

OFFICER REPORT FOR COMMITTEE

DATE: 05/10/2022

**P/22/0424/FP
MR SELLWOOD**

**FAREHAM EAST
AGENT: KALOTEC LTD**

CONVERSION AND EXTENSION OF EXISTING OUTBUILDING TO FORM 3-BED DWELLING

20A RIVERSIDE AVENUE, FAREHAM

Report By

Susannah Emery – direct dial 01329 824526

1.0 *Introduction*

1.1 This application is reported to the Planning Committee due to the number of third-party letters that have been received.

2.0 *Site Description*

2.1 This application relates to a site within the urban area which forms part of the residential curtilage of a large detached dwelling (No.20a) located to the east of Riverside Avenue.

2.2 The existing dwelling is located at the end of a private drive which serves a total of five dwellings.

2.3 There is a large detached single storey residential outbuilding which sits on the application site to the east of the existing dwelling.

2.4 The existing dwelling sits in an elevated position above properties to the north and ground levels slope up to the southern boundary with Fareham Heights.

3.0 *Description of Proposal*

3.1 Planning permission is sought for the conversion and extension of the existing outbuilding to form a detached 3-bed chalet style dwelling.

3.2 The height of the building would be increased from 4.1m to a maximum of 7m with a lower level side addition projecting out towards the northern boundary at a height of 6m.

3.3 Access to the dwelling would be via the existing shared private drive. A minimum of two car parking spaces would be provided on the driveway in addition to the integral garage.

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

CS16 - Natural Resources and Renewable Energy

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

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/22/1079/FP Construction of Enclosure over Existing Swimming Pool &
External Alterations including Balcony to North Elevation
(Alternative to P/22/0423/FP)

Permission 25 August 2022

5.2 P/20/1627/FP Demolition of Existing Dwelling and Erection of Five
Dwellings

Withdrawn 10 February 2021

5.3 P/04/0073/OA Erection of Detached Dwelling with Garage
(Outline Application)

Refuse 8 April 2004

6.0 Representations

6.1 Eight representations have been received raising the following concerns:

- Difficulty accessing the end of the Riverside Avenue cul-de-sac due to number of vehicles parked on the road
- The occupants of the proposed dwelling should be partly liable for maintenance costs associated with the private access
- Increased vehicle movements on access detrimental to highway safety due to lack of visibility and proximity to adjacent driveway
- Access is not of adequate width to enable two vehicles to pass and is steeply sloped
- Collisions between vehicles often narrowly avoided
- Damage to pavements and boundary walls evident due to difficulty manoeuvring on slope
- Safety concerns for pedestrians and cyclists
- Bins left adjacent to highway exacerbate safety issues
- Narrow access causes issues for deliveries, refuse collection and emergency access
- Difficulty for construction vehicles accessing the site
- Overbearing impact on neighbouring property at lower level
- Overshadowing and loss of light to garden and conservatory
- Overlooking
- Increased height
- Proximity to boundary

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

7.1 The site is accessed from a private section of Riverside Avenue, that currently serves five dwellings. The access is approximately 4.3 metres wide and allows for the access and egress of a singular vehicle to and from the site. The development for the conversion and extension to the existing outbuilding is not considered major development that would generate a significant amount of trips over and above the existing use through the substandard existing access arrangement.

7.2 The Highway Authority have reviewed the most recent Personal Injury Accident Data (PIA) and it is confirmed that there is no existing recorded safety issue within the vicinity of the development site.

Natural England

7.3 Your appropriate assessment dated 25 August 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.

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which would 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 on Amenity of Neighbouring Properties
- d) Highways
- e) Impact on Protected 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 Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy states that all 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 Council's adopted Design SPD sets out guidance for the development of dwellings within rear gardens. It 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 new dwellings should be in proportion to the plot so as not to appear cramped or out of character. Gardens lengths of at least 11m length should be sought but in order to preserve the character of an area, larger gardens will be required in more spacious areas.

8.4 The character of the surrounding area is varied in nature. The dwellings on Riverside Avenue typically consist of detached chalet bungalows with modest plots. To the north of the application site there are three larger detached dwellings (21A Riverside Avenue & 1-2 Wallington Orchard) which are more informally arranged and occupy more spacious plots. These properties occupy a backland position and are accessed via a private drive which joins Riverside Avenue alongside the shared access to the application site. The access

which serves the application site is shared by four semi-detached two storey dwellings which were constructed circa 2006. These are arranged in a linear arrangement to the south of the access after which the access enters the plot of No.20a Riverside Avenue which is a larger individually designed two storey dwelling. The southern boundary of the application site and the existing dwelling abuts Fareham Heights to the south which is a modern industrial estate with car parking along the party boundary.

