

P/14/0882/FP

WARSASH

MRS T BROWN

AGENT: MR DAVID NEWELL

PROPOSED TWO BEDROOM DETACHED BUNGALOW TO REAR OF NO. 5 UTILISING EXISTING WIDENED AREAS

5 OSBORNE ROAD - LAND TO REAR OF - WARSASH SOUTHAMPTON SO31 9GJ

Report By

Mark Wyatt - x2412

Site Description

The application site is located off the eastern side of Osborne Road, Warsash. The garden of number 5 is to be subdivided with the site formed from the resultant garden area. Access is to be taken from the northern site boundary of the garden and utilise the existing gravel drive between numbers 3 and 5 Osborne Road serving The Old Smithy. Levels on the site are generally flat and the land laid to lawn. The site is enclosed by a 1.8m closed board fence.

Description of Proposal

The application seeks full planning permission for the erection of one, two bedroomed dwelling on the garden at the rear of number 5. The dwelling is designed with an almost "L" shaped footprint and the roof fully hipped in appearance. The parking will be on the western side of the dwelling in a tandem arrangement and the garden will be orientated to the south.

Policies

The following Guidance and policies apply to this application:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (PPG)

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Development Sites and Policies

DPS1 - Sustainable Development

DSP2 - Design

DSP3 - Environmental Impact

DSP4 - Impact on Living Conditions

DG4 - Site Characteristics

Fareham Borough Local Plan Review

C18 - Protected Species

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

| | |
|----------------------------|---|
| <u>P/95/0689/FP</u> | ERECTION OF DETACHED DWELLING |
| | PERMISSION 23/08/1995 |
| <u>P/96/0813/FP</u> | ERECTION OF DWELLING (ALTERNATIVE TO P/95/0689/FP) |
| | PERMISSION 26/09/1996 |
| <u>P/91/0355/OA</u> | DWELLING |
| | OUTLINE PERM 08/08/1991 |

Representations

Ten letters of OBJECTION received from: 3, 7, 9, 9a, 15, 16, 18, Osborne Road; 8, 16b Church Road; 30 Warsash Road.

- This proposal does not respect the local context and street pattern or the scale and proportion of local surrounding buildings; It would be entirely out of character.
- The character is large plots with large spacing between them. This would be just 5-6m from our boundary fence.
- The proposal would alter the fabric of the area and be "cramming" in what is a low density area
- Very little space is allowed for landscaping leading to gross overdevelopment of the site.
- The design does not afford adequate privacy for the occupants or amenity of neighbours.
- We urge you to consider the responsibilities of the Council under the Human Rights Act in particular Article 1, Protocol 1 which states that a person has a right to peaceful enjoyment of all their possessions which includes home and land. Article 8 gives a right to a private and family life.
- Concerned that the Ecological Survey refers to the site address as 185 Warsash Road and 5 Osborne Road; neither of which is the application site.
- The application is mis-leading; firstly the location plan does not show the full footprint of all buildings such as the extension at number 3. secondly, the form states that there are no trees on the site which is wrong.
- The access route would run within 2-3m of my bedroom window causing significant noise and light pollution. I am most concerned at the amount and level of disruption that this would cause.
- The proposal for double parking for the new development is impractical requiring more manoeuvres most likely resulting in increased on street parking.
- This will be making on street parking problems worse.
- No visitor parking.
- Whilst backland development is getting more common the plots appear to be getting smaller.
- Despite two spaces, the likelihood is that one will park on the road.
- The on street parking already makes the path dangerous for pedestrians.
- During the building phase it is unlikely that the road will be able to cope with all the extra

traffic.

- This is another example of a developer building on a plot that has already been built on.
- This would change the density in Warsash significantly.
- This will set a precedent. Such a precedent was rejected at 10 Church Road.
- The access drive narrows to 3.6m. I thought new developments needed at least 3.8m?
- The plot size of the proposal will be smaller than 1, 3, 9 and 9a.
- This is not an "undeveloped site" but a reasonably sized rear garden.
- The present infrastructure is already struggling to cope.
- The village character of Warsash is being diluted further.

Consultations

DIRECTOR OF PLANNING & DEVELOPMENT:

- Highways: No objection subject to conditions
- Ecology: No objection subject to condition.

Planning Considerations - Key Issues

The key issues for consideration in the determination of the application are:

- The principle for development
- Character of the Area
- Highways
- Amenity
- On site ecology and SDMP
- Trees
- Human Rights
- Other Matters.

