

OFFICER REPORT FOR COMMITTEE

DATE: 11/12/2019

**P/19/0759/FP
AMBERLEY HOMES SOUTERN LTD**

**FAREHAM NORTH
AGENT: ROBERT TUTTON
TOWN PLANNING CONSULANTS**

**ERECTION OF DETACHED 2-BED DWELLING (ALTERNATIVE TO P/16/1357/OA
& P/17/0707/RM TO REGULARISE ALTERATIONS TO PLOT 1)**

90 GUDGE HEATH LANE, FAREHAM

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 Members will recall this application was originally reported to Planning Committee on 13 November 2019 due to the number of third party letters received.
- 1.2 A decision was deferred to enable Officers to seek further clarification on two matters. Firstly, investigation was required to ascertain whether land levels adjacent to No.88 Gudge Heath Lane had 'bridged' the damp proof course. Secondly Members requested an independent review of the acceptability of the French Drain installed alongside No.88 Gudge Heath Lane.
- 1.3 Since that time further ground works have been carried out at the site, under the guidance of Building Control, to excavate soil away from the flank wall of No.88 Gudge Heath Lane reducing the ground level adjacent to the property. The land level now sits below the air bricks within the flank wall of the dwelling which have been exposed and protective chambers have been constructed to prevent ground water from entering below the neighbouring property. It is not clear whether land levels immediately adjacent to the neighbouring property were increased during the course of the development or prior to this. The presence of slates at ground level along this flank suggests that the issues associated with ground water flow are not necessarily attributed to the development. Nonetheless in light of the work undertaken, Officers are now satisfied that the damp proof course of the neighbouring property is not bridged.
- 1.4 The French drain proposed adjacent to No.88 Gudge Heath Lane has already been installed on site in accordance with the example specification set out within the RGP Drainage Appraisal. The route of the drain has been altered from that shown on the submitted plans as a consequence of the works

undertaken to reduce ground levels adjacent to No.88 Gudge Heath Lane and also the siting of the water meters. An amended external works plan and landscaping scheme have subsequently been submitted.

- 1.5 Officers are currently consulting with Hampshire County Council (Flood & Water Management) on the suitability of the French Drain and a further update on this will be provided at the committee meeting.

2.0 Site Description

- 2.1 This application relates to a site to the west side of Gudge Heath Lane within the urban area. The site was previously occupied by a detached dwelling which stood on the road frontage. Planning permission was granted for the demolition of the existing dwelling and the erection of three detached dwellings within the residential curtilage of No.90 Gudge Heath Lane in 2017. The developer then acquired additional land to the rear of this plot, which was formerly scrub land, and planning permission was granted for two further detached dwellings in 2018.
- 2.2 The larger development site borders properties on Gudge Heath Lane, Blackbrook Road, Beech Road and also the rear access road to properties on Oak Road.
- 2.3 The five dwellings have been built out as one single development and the development is nearing completion. This application relates to Plot 1 which is a detached 2-bed bungalow which stands adjacent to the southern site boundary with No.88 Gudge Heath Lane. Plot 1 is the most visible of the five dwellings when stood on Gudge Heath Lane.

3.0 Description of Proposal

- 3.1 Concerns were raised by an interested party earlier this year regarding the height of the dwelling on Plot 1 and alterations to ground levels on the site which were resulting in increased surface water run-off on to adjacent land.
- 3.2 Officers subsequently visited the site to investigate and identified that the floor level of the dwelling on Plot 1 was sitting significantly above the ground level when measured at certain points. The floor level is approximately 1m above ground level adjacent to the southern boundary with No.88 Gudge Heath Lane. This raised floor level was not indicated on the approved plans and has increased the maximum height of the dwelling from 5m to 6m above ground level. Furthermore the eaves height of the dwelling is increased from 2.4m to 3.2m above ground level on the southern elevation. The development site has a natural slope which rises from south to north and it appears that the floor level of the dwelling on Plot 1 has been set based on the higher ground

level further into the site rather than lowering the ground level within the vicinity of Plot 1 or introducing a split floor level.

