

P/13/0143/FP [O]

FAREHAM WEST

MR N GREGORY

AGENT: ROBERT TUTTON
TOWN PLANNING

PROPOSED ERECTION OF DETACHED FOUR-BEDROOMED HOUSE.

67 THE AVENUE FAREHAM HAMPSHIRE PO14 1PE

Report By

Kim Hayler - Ext 2367

Introduction

Planning permission for the erection of a four bedroom three storey dwelling on land to the west of 67 The Avenue (P/12/0815/FP refers) was refused on 27 November 2012 for the following reasons:

The proposed development is contrary to Policies CS15, CS17, CS20 and CS21 of the Fareham Borough Core Strategy and saved Policy DG4 of the Fareham Borough Local Plan Review and is unacceptable in that:

- i) by reason of the narrowness of the plot, the close juxtaposition with existing buildings and the design and materials of the proposed dwelling, the development would appear cramped and out of keeping with the spacial character of this part of The Avenue;
- ii) By reason of its bulk, design, depth and openings the proposed dwelling would be detrimental to the outlook, privacy and amenities enjoyed by the occupants of adjoining residential properties, in particular No.17 Peak Drive. Furthermore the configuration of the car park would impact upon the privacy of the neighbouring property 17 Peak Drive to the detriment of the amenities currently enjoyed by the occupiers of that property;
- iii) By reason of its close siting to 67 The Avenue, the amenity of bedroom 4 would be impaired, resulting in unacceptable living conditions for the occupiers of the proposed dwelling;
- iv) By virtue of its close proximity to 67 The Avenue, the proposed dwelling would impact upon the outlook and light available to the first floor bedroom window within the residential flat, detrimental to the amenities of the occupiers of that property;
- v) By reason of the proximity of the proposed dwelling and reconfigured car parking spaces to existing protected trees, the development would be harmful to their health and would potentially result in their loss to the detriment of the character of the area;
- vi) Insufficient evidence has been submitted to demonstrate that the proposed dwelling would achieve Code level 4 for sustainable home as required by Policy CS15 of the Fareham Borough Core Strategy;
- vii) The creation of this additional residential unit would lead to greater pressure on existing open space, play areas and sports pitches and other related facilities, which have been identified as deficient within the Council's Open Space Supplementary Planning Guidance. In the absence of a commuted payment towards the upgrading of existing and / or provision of additional open space and facilities, existing deficiencies would be exacerbated to the

disadvantage of existing and new residents alike.

This application is a revised submission, the differences of which are explained below under planning considerations.

Site Description

The site is located on the southern side of The Avenue (A27) close to its junction with Peak Lane. A large detached two storey building stands on the site with a former detached garage currently used as an associated office/staff restroom to the eastern side.

Planning permission was granted in April 2009 for the change of the use of the building from a hotel to a children's day nursery and this has now been operational for some time.

There is a large landscaped outdoor play area to the rear of the building measuring approx 45 metres in length and 35 metres in width. The end of the play area is fenced off as a 'No Play Zone' and general activity is concentrated within the centre of the site away from the boundaries with neighbouring residential properties.

There are several protected trees (subject to tree preservation orders) along the northern boundary of the site adjacent to the A27, within the rear garden and adjacent to the western boundary within the gardens of properties in Peak Drive.

The application site itself comprises an area of land measuring approximately 12.4 metres wide and 55 metres deep along the western side of the site.

The front part of the site is currently used for car parking associated with the nursery use and the remainder as part of the garden.

Hedging along the western boundary of the site was recently removed and replaced with a 1.8 metre high close boarded fence on top of a concrete kick board.

Description of Proposal

The proposed development involves the construction of a 4 bedroomed detached dwelling to the west of the existing nursery school. Due to the slope of the land from north to south the dwelling will appear two storey in scale when viewed from The Avenue and three storey when viewed from the rear garden. The design is modern with a curved oversailing first floor element at the front with three floors to the rear, enclosed rear balconies, flat roofing and the use of brick and rendering finishes. Three parking spaces would be made available for the dwelling. The proposal also includes the erection of photo voltaic panels on the roof of the building.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS7 - Development in Fareham

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions
CS21 - Protection and Provision of Open Space

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

P/00/0805/FP - Erection of Three Storey and Single Storey Side Extensions to Existing Hotel - Permission 16 November 2000.

