dwelling.

One further letter of objection has been received from The Fareham Society:

- Fareham Borough Council, supported by The Fareham Society, has opposed development which subdivides the mediaeval burgage plots to the rear of High Street since its designation as a Conservation Area.
- The proposal is unacceptable and contravenes aspects of Core Strategy Policy CS17 and

## **Consultations**

### INTERNAL CONSULTEES

Refuse & Recycling - Bin collections are not made from Civic Way because there is nowhere for refuse vehicles to turn without having to make an unacceptably long reverse in such a busy area. A suitably worded planning condition is therefore required to give assurance of the bin collection point at the High Street frontage through the doors in the north boundary of the application site via the car park of The Golden Lion public house.

Trees - No objections subject to the provisions of the submitted Arboricultural Impact Assessment and tree protection method statement.

Highways - Given the exceptional circumstances of this proposal in regard to the size of the dwelling, the sustainable location of the site and the constraints of the Conservation Area, it is accepted that no parking provision will be made. Thus, no highway objection is raised to this application.

Environmental Health - No adverse comments. Although the bungalow is to be located next to the car park/garages/pergola serving The Golden Lion public house it is not envisaged that activities at the latter will give rise to statutory nuisance. This department has not received a complaint of noise from the pub since 2003. There is residential accommodation closer to the pub than the proposed dwelling. Obviously, the use of the pub may change over time but the landlord will always have the licensing responsibility to control activities so as not to allow a statutory nuisance to occur that affects local residents.

Conservation - Objection raised. Please see below section on Planning Considerations

### **Planning Considerations - Key Issues**

- Principle of new housing in the urban area

The application site is residential garden land within the urban area. Although Policies CS2 & CS6 of the adopted Fareham Borough Core Strategy state that priority will be given to the reuse of previously developed land (PDL) within the existing urban areas, Annex 2 of the National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as PDL. Whilst this does not mean new development on garden sites should always be resisted, it does mean that any such decision should be made principally in relation to the specific impacts of the development. The material considerations to be taken into account are set out and discussed below.

- Effect on the historic environment

The site forms part of the curtilage of a Grade II listed building with other listed properties and structures in close proximity. The proposal would affect the setting of these heritage assets and the character and appearance of the Fareham High Street Conservation Area in which it would lie.

The Fareham High Street Conservation Area Character Assessment is an important material consideration. The High Street has a strong historic character, at its core is the remarkable preservation of a surviving layout of medieval burgage plots that were laid out by the Bishops of Winchester in the late 12th and early 13th century. The surviving historic

layout comprises a well-defined continuous frontage of historic buildings fronting the High Street with open gardens behind. The long gardens are defined by tall red brick walls and typically remain ancillary to the use of the frontage buildings. Retaining the integrity of this historic layout, which is an important element of the early evolution of the town, is essential to the conservation of the High Street Conservation Area and fundamental to its significance as a designated heritage asset. As such it is identified in the character assessment as a key feature to be preserved and enhanced. The importance of the preservation of this early development pattern has been recognized and given significant weight in the dismissal of a number of appeal decisions.

The rear garden of 23 High Street follows the historic pattern of the street described above and forms part of the surviving medieval plot layout. Typical of the burgage plots it has a long undeveloped garden that reaches west to Civic Way and is enclosed by tall red brick walls. The garden remains ancillary in use to the residential street frontage. A 20th century domestic garage, a low flat roofed building, has been built across the plot prior to the designation of the conservation area but despite this the garden as a whole remains predominantly open, intact and legible as part of the medieval layout of the High Street. In the submitted statement the applicant contends that there is 'no burgage plot to respect' however Officers do not consider that to be the case. To the contrary, Officers consider that it is very clear that the whole plot, as part of the history and setting of the listed house and as a surviving part of the medieval layout, makes a significant and important contribution to the character and appearance of the High Street Conservation Area and the setting of the listed buildings.