THE PRINCIPLE OF DEVELOPMENT:

The site is, for the purposes of the development plan, within the defined urban settlement boundary. Core Strategy policy CS2 (Housing Provision) and policy CS6 (The Development Strategy) are relevant for housing proposals. Additionally policy CS9 (Development in the Western Wards and Whiteley) applies which seeks to provide for housing development (among other things) within the settlement boundary providing the setting of the settlement is protected. The redevelopment of land for housing purposes is therefore acceptable in principle subject to the consideration of the relevant planning considerations.

The National Planning Policy Framework (NPPF) seeks to resist development of residential gardens where it would harm the character of the local area (para 53). Additionally, the NPPF excludes gardens from the definition of Previously Developed Land (PDL) in annex 2.

CHARACTER OF THE AREA:

The immediate character of the area is that of a mixture of dwelling types and styles that generally front onto Osborne Road. There is a strong theme of dwellings set towards the road in otherwise generous (in terms of plot length) sized gardens.

There are occasions however where there is the presence of some back land development. Two of these are referred to in the applicant's submission. The first is immediately adjacent to the application site at The Old Smithy. The second is due south of the site at 9a Osborne Road. In both circumstances, the siting of these backland dwellings is such that they tend to nestle into their surroundings and at no point are they intrusive or harmful to the frontage character of the road.

The application proposal seeks to utilise an existing access; that used by The Old Smithy, such that there will be no new access formed onto Osborne Road that could indicate a further backland dwelling although it is accepted that there will be some widening of the access drive.

Third party representations have referred to a scheme at 10 Church Road, due east of the application site and the matter of precedent. It is a case of each application being determined on its merits in accordance with the provisions of the development plan and other material considerations rather than there being a planning precedent. In any event there are some differences between the two cases. The Inspector, in dismissing the case at 10 Church Road (P/08/0761/FP), found that the restricted width of the plot was one of the features that caused problems. He noted a new driveway over 23m in length and only 2.6m wide coupled with a retained garden for the host dwelling of only 8.3m in depth, the size of the dwelling proposed and the amenity space provided at only 4m deep at its narrowest were matters on which the appeal scheme failed.

This scheme is for the subdivision of the plot to provide a modest two bedroom dwelling. Whilst third party comments have expressed concern at the impact the development will have on the character of the area, the part of the site where the proposed dwelling will stand is not prominent from points accessible to the general public and as such there is some difficulty in demonstrating that the proposal would cause demonstrable harm by virtue of overdevelopment. The proposal would not be unduly conspicuous such that when taken with the existing access being utilised, the proposal is unlikely to be demonstrably harmful to the character and appearance of the area.

HIGHWAYS:

The applicant proposes to widen the existing drive to 4.1m wide for the first 8m in length from Osborne Road so to enable adequate room for vehicles to pass off the highway. Additionally the proposal provides for parking in accordance with the Council's adopted standard.

Third party comments have been critical of the proposed tandem parking proposed and there are suggestions that this would lead to further on street parking along the road. The proposal has been assessed by the Highway Officer and it is considered that the provision of the two tandem spaces and the associated turning area is acceptable.

It is noted that there is the presence of parked vehicles on Osborne Road outside of the site given the proximity of the site to the Warsash Road junction. An Inspector at 203 Locks Road found that "...Although the presence of parked vehicles might impede visibility to a certain degree, this is not unusual in the context of a residential street and there is no evidence to indicate that this would pose a particular hazard in this instance" (para 11, appeal decision P/13/0271/FP).

Given that there is adequate on site parking and turning space, the proposal is considered to be acceptable without an adverse impact upon the safe use of the highway. There is no highway objection to the proposal.

AMENITY:

The proposed dwelling is to stand in the subdivided garden of number 5 Osborne Road. The resultant garden for number 5 is 10m deep at its shortest (11.4m at the longest) and just short of being 10m wide. 13m separates the new building from number 5 itself. These distances, the single storey form of the dwelling proposed and the lack of any fenestration in

the western elevation are such that the proposal is not considered to result in any harm to the amenity of number 5.

The modest height of the proposal (eaves height of 2.2m, ridge height of 5m), the bungalow form of the building, short ridge span (6m) and hipped roof coupled with the 1.8m high closed board fence to the boundary would limit any views to the south over the garden of number 7. Northward, views fall to the access drive and the driveway of The Old Smithy such that there is little identified demonstrable harm from this part of the proposal.

The garden for the dwelling itself measures 9.5m at its longest (7m at the shortest), however the garden is over 14 wide. Appendix 6 of the Local Plan Review indicates that the normally expected garden depth of 11m can be reduced if it is not required for privacy purposes. As a result of the bungalow design proposed it is considered that there is adequate amenity space for the proposed dwelling given the bungalow design proposed and at this depth, the separation is acceptable in not appearing as overbearing or dominant to Number 7.