3.3 Planning permission is subsequently sought to regularise the alterations to Plot 1 and retain the dwelling 'as built' including the increased height and floor level of the dwelling, the retention of a rear deck and side pedestrian gate and alterations to ground levels along the southern side of the access road. The following mitigation measures and alterations are proposed to be implemented to address issues arising as a result of this departure from the approved plans;

- Increase the height of the boundary fence on the boundary of No.88 between specific points by 0.3m. The top of the fence would appear to be on a continuous level but the fence panels would vary in height dependant on the ground level which lowers closer to the rear of No.88.
- The replacement of the clear glazed window within the east elevation of Plot 1 which faces towards the rear of No.88 and serves Bedroom 1 with an obscure glazed window, fixed shut to a minimum of 1.7m above internal floor level. An alternative clear glazed window would be installed within this room facing north into the site.
- The replacement of two clear glazed secondary living room windows within the south elevation of the dwelling with obscure glazed windows fixed shut below 1.7m above finished floor level.
- The obscure bathroom window within the south elevation would have one pane fixed shut (west). The other pane (east) would be fitted with a restrictor enabling the window to be opened by a maximum of 50mm.
- Retention of a raised rear deck to the west side of the dwelling with a 1.7m privacy screen along the southern end.
- A revised landscaping scheme incorporating five Pyrus Calleryana Chanticleer (ornamental pear) sited to the east of Plot 1 to provide increased screening between the east elevation of Plot 1 and the rear of No.88 Gudge Heath Lane.
- The use of Marshalls Tegula Priora Harvest permeable block paving (as opposed to Bonded Resin) on the access drive which would be constructed to serve as a Sustainable Urban Drainage (SUD's) System.
- The provision of a permeable French drain along part of the southern boundary of the site alongside No.88 Gudge Heath Lane extending towards the front of Plot 1.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2:	Housing Provision;
CS4:	Green Infrastructure, Biodiversity and Geological Conservation;
CS5:	Transport Strategy and Infrastructure;
CS6:	The Development Strategy;
CS7:	Development in Fareham;
CS15:	Sustainable Development and Climate Change;
CS17:	High Quality Design;
CS20:	Infrastructure and Development Contributions;

Adopted Development Sites and Policies

DSP1:	Sustainable Development;
DSP2:	Environmental Impact;
DSP3:	Impact on Living Conditions;
DSP5:	Protecting and Enhancing the Historic Environment;
DSP13:	Nature Conservation;
DSP15:	Recreational Disturbance on the Solent Special Protection Areas;

Other Documents:

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/18/0511/FP	Erection of Two Additional Detached 2-Bed Bungalows & Double Car Port and Alteration to Previously Approved Access and Carport (P/17/0707/RM)
Permission	16 October 2018
P/17/0707/RM	Reserved Matters in Relation to Outline Application P/16/1357/OA (Appearance, Landscaping & Scale) for Erection of Two Bungalows & One Chalet Bungalow
Permission	20 July 2017
P/16/1357/OA	Demolition of Existing Dwelling and Erection of Three Dwellings including Two 2-Bed Bungalows & One 3-Bed Chalet Bungalow (Outline Application for Access & Layout)
Permission	25 January 2017

6.0 Representations

6.1 Six representations have been received objecting on the following grounds;

- We complained to the developer about the height of the dwellings when they were being constructed
- Loss of privacy as a result of increased levels
- The windows within the dwelling should not be visible above the 6ft fence
- The dwellings should have been constructed further away from neighbouring properties
- Proposed replacement window to Bed 1 would overlook
- Boundary fence is currently at uneven heights and looks odd
- Replacement windows could be changed to clear glass in the future
- Why has the developer been allowed to do this? Why was the breach not picked up?
- The developer should be forced to accord with approved plans
- What is the point of gaining planning permission if it is possible to submit amended plans to cover any breach?
- Increased surface water run-off as a result of altered ground levels
- Water will be left sitting in the land drain which only extends along part of boundary
- Increased noise from use of access and close proximity of dwellings
- Intrusion of developers on to adjacent land during construction
- Loss of former hedgerow boundary
- Impact on wildlife on adjacent land
- Noise and disturbance during construction

7.0 Planning Considerations

7.1 The main issues that arise as a result of the development 'as built' are;

- a) The impact of the alterations to Plot 1 on the living conditions of the occupants of No.88 Gudge Heath Lane;
- b) The means of disposal of surface water to prevent excessive run-off on to adjacent land;

a) Impact on Living Conditions

7.2 As a result of the increased floor level within Plot 1 it is agreed by Officers that there has been a significant loss of privacy to the occupants of the adjacent property to the south (No.88 Gudge Heath Lane). Officers are of the view that with the proposed mitigation measures suggested within this application which include changing certain windows on the south and east elevations, raising the height of the boundary fence in places and planting tree screening this issue could be satisfactorily addressed.