P/08/0091/CU - Change of Use from Hotel to Nursery School for 40 Children - Refused 12 March 2008

P/08/0544/CU - Change of Use from Hotel to Nursery School for 40 Children - Refused 27 June 2008

P/09/0245/CU - Change of Use from Hotel to Nursery School for 48 Children - Permission 17 April 2009

P/09/0556/VC - Variation of Conditions 5, 8 and 9 of P/09/0245/CU - Permission 8 October 2009

P/10/0602/FP - Replace Existing Drive Way Area with Block Paving, Erection of Buggy Store and Regularisation of Rear Landscaping - Permission 17 September 2010

P/11/0312/FP - Convert Garage to Office /Reception & Construct Link to Nursery, Increase Max Children Numbers from 48 To 59 - Permission; Formation of New Vehicular Exit & Amend Parking Layout - Refused 27 June 2011

P/12/0804/FP - Change of use to mixed use comprising nursery (D1) at ground floor level and three bedroom residential unit (C3) at first floor level, erection of single storey extension to south eastern corner of building and entrance ramp and installation of solar PV panels to rear roof plane - Permission 8 January 2013

P/12/0815/FP - Erection of four bedroom three storey dwelling - Refused 27 November 2012

P/12/1039/TO - Fell oak tree in rear garden - Consent 31 January 2013

P/12/1040/TO - Fell oak tree in garden of 17 Peak Drive - Refused 28 February 2013

Pre-application advice was sought from Officers before the first application (P/12/0815/FP refers) was submitted. Officers raised concerns that the construction of a large detached house of modern design on this modest plot would appear cramped and out of keeping with the area. Concern was also raised that such a modern approach to design would not sit comfortably with existing buildings in light of the very close juxtaposition. It was also highlighted that the relationship with the adjoining property (17 Peak Drive) would need careful assessment on site in light of the size and location of the house proposed. The applicant was advised that the proposal would not be supported by Officers. The applicant

was encouraged to attach any new dwelling to the existing nursery building and design it to look like a wing/ extension to that building. This would be more successful in streetscene terms and would allow the opportunity to move the bulk of the building away from the adjoining property.

There has been no further further advice sought from Officers since the refusal of the previous application.

Representations

Four letters of objection have been received raising the following concerns:

The plans indicate a large, very modern building, toally out of keeping with other homes in the immediate area;

Pre-application advice has still been ignored;

Too close to 17 Peak Drive;

Overbearing design for space available;

Protected trees should be retained to maintain urban scene;

Access from the lower level to the play area must be restricted to ensure security of the nursery;

The applicant has ignored planning officers; the only major change is the removal of wooden cladding;

Parking for the house and nursery should be completely separate;

As the Fareham West Councillor is the applicant he will not support local objection.

Consultations

Director of Regulatory and Democratic Services(Environmental Health) - Concern is raised about possible noise disturbance to the occupants of the proposed dwelling from the Avenue (A27) and a traffic noise assessment is suggested to determine what mitigation measures may be necessary.

Historically neighbouring properties have raised concerns regarding noise and disturbance issues relating to the existing nursery use. There are concerns that noise from the children at play, both internally and externally, may be the subject of noise complaints from the occupiers of the proposed dwelling, similar to those received in the past in respect of other children's nurseries in the Borough particularly during periods of warm weather when windows are open. However, in this case, the residential accommodation is to be occupied by staff and therefore such complaints are unlikely to be made to this department.

If the house was owned by a third party with no relationship to the nursery, the owners may complain about the noise from the children eg shouting, screaming, crying, playing with toys etc. However, whether the Council is able to establish statutory nuisance in this location is not a certainty. There are no similar cases that have resulted in formal action in this Borough. The background noise levels dominated by traffic noise will be taken into account as will relevant case law eg existing planning consent for the use of the adjacent premises as a childrens' nursery.

