

**OFFICER REPORT FOR COMMITTEE**

**DATE: 13/07/2022**

**P/22/0615/FP  
MRS K. BENNETT**

**PORTCHESTER WEST  
AGENT: MR ROBERT TUTTON**

USE OF ANNEXE AS AN INDEPENDENT DWELLING

93 THE HILLWAY, PORTCHESTER, FAREHAM, PO16 8BP

***Report By***

Jon Snook – Direct Dial 01329 824703

**1.0 *Introduction***

1.1 The planning application is being brought before Planning Committee due to the number of third-party representations received.

**2.0 *Site Description***

2.1 The site lies in the defined urban settlement boundary and consists of part of a semi-detached two storey house which is situated on the northern side of The Hillway. The 'application site' was a two-storey extension for the original dwelling.

2.2 The immediate area of The Hillway is a pleasant residential area comprising of mainly large semi-detached properties with good sized gardens.

**3.0 *Description of Proposal***

3.1 This property was subject to two previous planning applications, one which granted permission for a two storey extension (reference P/17/1233/FP) and one which authorised the two-storey side extension to form a self-contained annexe to the existing dwelling (reference P/19/1157/FP).

3.2 This current application seeks to sub-divide 93 The Hillway with the two-storey extension/annexe becoming a new residential unit of accommodation. The proposed sub-division of the properties will result in the existing property at 93 The Hillway becoming a two storey three-bedroom mid-terraced house with two downstairs rooms namely a living and kitchen/dining room and three bedrooms along with a single bathroom upstairs. The new two-storey end-of-terrace dwelling would consist of a downstairs living and kitchen area and an upstairs bedroom and en-suite shower room. A small garden to the rear and a parking area to the front of the new dwelling would be provided.

3.3 In support of the application the applicant has provided drawings of 93 The Hillway and the annexe together with a Planning Statement. A summary of the Planning Statement is as follows: -

- The application site sits in the Red Barn Residential Area of Portchester
- The accommodation annexe comprises of a living room, kitchen, bedroom and bathroom with modest garden to the rear and car parking in front of the property.
- A summary of the previous planning applications in relation to the site
- That two couples have lived in the annexe and confirmed that it met their housing needs highlighting that there is a shortage of suitable rental accommodation
- That a Lettings Manager, from Waterlooville, has stated that the accommodation is suitable for either a single person or couple
- That the Council's Policies Map shows 93 The Hillway in the defined urban settlement boundary. Policy CS6 of the Core Strategy states development should be 'focused' on previously developed land and therefore there is a presumption to support
- No harm would be caused to either the residents of the main property or the wider community by using the annexe as a separate unit of accommodation

#### **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

CS17 – High Quality Design

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

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

## **5.0 Relevant Planning History**

5.1 The following planning history is relevant:

<b>P/17/1233/FP</b> APPROVED	TWO STOREY SIDE EXTENSION 30/11/17
<b>P/19/1157/FP</b>  APPROVED	TWO STOREY SIDE EXTENSION TO FORM A SELF-CONTAINED ANNEXE TO THE EXISTING DWELLING (ALTERNATIVE TO PLANNING APPLICATION P/17/1233/FP) 27/01/20
<b>P/22/0191/VC</b>  APPROVED	RELIEF OF CONDITION 3 OF PLANNING APPLICATION P/19/1157/FP - TWO STOREY SIDE EXTENSION (ALTERNATIVE TO PLANNING APPLICATION P/17/1233/FP) 06/04/22

## **6.0 Representations**

6.1 There have been 9 representations about this planning application with 8 in favour of the application and 1 not in favour.

### Support

The following comments have been made in support of the planning application: -

- That the dropped kerb should be extended across the width of the entrance
- Bin storage has been provided
- It brings a property to the rental market and much needed housing
- Portchester has an acute shortage of small to medium size rental properties
- The annexe provides practical living space for a single person or couple
- There is adequate car parking

### Objection

The following comments have been made in opposition of the planning application: -

- The failure to follow planning processes
- The impact on parking in the area caused by removing the brick wall at the front of the property in comparison to the narrow-dropped kerb
- That 93 The Hillway and annexe have already been occupied independently without permission

- On both occasions when the property and annexe were rented, there were at least 5 vehicles on site and on occasions more with visitors. This resulted in vehicles spilling out onto the street and inconsiderate parking
- The application site is located on a tight road bend