Concern has been raised at the impact of the additional traffic to the amenity of number 3 Osborne Road. This neighbouring dwelling sits on higher ground to the application site by approximately 0.8m and is enclosed to the south by a mature garden hedge. The outer edge of this hedge (the northern most extremity of the application site) is 2m away from the south wall of number 3. There are two windows affected by the development in number 3 and both serve bedrooms. The first is a window that wraps around the south western corner of the building with primary views to Osborne Road. The second is a south facing window which is an entrance vestibule/lobby to a larger bedroom (with a north facing, garden window) and is currently furnished with a dining room table and chairs.

It is accepted that some windows to bedrooms in the neighbouring property face towards the access drive and as a result the occupants of number 3 will be aware of cars passing approximately two metres away. However these vehicles would be moving on lower ground and along an existing access to The Old Smithy. As a consequence of the topography and the existence of a backland dwelling already (The Old Smithy) it is considered that the vehicle movements involved to and from one additional, two bedroom dwelling, would not be so sufficient to result in an unacceptable level of noise and disturbance to the occupiers of number 3.

It is considered that the proposal would not have a materially adverse effect on the living conditions and amenities of adjacent residential amenities.

ONSITE ECOLOGY AND SOLENT DISTURBANCE MITIGATION PROJECT (SDMP):

The application is supported with a Phase 1 Ecological survey from August 2014. Whilst the report mis-spells the site address on two occasions, the commentary does refer to a walk over survey being undertaken. The Ecologist advising the Local Planning Authority is also satisfied that the content of the survey is acceptable. The site is concluded to be of low ecological value with no protected species likely to be affected.

Policy CS4 (Green Infrastructure, Biodiversity and Geological Conservation) of the Core Strategy sets out that the habitats of importance to the borough, including SPA's will be protected. The policy also proposes that Fareham Borough Council will work with other authorities in the PUSH area to develop and implement a strategy to protect European Sites from recreational pressure. CS4 sets out that developments likely to have an individual or cumulative adverse impact will not be permitted unless the necessary mitigation measures

have been secured.

Emerging policies DSP14 (Supporting Sites for Brent Geese and Waders) & DSP15 (Recreational Disturbance on the Solent Protection Areas) have not been the subject of public consultation yet so the weight attributed to these policies is minimal. However, under the Habitat Regulations 2010, the Local Planning Authority has a legal requirement not to adversely affect the integrity of the SPA.

Recently gathered evidence by Natural England demonstrates that new development can reduce the quality of the habitat in the Solent SPA's. Any development that would result in an increase in the local population may have an impact either alone or in combination with other development on the coastal habitat. Development can increase the population at the coast and thus increase the level of disturbance and the resultant effect on the SPA's conservation objectives.

Subject to appropriate mitigation being secured the development is acceptable in terms of any impact on the important coastline designations.

TREES:

On the site there are a number of small fruit trees and a conifer tree that are not worthy of retention. However in the south eastern corner is a mature Ash tree. Whilst this tree has some presence in the rear garden of number 5 and the gardens of the immediate neighbours, the tree has limited amenity value from the public realm such that the tree is not of such a specimen that it would warrant protection by virtue of a tree preservation order. However, the tree is shown on the site layout and is therefore expected to be retained. As such a condition requiring tree protection is included as part of the recommendation.

HUMAN RIGHTS:

Third parties have referred to the fact that this application would breach their human rights. The Human Rights Act takes into English Law provisions of the European Convention on Human Rights (ECHR) which protects human rights and fundamental freedoms. It sets out the rights of every person and the limitations placed on these rights in order to protect the rights of others and the wider community.

The planning process respects the rights of the individual whilst acting in the wider public interest. In general the process of determining applications by the Borough Council involves the assessment of the effect the development proposal will have on individuals and balances that against the wider public interest. Any interference with individual rights must be in accordance with law and be proportionate.

In this case the means of access and the layout of the site would be compliant with the standards set out in the development plan. The Local Planning Authority has balanced the consideration of the rights of neighbouring individuals against the interests of the wider community and wider public interest. Any interference with the rights of the individuals affected by the grant of planning permission is in accordance with law and proportionate.

OTHER MATTERS:

Neighbouring comments have highlighted the fact that the applicants location plan does not depict the existing form of some neighbouring buildings. The Applicant has submitted an acceptable block plan which is produced under Ordnance Survey copyright. The applicant has no ability to enter third party land to check accuracy of the block plan or to survey adjoining properties. It is considered that the application site is accurately plotted and

surveyed.