The Council's Conservation Planner has raised a strong objection to the proposal in principle. He says: "The introduction of a new separate residential curtilage and house into the existing rear garden would sever part of the surviving historic plot from its frontage building and garden both physically and in use. It would create a separate residential curtilage that would be contrary to the established character of the surviving medieval layout of the High Street and would introduce an inappropriate new residential building into an existing open historic garden. The proposal would seriously harm the significance of the High Street Conservation Area and also the setting of listed buildings. Notwithstanding the strong objection in principle to the proposal the nondescript design of the proposed bungalow would fail to respond to its historic context in terms of design and would also be harmful to the character and appearance of the conservation area and the setting of listed buildings".

The objection from the Conservation Planner is an important piece of advice to take into account which also reiterates the local planning authority's duties when considering planning applications affecting listed buildings or conservation areas as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Members of the committee must have special regard to Section 66 of the Act, which states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting", and Section 72 which imposes the same duty to pay "special attention... to the desirability of preserving or enhancing the character or appearance" of a conservation area. In this instance Officers consider the proposal fails both of these legislative tests.

The NPPF expects great weight to be given to the conservation of designated heritage assets and proposals that result in harm must be weighed against any public benefits. The provision of one additional one-bedroom house is not considered to be of sufficient benefit

to outweigh the significant harm caused to the heritage assets identified in this instance.

Officers have concluded that the proposal would not preserve the setting of the listed buildings nor the character and appearance of the High Street Conservation Area and is contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and Policy DSP5 of the adopted Fareham Borough Local Plan Part 2. The proposal fails to meet the necessary tests set out in Sections 66 & 72 of the 1990 Act and is contrary to national planning policy which seeks to protect designated heritage assets.

- Living conditions of residents

The submitted plans show the bedroom at the proposed bungalow being located in the north-eastern corner of the building. It is shown to be served by two windows with two further roof lights also provided. One window would be in the northern elevation of the bungalow facing out onto the flank brick wall of the adjacent outbuilding at The Golden Lion at a distance of approximately 1.5 metres. The other window in the eastern elevation would face out onto the car parking area which is to remain in use for the occupants of the existing house at no. 23. This window would be 'double glazed with one-way privacy glass'. The applicant's agent has described the window as being finished in smoked glass, similar to a car window.

Officers consider this arrangement would fail to provide adequate internal living space, sunlight and daylight for future occupiers of the property and as required by Core Strategy Policy CS17. The two roof lights are very small and would provide minimal levels of sunlight to the bedroom. The window in the northern elevation would also provide very little light to the room and its outlook would be severely affected by the close proximity of the flank wall of the adjacent outbuilding. Light into the room through the window in the eastern elevation meanwhile would be restricted due to the smoked glass. In addition, despite its smoked treatment, Officers do not consider the window would provide the necessary level of privacy to the bedroom which future occupiers would reasonably demand. The distance between it and first floor windows in the rear of no. 23 would be slightly short of 22 metres (the expected separation distance set out in the Council's adopted Design Guidance Supplementary Planning Document) however far more intrusive would be the comings and goings of people and vehicles using the access and parking spaces immediately outside of this bedroom window. There is another window and a further door proposed to be glazed with one-way privacy glass in the eastern elevation to the kitchen/dining room which would also be affected. Officers are concerned that one-way privacy glass would be ineffective in preventing views into the property at close range and the reflectiveness of the glass would be lessened when lights are turned on in the house. The proximity of these windows to the car parking spaces where people and vehicles would be coming and going potentially on a regular basis would be harmful to the privacy of the occupants of the dwelling. Furthermore their overall living conditions would be affected by noise, fumes and disturbance from those vehicle movements.

The proposal is therefore contrary to Core Strategy Policy CS17 and Local Plan Part 2 Policy DSP2 which expects that "Development proposals should not, individually, or cumulatively, have a significant adverse impact either on neighbouring development, adjoining land or the wider environment by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour)".

