

**OFFICER REPORT FOR COMMITTEE**

**DATE: 13 July 2022**

**P/21/0794/FP  
TOBY HOMES LTD**

**PORTCHESTER EAST  
AGENT: C&L MANAGEMENT**

ERECTION OF DETACHED CHALET BUNGALOW TO REAR OF EXISTING DWELLING WITH ACCESS FROM THE DOWNSWAY

95 WEST STREET, PORTCHESTER

***Report By***

Susannah Emery – direct dial 01329 824526

**1.0 *Introduction***

1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.

**2.0 *Site Description***

1.1 The application site is located within the urban area to the east of The Downsway just to the north of West Street.

1.2 The application site would previously have formed part of the residential curtilage of No.95 West Street although it has been subdivided by the erection of a 1.8m close boarded fence. There is a detached double garage which stands on the application site adjacent to the northern boundary.

1.3 An access drive which provides vehicular access to the rear of a number of residential properties and the dental surgery on West Street extends along the northern boundary.

**3.0 *Description of Proposal***

3.1 Planning permission is sought for the erection of a detached 2-bed chalet bungalow fronting The Downsway.

3.2 It is proposed that the dwelling would be finished in off-white render with blue engineering brick on the lower section. Vertical cedar timber cladding would be used to add interest to the ground floor projection to the southern side of the dwelling and the roof would be finished with a grey plain tile.

3.3 The dwelling would have a private amenity area extending to the south of the dwelling measuring 12m in length. Two car parking spaces would be provided perpendicular to the road alongside the existing parking area for No.95 West Street.

- 3.4 A low boundary wall (0.9m in height) would be erected along the access drive to the north of the application site and along the frontage of the dwelling.
- 3.5 The proposed dwelling would comply with the Nationally Described Internal Space Standards.

#### **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  
CS11: Development in Portchester, Stubbington & Hill Head and Titchfield  
CS15: Sustainable Development and Climate Change  
CS16: Natural Resources and Renewable Energy  
CS17: High Quality Design  
CS18: Provision of Affordable Housing  
CS20: Infrastructure and Development Contributions

##### **Adopted Development Sites and Policies**

DSP1: Sustainable Development  
DSP2: Environmental Impact  
DSP3: Impact on Living Conditions  
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:

<b>P/22/0161/FP Permission</b>	Sliding Electric Gate 1 March 2022
<b>P/21/0003/FP</b>	Change of Use from Retail (Class E) to Dwelling (Class C3) External Alterations to Include Removal of

Shopfront, Single Storey Rear Extension and New  
Access

**Permission** 3 February 2001

**6.0 Representations**

6.1 Five representations have been received raising the following issues;

- Detrimental to highway and pedestrian safety
- Visibility when emerging from adjacent access
- Contractor's parking has caused obstruction and parking on double yellow lines
- Overlooking and loss of privacy
- Loss of light
- Where will cars be parked?
- The proposed dwelling should not be compared to the property on the opposite side of the road due to proximity to adjacent access
- Increased pressure on inadequate foul drainage system
- Delivery vehicles will have difficulty negotiating the adjacent access
- Noise, dust and dirt

**7.0 Consultations**

EXTERNAL

**Natural England**

7.1 Your appropriate assessment, dated 19 May 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

**Highways (HCC)**

7.2 It is noted that local concern has been raised in regard to obstructed visibility from the adjacent access to the rear of properties on West Street. It is acknowledged that the visibility would be reduced by the presence of the dwelling when compared to the existing situation. However, the requirement of visibility for this access would be 2.4m by 43m, which would still be achievable due to the width of the footpath.

7.3 The parking standards for the site are laid down by Fareham Borough Council (FBC) as the local parking authority, in accordance with their Residential Car

and Cycle Parking Standards Supplementary Planning Document (SPD) as adopted in November 2009. The provision is considered acceptable, with the proposed shed being available for cycle storage.

- 7.4 After reviewing the proposals, the Highway Authority is satisfied that there is no direct or indirect impact upon the operation or safety of the local highway network and would therefore raise no objection.

## **8.0 *Planning Considerations***

- 8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of Development;
- b) Impact on Character & Appearance of the Area;
- c) Impact to Living Conditions of Neighbouring Properties;
- d) Highways;
- e) Impact on Habitat Sites

### **a) Principle of Development**

- 8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as previously developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.

### **b) Impact on Character & Appearance of the Area;**

- 8.3 The application site has been separated from the curtilage of the existing dwelling at 95 West Street and currently has a neglected and unsightly appearance within the streetscene. It is considered that the re-development of the site would be advantageous in this respect.
- 8.4 Policy CS17 (High Quality Design) of the Fareham Borough Council Core Strategy states that development should respond positively to and be respectful of the key characteristics of the area including landscape, scale, form, spaciousness and use of external materials.

