

P/16/0533/FP

KNIGHTSGATE (UK) LTD

DETACHED DWELLING

LAND ADJACENT TO 33 LOWER DUNCAN ROAD PARK GATE SOUTHAMPTON SO31 1BE

PARK GATE

AGENT: M2 ARCHITECTURE LIMITED

Report By

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Site Description

The application site comprises a piece of land within the urban area adjacent to the residential property 33 Lower Duncan Road. The land is located to the north eastern side of the existing two storey detached dwelling and on it until recently stood a large double garage outbuilding and a further shed. Vehicular access to the site from the road was through a pair of gates in the north eastern boundary however the perimeter of the site has recently been enclosed with a high close boarded fence and the gates replaced by brick piers and temporary heras fencing.

The garages and parking areas for 8 & 10 Collingworth Rise abut the north western site boundary whilst Lower Duncan Road runs adjacent to the north eastern and south eastern boundaries. The application site is mainly level however it is approximately 1.5 metres higher than the adjacent road side at the south eastern boundary. Within the application site close to that south eastern boundary lie two protected mature oak trees.

Description of Proposal

Full planning permission is sought for a single dwelling on the site.

The dwelling would be two-storey with a main pitched roof with reduced eaves heights at the rear and part of the front elevation. The house would sit centrally within the plot but with the 'rear' private garden area to its south-eastern side and access and 'front' driveway to its north-west in contrast to the rest of the houses in the street.

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

CS9 - Development in Western Wards and Whiteley

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

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

The following planning history is relevant:

<u>P/13/0742/OA</u>	ERECTION OF DETACHED DWELLING (OUTLINE APPLICATION)
	APPROVE 21/11/2013
<u>P/11/1082/OA</u>	ERECTION OF DETACHED DWELLING
	REFUSE 14/09/2012
<u>P/07/0930/RM</u>	ERECTION OF DETACHED DWELLING (DETAILS PURSUANT TO OUTLINE PLANNING PERMISSION P/04/1107/OA)
	APPROVE 07/09/2007
<u>P/04/1107/OA</u>	Erection of Detached Dwelling (Outline Application)
	OUTLINE PERM 13/09/2004

Representations

Five sets of comments have been received in objection to the application and raising the following concerns:

- Overlooking/loss of privacy - including from raised level of site and windows in rear elevation
- Loss of light to gardens of properties in Collingworth Rise
- Design and appearance - dwelling on raised land will dominate and appear imposing
- Traffic increase along this quiet stretch of road and possible access via bollards between Lower Duncan Road and Collingworth Rise
- Parking is limited due to presence of single yellow lines
- Contractors vehicles will park illegally and prevent turning
- Danger from construction traffic in road
- Inadequate parking for dwelling
- The applicant does not own the verge over which access is required
- Increase in noise through increase in traffic

Consultations

INTERNAL

Highways - No objection subject to a planning condition securing provision of car parking on site

Trees - The proposed development can be supported on arboricultural grounds subject to the details, specifications and recommendations of the Arboricultural Report produced by James Fuller Arboriculture ref JFA0078 - April 2016

Contaminated Land - This application could be approved subject to a condition that takes account of any unexpected ground conditions or materials discovered during construction

Planning Considerations - Key Issues

a) Planning history

Outline planning permission was previously granted for a single dwellinghouse on the site in September 2004 (reference P/04/1107/OA). A further submission of the reserved matters was approved in September 2007 (P/07/0930/RM). The approved dwelling was a three storey building with the lower storey providing an undercroft garage and with access. The permission for this development has since lapsed.

Outline planning permission was sought once more in 2011 (reference P/11/1082/OA) but refused due to the failure of the applicant to enter into a section 106 agreement to secure financial contributions towards off-site open space provision and improvements to highway infrastructure as were required at the time.

Outline permission was granted once again in 2013 for a detached dwelling with all matters reserved (reference P/13/0742/OA).

b) Principle of development and effect on character of surrounding area

Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place a priority on reusing previously developed land within the defined urban settlement boundaries. The site is understood to have comprised part of the residential curtilage of 33 Lower Duncan Road in the past but is now a separate plot in separate ownership from the existing house. The National Planning Policy Framework (NPPF) excludes private residential gardens, as this land was last used as, from being defined as previously developed land but sets out that there should be a presumption in favour of sustainable development.

This application therefore falls to be considered on its individual merits taking into account the relevant policies of the development plan and any other material considerations. Policy CS17 (High Quality Design) of the Core Strategy is particularly relevant in that it expects development to "respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials".