- 7.3 The windows which are of concern within the south elevation of Plot 1 sit towards the end half of the rear garden of No.88 Gudge Heath Lane which measures approximately 42m in length. Privacy levels within this part of the garden are reduced as a result of low boundary screening on the opposite boundary which enables views across and into the rear gardens of Nos. 84 & 86 Gudge Heath Lane. Officers consider that the replacement of clear glazed windows within the south elevation with obscure glazed windows with either a top opener or a restrictor and also the bedroom window which is closest to the southern boundary within the east (side) elevation would prevent overlooking. Whilst it may be preferable to the owners of No.88 Gudge Heath Lane that these windows are bricked up, Officers are mindful that this is not necessary in order to prevent overlooking.
- 7.4 The owners of No.88 Gudge Heath Lane have raised concerns that the proposed increase in the height of the fence in part would look 'odd'. It should be clarified that there is a slight variation in the height of the fence at present, which is not unusual with such a long rear garden. However the intention would be to level off the top of the fence by replacing some existing panels to the east and west of the dwelling with higher panels whilst retaining the existing concrete posts. At present there are two points along the southern boundary where the fence height varies on the two sides of a concrete post but this would be corrected giving the impression of a fence of equal height all the way along the boundary despite the variation in ground level. The fence height would be increased by approx. 0.3m from the concrete post sitting to the south-east of Plot 1 to adjoin the rear of No.88 Gudge Heath Lane and also alongside the rear garden of Plot 1. It is considered that this would be beneficial in reducing oblique views across the rear garden and towards the rear of No.88 Gudge Heath Lane without having an overbearing impact.
- 7.5 A revised landscaping scheme is presented and it is proposed to plant five ornamental pear trees on the landscaped buffer which extends along the southern boundary with No.88 to the east of Plot 1. It is considered that these trees would provide screening within oblique views from the remaining habitable room window (Bed2) within the east elevation of Plot 1 and the external areas to the east of the dwelling. This species of tree is deciduous but is notable for its screening potential as the trees come into leaf early in the Spring and hold their leaves the longest into the Autumn. The landscaping scheme confirms these would be container grown root balled trees planted with an initial girth of 25-30cm (semi-mature).
- 7.6 Planning conditions would be imposed to ensure that the obscure glass, top opening windows and restrictor would be retained. Therefore, if these windows were to be altered in the future, enforcement action could be taken

to address this. Similarly, a condition would be imposed to ensure the retention of the privacy screen to the rear deck.

- 7.7 Whilst the additional height of the bungalow on Plot 1 does result in a more intrusive form of development than was anticipated it is not considered that the built form of the dwelling has an unacceptable impact on the living conditions of the neighbouring properties in terms of loss of light or outlook. There is a separation distance of 18m between the rear conservatory on No.88 Gudge Heath Lane and the dwelling on Plot 1. To put this in to perspective the adopted Fareham Borough Council Design SPD states that a two storey flank wall must be no closer than 12.5m from the rear facing windows of a dwelling. In this instance a far greater level of separation is achieved, the dwelling is not two storey and does not sit immediately to the rear of No.88 Gudge Heath Lane. The relationship is therefore considered acceptable.

b) Disposal of Surface Water Run-off

- 7.8 In response to the concerns raised by local residents regarding increased surface water run-off as a result of the altered ground levels the applicant has commissioned a drainage appraisal (20 August 2019) from RGP Design Ltd. A review was undertaken by RPG to establish whether the drainage infrastructure installed at the site would be sufficient to support the development. Whilst infiltration testing has not been completed it is considered that the soils underlying the site would not be conducive to infiltration methods and techniques. It was therefore deemed that the soakaways installed on site would not be effective and these will be made redundant.
- 7.9 In order to adequately dispose of surface water run-off the access driveway from Gudge Heath Lane will be constructed to form a tanked permeable paving structure and all rainwater pipes and other drainage infrastructure will be re-routed to outfall to the sub-base layers of the paving structure. A flow control device will be required to be installed in order to restrict flows outfalling to the public surface water sewer. Confirmation of approval to connect to the public sewer has been received from Southern Water. Supporting MicroDrainage calculations demonstrate that if the recommended remedial works are undertaken at the site, the development will be able to accommodate a 1-in-100 year storm event, inclusive of climate change, wholly within the permeable pavement storage provision.
- 7.10 In order to mitigate any run-off towards No.88 Gudge Heath Lane it has been agreed with the owners of the adjacent property that a French drain would be installed adjacent to the southern boundary alongside a Beech hedgerow.

This drain would not outfall to the public surface water sewer in Gudge Heath Lane as land drainage is not permitted to communicate with the public sewer network by Southern Water.

Summary

- 7.11 In summary it is considered that subject to the proposed package of mitigation measures being implemented and secured by planning condition that the retention of Plot 1 'as built' would not have an unacceptable impact on the living conditions of neighbouring residential properties with regards to loss of privacy or increased surface water run-off.
- 7.12 Officers have engaged with the Habitats Regulations Assessment (HRA) process and all potential adverse impacts on designated sites have been screened out. The demolition of the existing dwelling would off-set the impact of the proposed dwelling with regards to recreational disturbance, waste water (nitrates) and air quality.
- 7.13 The proposal accords with Policy CS17 of the adopted Fareham Borough Core Strategy and Policies DSP2 and DSP3 of the adopted Fareham Local Plan Part 2: Development Sites and Policies and is considered acceptable.