## **7.0 Consultations**

### **Hampshire County Council Highways**

7.1 The development is unlikely to result in any material highway/transportation implications. No objections.

## **8.0 Planning Considerations**

- 8.1 The application site occupies a good-sized plot with the property being attached to 95 The Hillway and located on the curved section of the road. Over the last few years 93 The Hillway has been the subject of a number of planning applications since the original two storey extension was permitted in 2017 (reference P/17/1233/FP).
- 8.2 Two subsequent planning applications were submitted following two planning enforcement investigations. The first where the original development of the extension was not built in accordance with the plans and an application submitted to regularise this variance for a two storey annexe (reference P/19/1157/FP). The second when the two-storey extension was occupied independently. A Breach of Condition Notice was served relating to a breach of a condition imposed on the earlier permission to prevent the occupation of the annexe as a separate unit of accommodation. An application was submitted to request the condition be removed which was agreed by Officers on the basis that the condition was not necessary since any such occupation would, in any event, constitute a material change of use requiring planning permission (reference P/22/0191/VC). The annexe was subsequently vacated and is currently empty.
- 8.3 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 of:
- a) The principle of development
  - b) Effect on the character of the area
  - c) Internal and external living space
  - d) Highway safety and parking provision
  - e) Impact on Habitat Sites
- a) The principle of development

- 8.4 The planning application seeks to sub-divide the existing semi-detached house at 93 The Hillway resulting in the original semi-detached property becoming a mid-terraced property and two storey side extension becoming a much smaller one-bedroom dwelling at the eastern end of a short terrace of three properties.
- 8.5 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 site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to the impact on the character of the area and all other relevant planning considerations.

b) Effect on the character of the area

- 8.6 The Hillway is set in the residential area of Portchester. The properties in The Hillway consist of predominantly large semi-detached properties with generous sized front and rear gardens and space between pairs of dwellings. The general character is of a streetscene which is well spaced out creating an open and spacious feel within the neighbourhood.
- 8.7 The Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document provides guidance on the development of new dwellings in existing streets and states that it is important that houses relate well to their surroundings. The guidance stipulates gaps between existing houses can sometimes make appropriate plots for new homes depending on size and width of the plot compared with others in the area.
- 8.8 In this case, the width of the plot is wider at the front due to the curve in the road but drastically narrows as it progresses to the rear of the plot. The new extension is built close to the boundary with 91 The Hillway. There is insufficient space for a pathway at the side of the property which would give access to the rear garden and the rear garden measures just 1.98 metres wide on the rear boundary.
- 8.9 Whilst the provision of a two-storey side extension, which was set back and sub-servient to the original building line was acceptable, the use of the annexe as a separate residential unit would be materially different in terms of the resultant plot size and dwelling type compared to anything else in the street, which as explained above is made up of houses of a significantly larger size. Rather than being read as an extension to, or ancillary part of, the dwelling at 93 The Hillway, it will be seen as a new small one-bedroom two-storey end of terraced house entirely out of keeping with the existing prevailing character of the area. This will become evident, for example, by the

additional comings and goings to the new property with the occupants living completely independently of 93 The Hillway. The movements might consist of people visiting the property, including deliveries and the entertainment of friends and family. This might consequently increase the demand for parking, as it did when the application site was rented out without permission.

- 8.10 Whilst at this time there is no physical subdivision of the plots in front of the properties, either the applicant or any future owners of either property may naturally wish to install boundary walls, fences or other ways of demarking the two residential units. These features, such as the additional movements, demand for parking and physical demarcation of the two units, would be clearly visible to the residents of the neighbouring properties and change the character of the area.
- 8.11 In addition, the proposed sub-division of the plot has created the need for additional car parking space. The resulting impact is the entire front garden of the application site has been laid to gravel to facilitate that use. Other properties in the area benefit from traditional driveways and front gardens. The creation of parking spaces at the front of the properties does not create a positive impact upon the character of the surrounding area and is further evidence of the overdeveloped appearance of the site.
- 8.12 It is considered that the proposal represents overdevelopment of the site which would be detrimental to the character and appearance of the area. 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. The addition of a small one-bedroom two-storey end of terraced house is out of keeping with the existing prevailing character of the area. The proposal would result in the sub-division of the existing plot and an increase in residential density to accommodate two dwellings as opposed to one. The resultant plot size for the new property is not comparable to those within the surrounding area and it is considered that this sub-division would be harmful to the more spacious character of the area.

c) Internal and external living space

- 8.13 As mentioned above, the original sized 3 bed roomed house will comprise of two downstairs rooms and three upstairs bedrooms and a bathroom. The proposed one-bedroom two storey dwelling will consist of the two-storey side extension with a living space incorporating a kitchen and living space downstairs and a bedroom and shower room upstairs.