- 8.5 Given the lack of any uniform arrangement of plots within the area and the secluded nature of the proposed dwelling at the end of the existing access drive, it is not considered that the sub-division of the existing plot or the enlargement of the building would have any detrimental impact on the character or appearance of the surrounding area.
- 8.6 It is not considered that the proposal would result in a cramped form of development. The proposed dwelling is considered to be proportionate in scale to the size of the plot. The existing dwelling would retain ample amenity space to the rear and the proposed dwelling would have its main area of amenity space extending to the south and east measuring 22m in length and between 4-16m in width. It would have a driveway that could comfortably accommodate four vehicles.

c) Impact on Living Conditions of Neighbouring Properties

- 8.7 Policy DSP3 of the adopted Local Plan Part 2: Development Sites & Policies concerns the impact of development on living conditions. It states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.8 Concerns were raised by the occupants of the neighbouring property to the north (No21a Riverside Avenue) that the proposal would have an unacceptable impact on the living conditions within this property by virtue of loss of privacy and loss of light/overshadowing. The application as submitted included a bedroom window within the north flank elevation facing towards the private garden area of this property. As the window would have been within 6m of the garden boundary this was not considered acceptable. In addition, due the difference in levels between the neighbouring property and the application site, Officers were concerned that the proposed dwelling was positioned too close to the boundary and would be an imposing structure when viewed from the neighbouring property and its private garden area.
- 8.9 Amended plans have been submitted which have removed the first-floor bedroom window within the north elevation. The room is served by alternative windows facing to the west (rear) and east (front) which do not overlook neighbouring properties. In addition, the footprint of the dwelling was reduced to move the dwelling an additional 1.5m away from the northern boundary. The proposed dwelling would therefore be set 7m off the boundary and 14m from the nearest point of the neighbouring dwelling. The roof design was also amended to incorporate a barn hip on the gable projecting out towards the northern boundary to reduce the bulk of this element of the roof. In light of this level of separation and despite the ground level changes between the two sites, it is not considered that the

proposal would have an unacceptable impact in terms of loss of light or outlook to the neighbouring property.

d) Highways

8.10 Para 111 of the National Planning Policy Framework (NPPF) advises that;

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.11 In reference to a previous application (P/20/1627/FP) withdrawn in 2021 for the demolition of the existing dwelling and the erection of five dwellings, the Highway Authority previously commented that 'the access is deemed to be substandard to accommodate any increase in dwellings in its current form.' In light of the wording of these comments interested parties have questioned the apparent change in position and further clarification has been sought.

8.12 Hampshire County Council's Highways Engineer considered that as the proposal for a single dwelling would not generate a significant number of additional trips through the existing access, the proposal would not have a severe impact on highway safety and operation. On-site observations confirmed the type of access, where only a single vehicle would be able to access / egress the site at one time. It was considered the additional dwelling would not severely increase the likelihood that two vehicles would meet at the point of access. Riverside Avenue is a cul-de-sac with no high degree of through traffic and with a review on the latest Personal Injury Accident data there was no existing recorded safety issue within the vicinity of the site.

8.13 In comparison it was considered that an additional five dwellings would have had a severe enough impact on the existing access so that if no improvements were made this would become an ongoing safety issue.

e) The impact upon Habitat Sites

8.14 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.

8.15 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.

8.16 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).

- 8.17 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.
- 8.18 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.19 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).
- 8.20 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.
- 8.21 A nitrogen budget has been calculated in accordance with Natural England's *Nutrient Neutrality Generic Methodology* (Feb 2022) ('the NE Advice') and updated calculator (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. The existing use of the land for the purposes of the nitrogen budget is considered to be residential urban land. Due to the uncertainty of the effect of the nitrogen from the development on the PS, 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.
- 8.22 The applicant has reserved 0.8 kg of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm and provided the Council with the completed allocation agreement to confirm. 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.
- 8.23 The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the PS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering The Solent. 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

8.24 In summary it is not considered that the proposal would have any material 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 HS as appropriate mitigation has been secured. The proposal accords with the relevant local plan policies and is recommended for approval.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before 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:

- i) Location Plan, Proposed Site Layout, Proposed Floor Plans & Elevations – drwg No. KALO-0271-P301 Rev E
- ii) Technical Plan – drwg No. KALO-0271-P302 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 (including samples where requested by the Local Planning Authority) 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. The dwelling hereby approved shall not 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. The approved scheme of boundary treatment shall be fully implemented prior to first occupation and 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, in the interests of highway safety and to ensure that the development harmonises well with its surroundings.

5. 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.

6. No development shall proceed beyond damp proof course (dpc) level until details of how one electric vehicle charging point will be provided. The development shall be carried out in accordance with the approved details.

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.

7. Notwithstanding the provisions of Classes A and B 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 or 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 outlook and privacy of the adjacent residents; to ensure adequate car parking provision; To ensure the retention of adequate garden area.

8. 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.

9. The dwelling hereby approved 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.

10. No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 29 July 2022 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Mr Sellwood.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on Habitat Sites.

11. 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.

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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