Lower Duncan Road and the immediate surrounding area is characterised as a predominantly residential area with mainly detached housing in a variety of architectural styles. The size of the plot compares favourably with other properties in the surrounding area, in keeping with the prevailing pattern of development in the neighbourhood. The design of the proposed dwelling has been arrived at in order to ensure it appears sympathetic and in keeping with the scale of dwellings in the street and in particular the height and bulk of the adjacent house at no. 33. It is designed with reduced height roof eaves and dormer-style windows in the rear elevation to match the scale of the adjacent house. The submitted site section drawings demonstrate that the house would be no higher than no. 33 and its roof eaves would be similar in height notwithstanding that the proposed dwelling would be sited on higher ground than its neighbour.

The raised levels of the site mean that the house would appear higher when viewed from the roadside as well as from nearby properties to the north in Collingworth Rise. However, the design of the dwelling with its reduced roof eaves coupled with the fact that the road running to the north of the site provides separation to those neighbouring houses means that, although the building would clearly be visible, it should not appear dominant in the streetscene or prove overbearing. A few of the residents who have commented on the application have asked why the ground levels on the site could not be reduced with the house 'dug in' instead. Whilst it is understood that the previous permission granted in 2007

approved details of a house involving works to reduce the levels of the site, Officers consider that the approach proposed in the current application is less likely to have any harmful effect on the extensive root system of the two protected oaks which lie at the south-eastern end of the plot.

In summary, Officers consider that the design and appearance of the proposed dwelling would relate well to the character of the surrounding streetscene and the proposal accords with Policy CS17.

c) Effect on living conditions of neighbours

The raised levels of the site and, in comparison, low levels of rear gardens of properties in Collingworth Rise to the north gives rise to potential overlooking issues. Because of the level differences some views are already possible into the gardens of 12, 20 & 28 Collingworth Rise when standing on the land. To demonstrate that the proposal would not create additional overlooking of those properties the submitted site sections and site plan (as revised July 2016) show that the level of the site would not be built up further. Amendments to the scheme as originally submitted have been made to lower part of the rear patio area and in addition it is proposed to add a 0.2m high trellis panel to the top of the 1.8m high close boarded fence running along the northern site boundary. This would also act to screen views from the rear garden area of the proposed house.

There are no upper floor windows proposed in the side (north) facing elevation of the dwelling. Due to the level changes mentioned above it would be appropriate to require the ground floor utility room window in that elevation to be obscure glazed and fixed shut. Windows in the rear of the house would face south-east and not directly towards properties in Collingworth Rise although as with many houses in built-up urban areas there would be some oblique angled views possible.

Two secondary windows to habitable rooms are present in the side (north) facing elevation of the existing house at 33 Lower Duncan Road, one on the ground floor one at first floor level. The proposed dwelling would be located more than 5 metres from these windows. The Council's adopted Design Guidance SPD (p7) explains that "A lesser distance of 4 metres between the neighbouring property's habitable room window and the flank of the new dwelling may be acceptable where [amongst other things]; the neighbouring room is served by other windows which wouldn't be affected by the new dwelling; the affected window currently has limited outlook and light available to it; the window affected is at first floor level". In this instance the windows in the side elevation of no. 33 both serve rooms which benefit from other sources of light and outlook in the front or rear of the house and are both north facing meaning they receive little direct sunlight through large parts of the day. One of the windows is at first floor level. Officers consider the proposal accords with this guidance and do not consider the impact on light to or outlook from the neighbouring property would be grounds to refuse this planning application.

d) Access and parking

An existing vehicular access point from the north-western spur of Lower Duncan Road is proposed as the means of access for the new dwelling. A block paved driveway would provide space for three vehicles to park - a level of parking provision which meets the expected standard set out in the Council's adopted Residential Car & Cycle Parking Standards SPD.

Several neighbours have raised concerns over the potential for the dwelling to be accessed via Collingworth Rise. At present vehicular access is prevented by bollards at the junction of Lower Duncan Road and Collingworth Rise and no information has been provided with the application to suggest that the applicant wishes to use this route instead of the existing vehicular access route via Lower Duncan Road. As part of the adopted highway Officers understand that Hampshire County Council retain control over the retention of these bollards.

Concerns have also been raised that the grass verge between the site and Lower Duncan Road is in third party ownership and is not controlled by the applicant. Officers have discussed this matter with the applicant and as a result the applicant has served notice on the owner of the verge and provided the Council with a copy of Certificate of Ownership B. Securing a legal right of access over the land from the highway to the dwelling is a private matter between the applicant and the land owner.