Director of Planning & Environment (Highways) - No Objection.

Director of Planning & Environment (Arboriculture) - The proposed development will be within the Root Protection Area of two mature oak trees protected by a tree preservation order (TPO 667) situated adjacent to the application site in the front garden of 17 Peak Drive (T3 on the site layout plan) and on the east boundary of 18 Peak Drive (T4 on the site

layout plan).

The proposed development would result in the significant loss of existing tree roots and soil rooting volume of both trees. The tree report produced by SSmith Trees does not address the impact of the proposed development in such close proximity to the two oaks and the implications for their long term viability. The proposed building and basement would be constructed within two and four metres respectively of T3 and two & six metres of T4.

The necessary construction involved will result in the loss of significant soil rooting volume and existing roots, which is likely to have a significant adverse impact on both trees in terms of their health and potentially the stability of T3. Significant pruning will also be required to the east and northeast sides of T3 and T4 respectively to implement construction, which would impair their natural form and appearance. It is considered the positioning of a dwelling in such close proximity to two mature oaks situated due west and southwest of the building to be unsustainable. Such a poor spatial relationship between building and trees is likely to result in post development pressure to prune or even remove the subject trees, which would be difficult to defend.

The proposed development constitutes overdevelopment within the root protection area of both T3 and T4 and would lead to an unsustainable relationship between trees and development - adversely affecting the long term prospects of the two protected trees.

To conclude officers are unable to support this application on arboricultural grounds for the aforementioned reasons.

Planning Considerations - Key Issues

Principle

The site has been in use as a nursery school since 2009. Planning permission was granted recently to form a mixed use in the existing building with the retention of the nursery at ground floor and the creation of a staff flat at first floor, with additional ground floor extension.

Whilst this application for a detached dwelling states that it is to house the proprietor of the nursery, it is not specifically proposed that this should be 'tied' to the nursery use and it would be possible for the dwelling to be sold and occupied separately. The application has been assessed on this basis.

The site is located within the built up area of Fareham. Since the building is currently used as a nursery school it is not classed as a residential property so that the grounds are not garden land and may be treated as 'brownfield'. As a matter of principle therefore the creation of a new residential property may be considered as acceptable subject to the proposed development meeting the requirements of the relevant policies of the development plan.

Key Issues are:

- Design and impact upon the street scene and the character of the area
- Impact on adjacent properties
- Impact on trees
- Other matters including energy efficiency and development contributions

Design and impact upon the street scene and the character of the area

The National Planning Policy Framework (NPPF) states: "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

The key elements of Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy relating to this application are set out below:

All development, buildings and spaces will be of a high quality of design and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the principles of urban design and sustainability to help create quality places. In particular development will be designed 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,

provide continuity of built form, a sense of enclosure with active frontages to the street and safety of the public realm, ensure permeable movement patterns and connections to local services, community facilities, jobs and shops,

enable buildings to provide flexible accommodation, which can be adapted to suit all members of a community throughout their lifetime,

provide appropriate parking for intended uses taking account of the accessibility and context of a development and tackling climate change.

In addition new housing will be required to: secure adequate internal and external space, dwelling mix, privacy, and sunlight and daylight to meet the requirements of future occupiers.

It is the applicants view that the area is characterised by a mix of dwelling styles and that the proposed contemporary dwelling design would simply add to this mix.

Officers acknowledge that many of the buildings in the locality are of individual design. The area is however largely characterised by detached properties in large plots. Separation distances between properties are on the whole substantially greater than those which may be found on modern housing estates.

Whilst there are protected trees along the site frontage, there are clear views of the site from The Avenue beneath their canopies.

The proposed plot on which the new house would be constructed measures approximately 12.7 metres in width. This would result in one of the narrowest plots in this section of The Avenue (the existing plot width of number 67 measures approximately 37 metres).

The house as proposed would be sited 3 metres away from the nursery building at ground level and 2 metres at first floor level. The proposed house is long and narrow in design extending beyond the existing nursery building.