CONCLUSIONS:

The site is within the settlement boundary and the principle of the development is therefore acceptable. The proposed bungalow is not considered to cause demonstrable harm to the character of the area nor the amenity of neighbouring dwellings. Any impact on the Special Protection Areas can be mitigated by financial contribution.

Recommendation

DELEGATE to the Head of Development Management to secure the necessary mitigation towards the Solent Disturbance Mitigation Project and then:

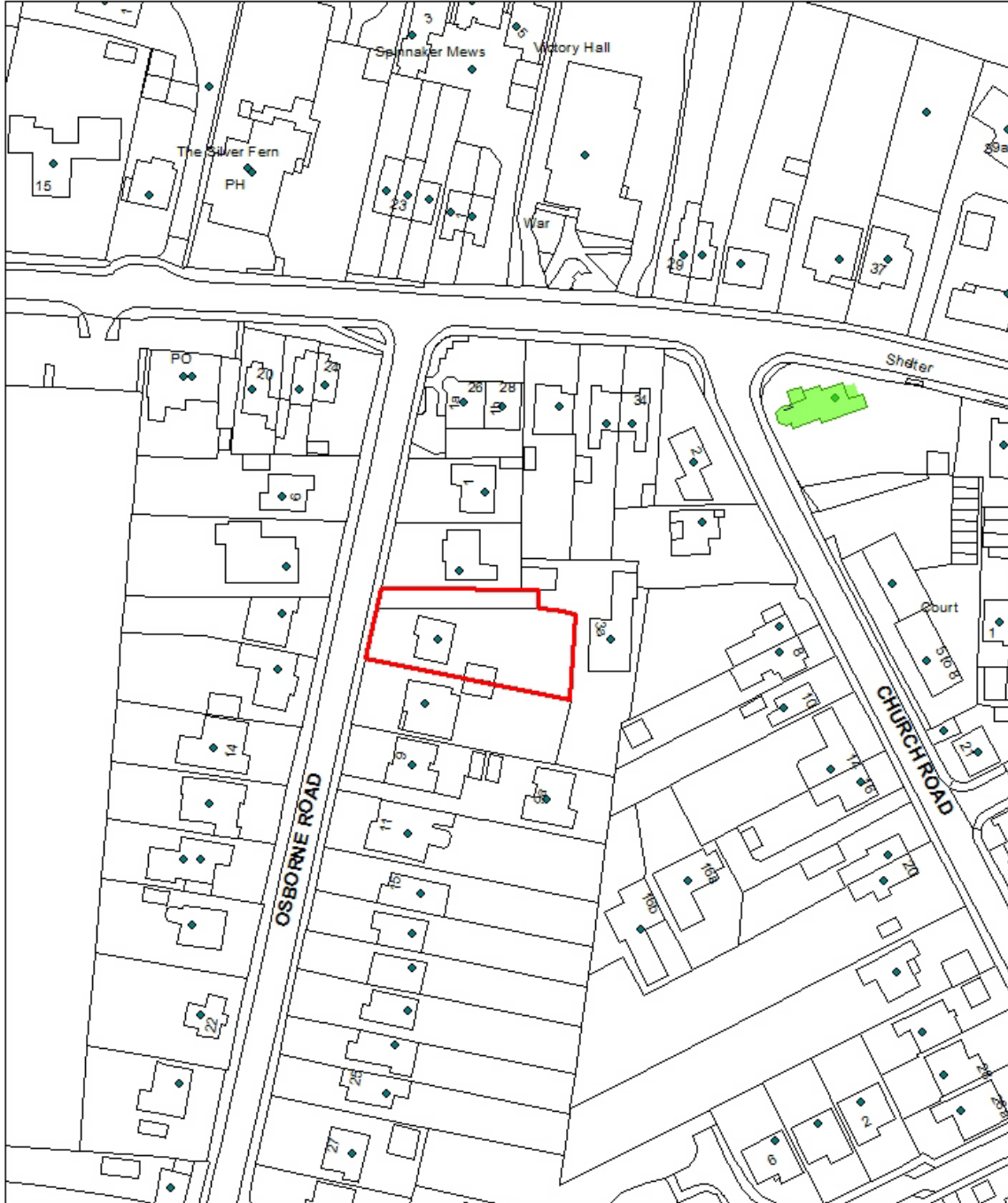
PERMISSION subject to conditions: start within 3 years, in accordance with approved plans, material samples, parking and turning provided on occupation, bin and cycle store prior to occupation, access provided by occupation, visibility splays, tree protection, biodiversity enhancements, code level 4 standard.

Background Papers

see "relevant Planning History" above

FAREHAM

BOROUGH COUNCIL



5 OSBORNE ROAD
SCALE: 1:1,250

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