Initially the planning application was accompanied by a plan showing how the site would be set up during construction including the allocation of parking spaces on the highway outside of the site for contractors and site operatives. Officers have made the applicant aware that parking on the public highway outside the site is restricted by a traffic regulation order (TRO - single yellow line) prohibiting parking during the hours of 0800 - 1700 Monday to Friday. As a result the applicant has made alternative arrangements to allow four parking spaces to be provided at the base of ACL Plastering and Drylining Limited (Barley Business Park, Duncan Road).

e) Impact on two protected oak trees

The application is supported by an arboricultural report which sets out tree protection measures to be followed during construction as well as special excavation techniques to be followed within the root protection area of the two mature oak trees on the site. The measures proposed are considered appropriate and should be secured through a suitably worded planning condition.

f) Solent Recreation Mitigation Partnership (SRMP)

Through the work of the Solent Recreation Mitigation Partnership (SRMP) it has been concluded that any net increase in residential development will 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 will be required to mitigate the negative impact. This is achieved via a commuted payment secured under section 111 of the Local Government Act 1972 and which the applicant has already made.

Conclusion

The proposal is found to be acceptable in that, subject to certain planning conditions to be imposed, the new dwelling would not be harmful to the visual appearance or character of the surrounding area, the living conditions of neighbours, the safety and convenience of highway users or the two protected trees on site. Sufficient mitigation has been provided through a commuted payment towards offsetting the impact of the development on the Solent Coastal SPA's.

The development accords with Policies CS2, CS5, CS6, CS15 & CS17 of the adopted Fareham Borough Core Strategy and Policies DSP3 & DSP15 of the adopted Fareham

Borough Local Plan Part 2.

Recommendation

PERMISSION subject to the following conditions:

1. The development shall begin before the expiry of three years from the date of this permission.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:

a) Proposed elevations and floor plans - drawing no. 16019-601c (revised June 2016)

b) Cycle store - drawing no. 16019-603

c) Site sections - drawing no. 16019-503D (revised July 2016)

d) Proposed site plan - drawing no. 16019-501E (revised July 2016)

e) Location plan - drawing no. 16019-101

f) Arboricultural Report - James Fuller Arboriculture

g) Materials Schedule - provided by email 17 June 2016

h) Site set up plan - drawing no. 16019-102 (revised July 2016)

i) Letter from ACL Plastering and Drylining Limited regarding contractors and site operatives parking during construction

REASON: To avoid any doubt over what has been permitted.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order revoking and re-enacting that Order) at no time shall any extensions, porches, outbuildings or additional hard surfaced areas be constructed within the curtilage of the dwelling hereby permitted unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

REASON: To protect the tree preservation order (TPO) protected trees on the site; to protect the living conditions of neighbours; in the interests of the visual appearance of the streetscene.

4. The ground floor utility room window proposed to be inserted into the northern side elevation shall be glazed with obscure glass and be of a non-opening design and construction to a height of 1.7 metres above internal finished floor and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and protect the privacy of neighbours.

5. Before the dwelling hereby permitted is first occupied boundary treatment shall be erected in accordance with the approved site plan (drawing no. 16019-501E).

REASON: To protect the living conditions of neighbours and future occupants of the dwelling.

6. Before the dwelling hereby permitted is first occupied secure cycle storage shall be provided in accordance with the approved drawing no. 16019-603.

REASON: In order to facilitate alternatives to the motorcar and encourage use of sustainable modes of transport.

7. Before the dwelling hereby permitted is first occupied parking and turning space shall be

provided in accordance with the approved site plan (drawing no. 16019-501E) and retained and kept available thereafter at all times for the purposes of parking and turning cars.

REASON: To ensure adequate parking space is provided.

8. The planting shown on the approved site plan (drawing no. 16019-501E) shall be carried out within the first planting season following the commencement of the development or as otherwise agreed in writing with the local planning authority and shall be maintained in accordance with the agreed schedule. Unless otherwise first agreed in writing, 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 a high quality standard of landscape planting is provided.

9. The dwellings hereby permitted shall achieve a standard of energy efficiency equivalent to Level 4 of the Code for Sustainable Homes.

REASON: In the interests of reducing energy use and increasing resource efficiency through sustainable methods of construction.

10. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the local planning authority. Works shall not recommence before an investigation and risk assessment of the identified material/grounds conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the local planning authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the local planning authority prior to the occupation of the dwelling hereby permitted.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

11. No work relating to the construction of any of the development hereby permitted 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 living conditions of neighbours.

Background Papers

P/13/0742/OA