The existing nursery building is of red brick construction with a tiled pitched roof and appears to date from the earlier half of the 20th century. The property to the west in Peak Drive is largely finished with white walls and a tiled pitched roof.

The design of the long, narrow flat roofed building proposed is in marked contrast to those buildings around it.

The previous refused application included large areas of glazing at ground floor level facing The Avenue with white finished rendered walls. The whole of the first floor of the building would have been finished in vertical timber panelling with tall narrow windows to the sides. The dwelling now proposed would also have large areas of glazing at ground floor and constructed in brick to match the existing nursery building at ground floor and rendered at first floor, similar to that of 17 Peak Lane. Officers consider the amended facing materials more appropriate for this location.

The rear of the building is designed as a series of large terraced areas (akin to a design one might expect to see in a coastal location or one offering extensive views) which is considered unique to the area.

Because of its design and close proximity to the boundary and the existing nursery building, the proposed house will look especially cramped on this site and would not respond positively to and be respectful of the key characteristics of the area. Furthermore its unique approach to design would not promote or reinforce local distinctiveness.

Officers consider the proposal to be contrary to both the NPPF and the adopted Fareham Borough Core Strategy.

Impact on Adjacent Properties

Two properties immediately adjoin the site, Nos. 17 and 18 Peak Drive. No.17 is the most affected with a significant length of boundary being adjoined by the proposed dwelling. The Peak Drive side(south side) of No.17 is quite secluded and used for amenity purposes with the north side facing the A27.

The proposed dwelling has been moved forward on its plot compared to that previously refused. The dwelling would extend in total some 18 metres beyond the south elevation of No.17 with approximately 13 metres being on two storeys. This has been reduced from 22 metres and 19 metres respectively. The height above front ground floor level is approximately 5.5 metres. At its closest point the proposed dwelling would sit approximately 6 metres from the southeast corner of No.17; just half a metre further away than the refused application. The design of the new dwelling is such that there would be little to break what would be an extensive flat roofed two storey block when viewed from the house and garden of No.17. Officers do not consider the minor changes to the siting and external materials of the dwelling overcome the material harm the dwelling would have upon the amenities of the neighbouring property.

The privacy of the neighbouring property at 17 Peak Drive would not be compromised as a result of the reconfigured car parking. The recently erected close boarded fence acts as an adequate screen between the car parking area and the garden of 17 Peak Drive.

A number of windows were previously proposed within the western elevation of the dwelling; these have been replaced with two high level windows serving a bedroom (bedroom 3). The

design of these windows would prevent overlooking into what is the front, but nonetheless private garden of number 17 Peak Drive.

There is an existing first floor west facing sole window within 67 The Avenue. In the event that the planning permission is implemented for the change of use of the first floor to a residential flat(P/12/0804/CU refers), it is intended that this window would serve a bedroom. The proposed dwelling would be sited just two metres from this window which would impact upon the outlook and light available to this room, detrimental to the amenities of the occupiers of the residential flat. In light of this the applicant is proposing to block up this window and install a window within the front elevation of the building to serve this room. In the event that the application were to be considered favourably this would be secured through a planning condition.

Impact upon the living conditions of the occupiers of the dwelling

Bedroom 4 as shown on the submitted plans would have two windows facing east towards 67 The Avenue. These windows would be sited less than 2 metres from the flank wall of 67 The Avenue. Officers consider that this would result in unacceptable living conditions for the occupiers of the new dwelling. This situation further highlights the narrow cramped nature of the plot. Furthermore the two high level windows proposed to serve bedroom 3 as shown on the submitted plans would result in unacceptable living conditions for the occupiers of the new dwelling.

Impact on Trees

Two oak trees are located close to the boundary with the application site, within the plots of Nos. 17 and 18 Peak Drive and are protected by Fareham Tree Preservation Order (FTPO) 667. The applicant submitted an application recently to fell the oak tree to the west of the plot within the garden of 17 Peak Drive on the basis that it was diseased. Consent to fell this tree was refused as it was considered the tree was in a healthy and sound condition. On the basis of the submitted information the Council's Arboricultural Officer considers that the proposed development, within the root protection areas of the trees, would be harmful to the preserved trees and may ultimately result in their loss.