8.0 Recommendation

8.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

- 1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - i) Location Plan – drwg No. L04 A
 - ii) Site Sections – drwg No. 1734-59
 - iii) Site Sections Plot 1 – 1734-58b
 - iv) External Works Layout – drwg No 100 Rev N
 - v) Proposed Elevations Plot 1 – drwg No. 1734-12d
 - vi) Proposed Floor Plan Plot 1 – drwg No. 1734-11d
 - vii) Single Car Port – drwg No. 1734 55
 - viii) Landscape Plan – drwg No. 0877-19-NJT Rev B (27/11/19)
 - ix) Landscaping Planting Method Statement
 - x) Specification for Marshalls Tegula Priora Permeable Paving
 - xi) Drainage Appraisal (RGP 20 August 2019)
 - xii) Drainage Maintenance & Management Schedule (RGP 26 June 2019)
 - xiii) Scheme of Biodiversity Enhancements (Ecosupport)

REASON: To avoid any doubt over what is permitted.

2. Prior to occupation of the dwelling the two secondary living room windows inserted into the south elevation and the Bed1 window inserted into the east elevation of the approved development shall be replaced and shall be:

- a) Obscure-glazed; and
- b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

3. Prior to occupation of the dwelling the bathroom window inserted into the south elevation of the approved development shall be:

- a) Obscure-glazed; and
- b) The western panel shall be fixed shut and the eastern panel shall be fitted with a restrictor enabling the window to be opened a maximum of 50mm;

and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

4. The approved boundary treatment (drwg No.100 Rev M) 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 development hereby approved shall not be brought into use until the 1.7 metre high privacy screen indicated on the approved plans (drwg No.100 Rev M) at the southern end of the rear decking has been erected. The screening shall subsequently be retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring property and to prevent overlooking.

6. The dwelling shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans. The visibility splays at the junction of the access with Gudge Heath Lane as shown on the approved site plan (drwg No. 1734 100 Rev M) shall be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

7. The development shall be carried out in accordance with the approved Drainage Appraisal (RGP 20 August 2019) unless otherwise agreed in writing with the Local Planning Authority in writing. The approved surface water drainage measures should thereafter be maintained at all times in accordance with the Drainage Maintenance and Management Schedule (RPG Design 26 June 2019).

REASON: In order to ensure satisfactory disposal of surface water.

8. The approved landscaping scheme (drwg No. 0877-19-NJT) shall be implemented within the first planting season following the date of this decision notice 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 the provision, establishment and maintenance of a standard of landscaping; in accordance with the approved designs in accordance with CS17 of the Adopted Fareham Borough Core Strategy.

9. 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.

10. The car port hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so it is available for its designated purpose.

REASON: To ensure adequate car parking provision; in accordance with Policy CS17 of the Fareham Borough Core Strategy.

11. The dwelling shall not be occupied until the cycle store and bin collection point have been made available in accordance with the approved plans (drwg No. 100 Rev M). These designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity; in order to facilitate modes of transport alternative to the motorcar; in accordance with Policies CS15 and CS17 of the Fareham Borough Core Strategy.

REASON: In order to facilitate refuse collection.

12. Notwithstanding the provisions of Classes A, B and C of Schedule 2, Article 3, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions or roof alterations (including the insertion of additional windows or dormer windows) shall be carried out unless first agreed in writing with the local planning authority following the submission of a planning application.

REASON: To ensure the provision of adequate private amenity space; to protect the living conditions of the occupants of neighbouring residential properties; to ensure adequate car parking provision; in accordance with Policies CS5 and CS17 of the Adopted Fareham Borough Core Strategy and Policy DSP3 of the Fareham Borough Local Plan Part 2: Development Sites & Policies.

13. Notwithstanding the provisions of Class E of Schedule 2, Article 3, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no further outbuildings (with the exception of the cycle store indicated on drwg No. 100 Rev M) shall be constructed within the curtilage of the dwelling unless first agreed in writing with the local planning authority.

REASON: To ensure the provision of adequate private amenity space; to protect the living conditions of the occupants of neighbouring residential properties; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy and Policy DSP3 of the Fareham Borough Local Plan Part 2: Development Sites & Policies.

14. The development shall proceed in accordance with the approved scheme for biodiversity enhancements (Ecosupport) unless otherwise agreed in writing with the local planning authority.

REASON: To enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

15. No work on site relating to the construction of 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 bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

11.0 Background Papers

[P/19/0759/FP]

FAREHAM

BOROUGH COUNCIL



90 Gudge Heath Lane
Scale: 1:1,250



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2018