- 8.14 The government's guidance, 'Technical housing standards – nationally described space standard' (NDSS), provides standards of internal space within new dwellings. The document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
- 8.15 The internal measurement of the downstairs and upstairs of the proposed dwelling measure 6.6 metres x 3.07 metres respectively, which gives a space of 20.262 metres on each floor and an overall space of 40.524 metres.
- 8.16 The NDSS recommends that a 1-person, one-storey one-bedroom property (defined as a flat) should have at least 39 square metres living space (37 square metres with a shower room). Whilst a 2-person two-storey one bedroom house should have a minimum of 58 square metres of space.
- 8.17 In this case the proposal is for a new two storey dwelling which should have a total of 58 square metres of space to accord with the NDSS. Instead, the new dwelling provides just 40.524 metres of internal living space which falls some way short of the required space by 17.5 square metres. Officers acknowledge the submission on behalf of the applicant that the annexe has been previously let out and met the housing needs of the couples renting and the views of the Lettings Manager. However, the accommodation falls way short of the national minimum standards and therefore the proposal for a new dwelling does not accord with the NDSS.
- 8.18 The application specifies the sub-division of the existing rear garden with the existing property maintaining sufficient outside space. The proposed dwelling has a rear garden length of just 6.54 metres whilst ranging from 3.76 metres wide at the rear of the property to just 1.98 metres wide at the northern boundary line. This provides a very small overall garden space under 20 square metres.
- 8.19 The Fareham Borough Design Guidance Supplementary Planning Document provides applicants and the Council guidance on garden space. The document provides a range of standards and recommendations which include that: -
- Gardens should be adequately sized and provide good quality outside space
  - The length should be at least 11 metres long
  - Large family homes should have more generous gardens

8.20 The garden for the new dwelling fails to meet the requirements of the above guidance in respect of adequate size, depth and a less than generous garden providing poor quality outside living space.

8.21 The proposal is therefore considered to be contrary to both the Council's Design SPD and Core Strategy Policy CS17 in that it does not provide adequate internal or external space for the proposed new dwelling.

d) Highway safety and parking provision

8.22 Hampshire County Council (HCC), the Highway Authority, have raised no objection to the application as it is unlikely to result in any material highway or transportation implications.

8.23 The Fareham Borough Council Residential Car & Cycle Parking Standards Supplementary Planning Document sets out a requirement for the number of car parking spaces for each dwelling. The required number of spaces for a three-bedroom dwelling rests at two car parking spaces whilst the number of car parking spaces for a one-bedroom dwelling is one. As mentioned above, the entire area in front of the existing and proposed dwelling has been covered in shingle and there is sufficient space to accommodate the required three spaces. Therefore, the planning application meets with the requirements of the Residential Car & Cycle Parking Standards.

e) Impact on Habitat Sites

8.24 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.

8.25 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. 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).



- 8.26 Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Project (SRMP). Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMP. In the absence however of such a contribution or the means to secure one, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.
- 8.27 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 European Protected Sites. It is considered that the total nitrogen output from the site would increase above the existing use of the site. It has not been demonstrated by the applicant that there would be no adverse effects on the integrity of the HS resulting from increased wastewater.
- 8.28 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 HS 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 HS. This is done following a process known as an Appropriate Assessment. Since the application is not being permitted there is no requirement to carry out an Appropriate Assessment however on the basis of the information available and absence of any mitigation it is considered the application should be refused on the grounds of the uncertain but likely adverse effects of the development on the integrity of the HS.

### Conclusion

- 8.29 The proposed new dwelling fails to respond positively and be respectful to the character of the surrounding area. Furthermore, the proposed new dwelling fails to provide sufficient internal or external living space. There are likely adverse effects on Habitat Sites for which no appropriate or appropriately secured mitigation has been provided.

8.28 Officers recommend the application be refused.

## **9.0 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION**

The proposed development is contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and Policies DSP13 and DSP15 of the Fareham Borough Local Plan Part 2: Development Sites Policy and the Fareham Borough Design Guidance SPD and is unacceptable in that:

- a) The proposal is to subdivide the existing property to create a one-bedroom dwelling distinctly smaller in terms of its scale and resultant plot size than other dwellings in The Hillway. In doing so, the proposal would give rise to an unsympathetic and cramped form of development which would be out of keeping with the prevailing character of the area and fail to respond positively to and be respectful of the key characteristics of the area including its scale, form and spaciousness;
- b) The proposal fails to meet a high standard of design and fails to provide a satisfactory standard of living accommodation which makes adequate provision of internal and external space for the proposed new dwelling;
- c) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the designated Solent Special Protection Areas;
- d) The proposal would have likely adverse effects on the integrity of Habitat Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation.

## **10.0 Background Papers**

P/22/0615/FP

# FAREHAM

BOROUGH COUNCIL



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