The reconfigured car parking would not result in any physical ground works to the site frontage, removing the previous concerns relating to potential harm to the protected trees.

Other matters

The Director of Regulatory and Democratic Services (Environmental Health) considers that a noise assessment should be undertaken to assess the impact of passing traffic on the new dwellings. Considering the 24 metre separation between the front of the dwelling and the A27 carriageway, the 30 mph speed limit in this location and the similar juxtaposition of dwellings to the carriageway along The Avenue, officers do not consider it appropriate to apply a noise assessment requirement.

For the reasons given in the consultation section of this report, officers consider it is not appropriate to impose a further reason for refusal in relation to potential noise nuisance from the nursery use.

Within the submitted Design and Access Statement the applicant has declared intentions to achieve the requirements of policy CS15 with regard to energy efficiency. A number of

energy producing and saving proposals are listed. It is not clear that these would necessarily result in the dwelling meeting Code Level 4 but if permission were to be granted the details could be sought by condition. If permission is refused then a reason should be imposed concerning the lack of sufficient detail to demonstrate that Policy CS15 would be met.

As a new dwelling the proposal would add to pressure upon existing open space; if permission were to be granted contributions would be sought towards existing deficiencies and future needs.

Conclusion

Notwithstanding the amendments made to this application, officers do not consider the proposal is acceptable for the following reasons:

The site is located within the settlement policy boundary of Fareham and is currently brownfield land so that the principle of residential use of the site is in line with National and Local Policy. The proposed plot is narrow in comparison to the existing and nearby properties on this side of The Avenue. The size of the plot combined with the design of the dwelling would result in development out of keeping with and harmful to the character of the area.

The proposed building would be close to the boundary with the adjoining residential property to the west and would extend along a considerable depth of its boundary adversely affecting the amenities of that property. The amenity of the proposed bedroom 4 would be impaired due to its close relationship with the existing building. The amenity of bedroom 3 would be poor being served by high level windows.

Furthermore it is considered that the impact upon the protected trees would be significant and harmful to their health and may lead to their loss to the further detriment of the character of the area.

Recommendation

REFUSE:

The proposed development is contrary to Policies CS15, CS17, CS20 and CS21 of the Fareham Borough Core Strategy and saved Policy DG4 of the Fareham Borough Local Plan Review and is unacceptable in that:

i) by reason of the narrowness of the plot, the close juxtaposition with existing buildings and the design of the proposed dwelling, the development would appear cramped and out of keeping with the spacial character of this part of The Avenue;

ii) By reason of its bulk, design and depth the proposed dwelling would be detrimental to the outlook, and amenities enjoyed by the occupants of adjoining residential properties, in particular No.17 Peak Drive;

iii) By reason of its close siting to 67 The Avenue, the amenity of bedroom 4 would be impaired, resulting in unacceptable living conditions for the occupiers of the proposed dwelling. Furthermore the two high level windows proposed to serve bedroom 3 as shown on the submitted plans would result in unacceptable living conditions for the

occupiers of the new dwelling.

iv) By reason of the proximity of the proposed dwelling to existing protected trees, the development would be harmful to their health and would potentially result in their loss to the detriment of the character of the area;

v) Insufficient evidence has been submitted to demonstrate that the proposed dwelling would achieve Code level 4 for sustainable homes as required by Policy CS15 of the Fareham Borough Core Strategy;

vi) The creation of this additional residential unit would lead to greater pressure on existing open space, play areas and sports pitches and other related facilities, which have been identified as deficient within the Council's Open Space Supplementary Planning Guidance. In the absence of a commuted payment towards the upgrading of existing and / or provision of additional open space and facilities, existing deficiencies would be exacerbated to the disadvantage of existing and new residents alike.