The potential for noise and disturbance from the adjacent public house The Golden Lion has been considered however Officers do not believe there is any significant potential for

this to become an issue adversely affecting the living conditions of future occupants of the bungalow. The Council's Environmental Health Officer has noted that there are already other existing residential properties which are closer to the pub than the proposed bungalow and the last report of noise nuisance from the pub was in 2003.

#### - Parking provision

The two car parking spaces on the site are to be retained for use by the occupants of the existing house at no. 23 High Street. The proposed bungalow would have no parking space provided for use by the new occupants.

The Council's adopted Residential Car & Cycle Parking Standards Supplementary Planning Document (SPD) sets out an expectation that 1-bedroom dwellings should be provided with a single parking space. However, the SPD acknowledges that in areas of high accessibility a lesser provision may be acceptable. It also indicates that the availability of unallocated parking nearby and conservation area issues should be taken into account (paragraph 5.8).

This site is in an accessible location close to the town centre and within a short distance of a wide range of services and facilities. There are public car parks nearby and street parking is available on High Street itself. With this in mind, and acknowledging the difficulty the applicant would have in providing on-site parking provision without harming the historic boundary walls which surround the site, Officers consider that the requirement to provide such parking space could be set aside in this instance. The Council's Highways Officer has raised no objection to the proposal on this basis.

#### - Effect on Solent Special Protection Areas

Local Plan Part 2 Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) 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.

#### - Summary

In summary, the proposal is unacceptable due to the significant harm that would be caused to designated heritage assets. In accordance with Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Officers have considered the desirability of preserving the setting of the affected listed buildings and preserving or enhancing the character and appearance of the High Street Conservation Area. It has been found that the proposal would not preserve the setting of listed buildings, the medieval layout of the High Street and in turn the significance of the conservation area. The proposal therefore fails those statutory tests and is considered contrary to national and local planning policy.

In addition, the living conditions of future occupiers of the bungalow would be adversely affected by the inadequate levels of privacy, outlook and light to the bungalow and also by the noise, fumes and disturbance from use of the car parking area which would be in close

proximity to the new bungalow but reserved for use by occupants of the existing house.

Finally, the applicant has failed to provide satisfactory mitigation in respect of the effect of the development on increased recreational disturbance on the Solent Coastal Special Protection Areas.

### ***Recommendation***

REFUSE:

The proposed development is contrary to Policies CS17 of the adopted Fareham Borough Core Strategy and Policies DSP2, DSP5 and DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites & Policies and fails to preserve the setting of listed buildings or to preserve or enhance the character and appearance of the High Street Conservation Area and is therefore unacceptable in that:

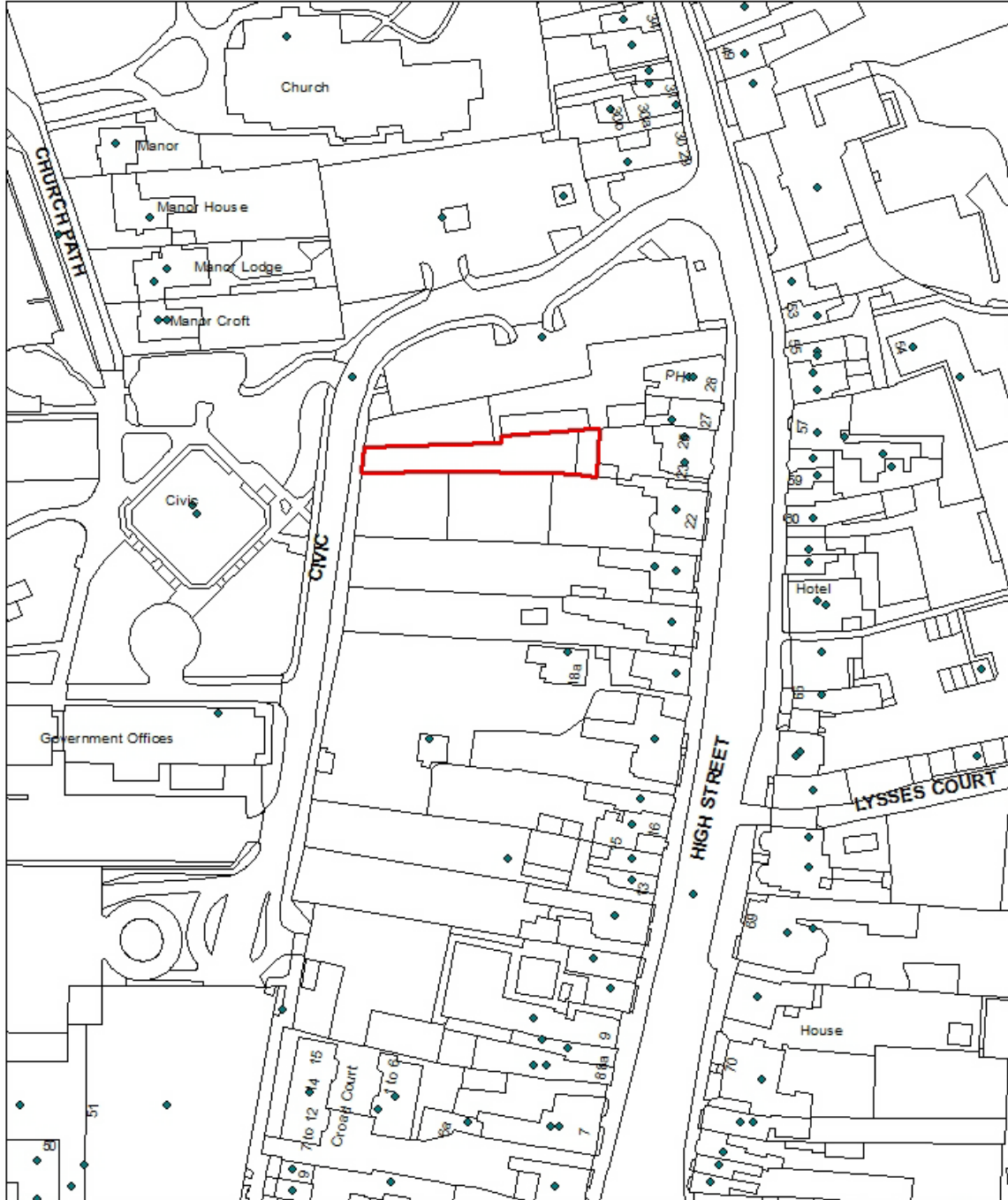
- i) The siting of a bungalow within this historic burgage plot and the subdivision of the burgage plot to form a separate residential curtilage would be seriously harmful to the integrity and legibility of the surviving medieval layout of the High Street which is an important characteristic of the High Street Conservation Area;
- ii) The siting of the bungalow and the severance of the listed building 23 High Street from the remainder of its historic garden burgage plot, which is clearly intact and well defined by its listed boundary walls, would seriously harm the setting of the existing house and the setting of other listed buildings in the street;
- iii) The proposal would result in a building that fails to respond in design to the historic context of the conservation area and the setting of listed buildings and would be an inappropriate and unsympathetic form of development harmful to the character and appearance of the conservation area and setting of listed buildings;
- iv) The proposal fails to provide adequate privacy, outlook and light to the internal space to meet the requirements of the future occupiers of the bungalow;
- v) The proximity of the car parking spaces to be used by occupants of the existing dwelling at 23 High Street to the windows and door in the eastern elevation of the proposed bungalow would be harmful to the living conditions of the future occupiers of the bungalow by virtue of noise, vibration and fumes;
- vi) In the absence of a financial contribution or a legal agreement to secure such, the proposal fails 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.

### ***Background Papers***

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# FAREHAM

## BOROUGH COUNCIL



23 High Street -  
Land to Rear of  
SCALE: 1:1,250

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