- 8.5 The Councils adopted Design SPD states that proposals for new houses in rear gardens should ensure both the new plot and the remaining plot are similar in size to nearby properties. The Council generally seeks a minimum garden length of 11m however the Design SPD states that in order to preserve the character of an area, larger gardens will be required in more spacious areas. The proposed dwelling is a small 2-bed property and it is considered that the amount of useable garden area would be appropriate and proportionate to the scale of the dwelling. Permitted development rights for extensions to the dwelling would be removed to ensure adequate amenity space is retained and that the site does not become overdeveloped.
- 8.6 Whilst the northern section of The Downsway is typified by two storey terraced properties the proposal is comparable in design terms and plot layout to a dwelling which has been erected on the opposite side of the road at No.1a The Downsway (reference P/09/0233/FP). This property is also a detached chalet bungalow which fronts The Downsway, sitting relatively close to the road and has a private amenity area which extends to the north. In light of the obvious comparisons with this existing dwelling Officers are of the view that it could not be argued that the proposed development would be out of keeping or that it would be harmful to the character of the area. White or off-white render is the predominant facing material within the immediate surrounding area along The Downsway and the choice of facing material of the proposed dwelling would reflect this.

**c) Impact to Living Conditions of Neighbouring Properties;**

- 8.7 It is not considered that the proposal would have any detrimental impact on the living conditions of neighbouring properties by virtue of loss of light, outlook or privacy.
- 8.8 The proposed dwelling would have two small pitched roof dormers on the front elevation. An amendment has been sought by Officers during the course of the application to introduce an additional first floor bedroom window to Bedroom 1 on the south elevation. This window would be in excess of 11m from the adjacent private garden area of No.95 West Street and therefore this is considered to be an acceptable relationship. The dormer on the front elevation which would serve this room would therefore be obscure glazed and fixed shut to prevent loss of privacy to the property on the opposite side of the road as the two properties are both relatively close to the road frontage. The other dormer on the front elevation would not directly face the dwelling opposite, as the positioning of the two properties is staggered, and would therefore not result in an unacceptable adverse impact upon privacy.

- 8.9 The two first floor rooflights proposed on the rear elevation would be subject to a planning condition requiring a minimum sill height of 1.7metres above internal finished floor level to prevent overlooking of the property to the rear (No.93 West Street). The proposed dwelling would be sited approximately 25m from this property and there is a large outbuilding which stands at the end of the rear garden of the neighbouring property adjacent to the proposed dwelling and therefore it is not considered that the proposal would result in an unacceptable adverse impact upon light or outlook.
- 8.10 Permitted development rights for works to the roof of the dwelling would be removed to ensure that no further windows are installed at a later date which would have an unacceptable adverse impact upon the privacy of neighbouring properties.

**d) Highways;**

- 8.11 Despite the concerns raised by local residents in relation to the impact of the proposed on the adjacent access to the north of the site, the Highway Authority (Hampshire County Council) are satisfied that the required visibility splays would be retained at the junction of this access with The Downsway. It is therefore not considered that the proposal would be unacceptably harmful to highway safety.
- 8.12 It is proposed that a low wall measuring 0.9m in height be erected along the northern boundary and extending across the frontage of the dwelling. The low height of this wall would ensure adequate pedestrian visibility when emerging from the access and a wall of this height could be erected without planning permission.
- 8.13 The proposal makes adequate car parking provision for two vehicles in accordance with the Council's adopted Residential Car & Cycle Parking SPD. It would not result in the loss of on-street parking as the road is subject to a traffic regulation order on both sides of the road leading down to the junction with West Street.
- 8.14 The submission of a construction management plan (CMP) would be secured by planning condition to ensure that some contractors parking would be provided on-site for the duration of the construction works. This would serve to reduce any inconvenience caused during this time as a result of additional pressures for car parking.

**e) Impact on Habitat Sites**

- 8.15 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.16 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.17 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).
- 8.18 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.19 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.20 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP).
- 8.21 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and

phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.

- 8.22 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development will generate 0.8 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.23 The applicant has purchased 0.8 kgTN/yr of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm and provided the Council with the completed allocation agreement. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering the Solent marine environment.
- 8.24 The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

### **Summary**

- 8.25 It is not considered that the proposal would have any detrimental impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, or highway safety. It is not considered that the proposal would have an adverse effect on the integrity of the HS as appropriate mitigation has been secured. The proposal accords with the relevant local plan policies and is recommended that planning permission be granted.

## **9.0 Recommendation**



9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin within 3 years from the date of this decision notice.

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) Site Location Plan (drwg No. 1102-100 Rev A)
- b) Existing Site Plan (drwg No. 1102-101 Rev C)
- c) Proposed Site Plan (drwg No. 1102-103 Rev A)
- d) Proposed Ground Floor Plan (drwg No. 1102-300 Rev A)
- e) Proposed First Floor Plan (drwg No. 1102-301 Rev B)
- f) Proposed Elevations (drwg No.1102-302 Rev C)

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

3. No development hereby permitted shall proceed beyond damp proof course level until details of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any 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 protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

5. The rooflight windows shown on the east (rear) elevation of the development hereby approved shall be constructed so as to have a cill height of not less

than 1.7 metres above internal finished floor level. The windows shall thereafter be retained in this condition at all times.

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

6. The first floor window serving Bedroom 1 proposed to be inserted into the front elevation of the approved development 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 property.

7. Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

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

8. The dwelling, hereby approved, shall not be first occupied until the approved parking area has been constructed in accordance with the approved details and made available for use. This area 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.

9. The dwelling hereby permitted shall not be first occupied until the bicycle storage, as shown on the approved plan (drwg No.103 Rev A), has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

REASON: To encourage cycling as an alternative mode of transport.

10. No development shall take place beyond damp proof course (dpc) level until details of how and where one Electric Vehicle (EV) charging point will be provided. The development shall be carried out in accordance with the approved details with the charging point provided prior to first occupation of the dwelling.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

11. Notwithstanding the provisions of Classes A, B, and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, no additions or alterations to the roof shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality; To ensure the retention of adequate garden area; To ensure adequate car parking provision; To protect the privacy of neighbouring properties.

12. The residential unit hereby permitted shall not be occupied until details of water efficiency measures to be installed have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

13. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will be implementing to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning The Downsway/West Street to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

14. 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 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.

Note to applicant

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a license agreement with, the Highway Authority. Full details of how to apply can be found at:

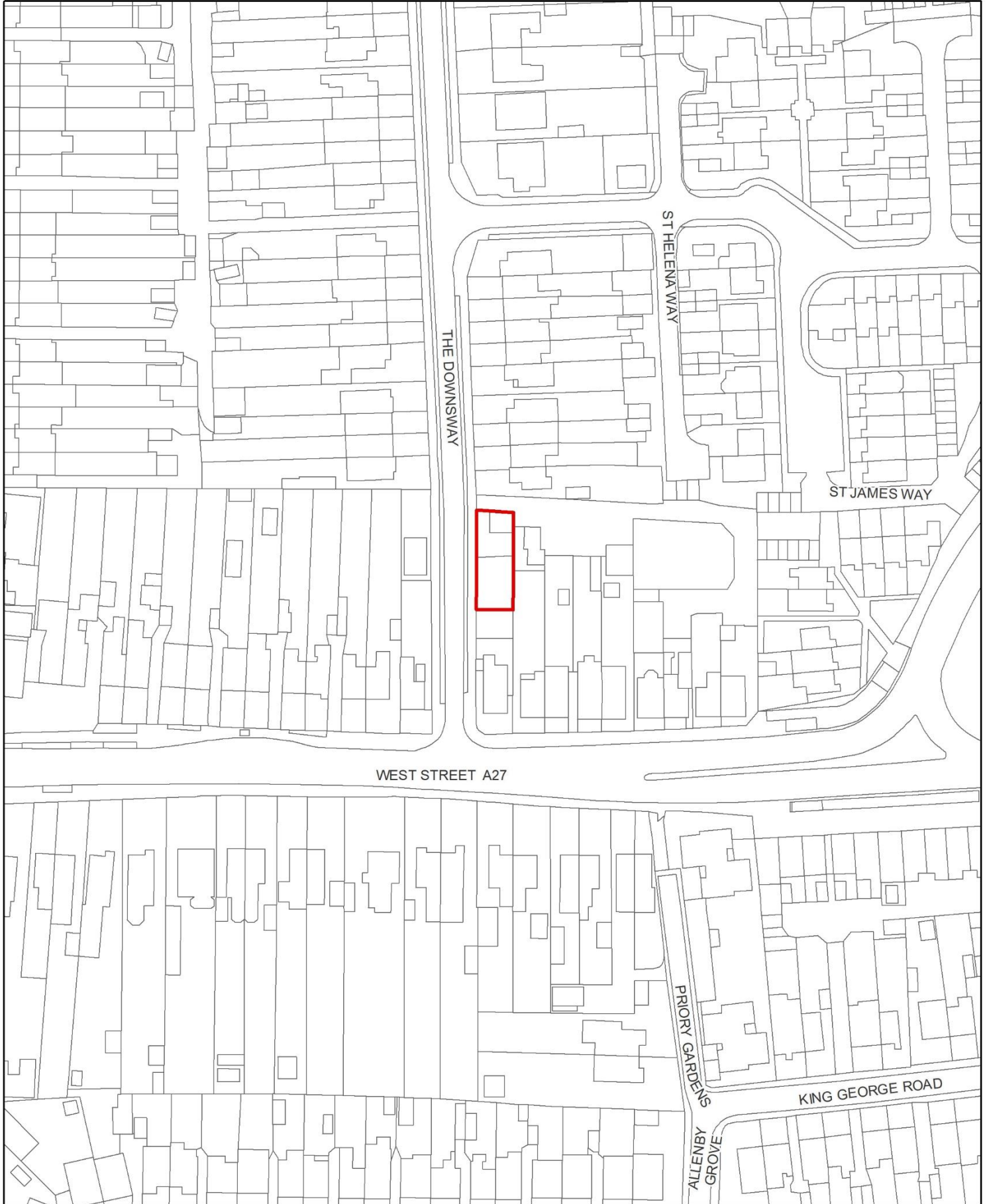
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

**10.0 Background Papers**

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

BOROUGH COUNCIL



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Scale 1:1,250



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