Background Papers

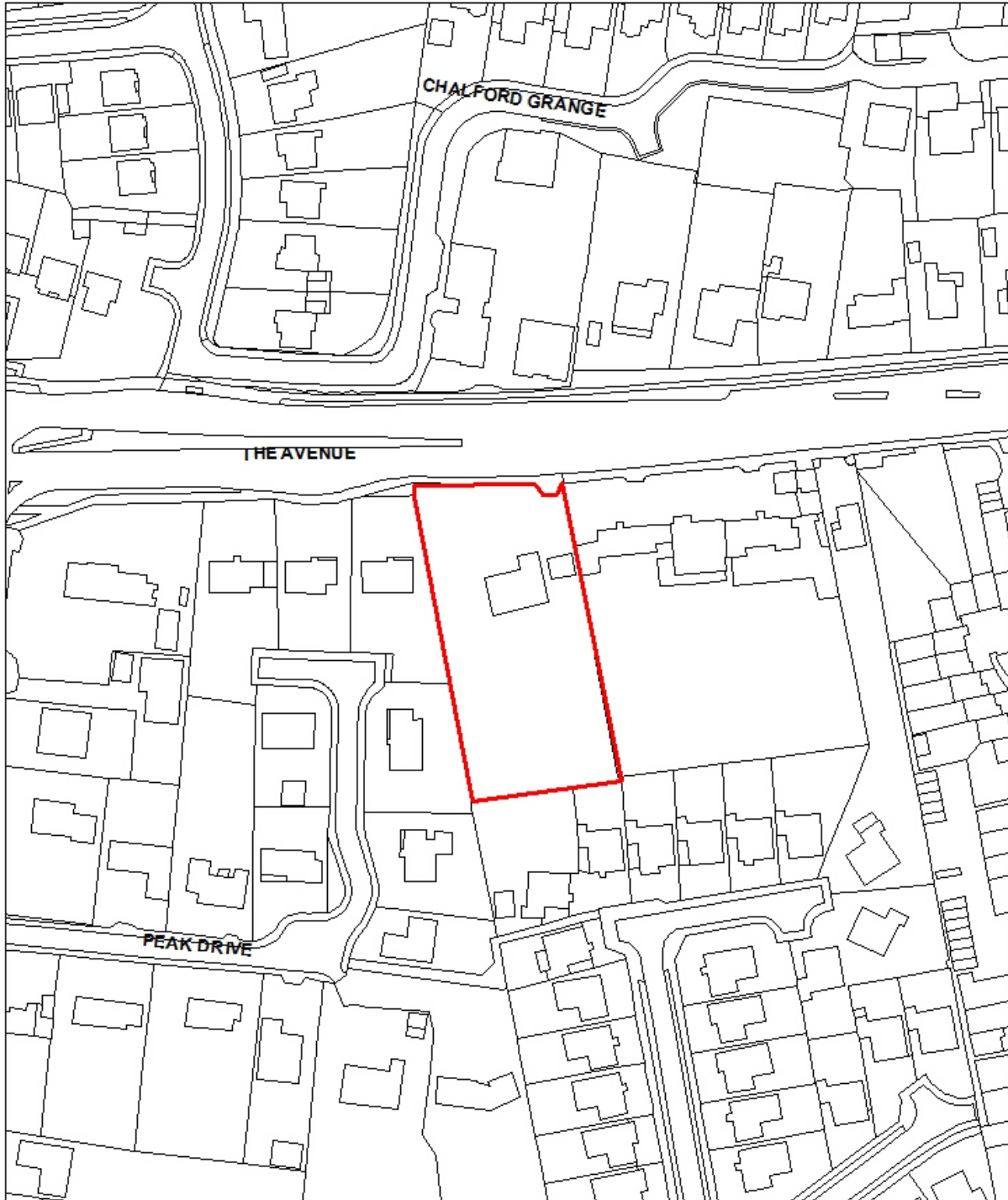
See planning history above.

Updates

The application was withdrawn on 22 March 2013.

FAREHAM

BOROUGH COUNCIL



67 The Avenue
Scale 1:1250

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