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28 March 2013

## **S U M M O N S**

**MEETING:** Regulatory Board  
**DATE:** 9 April 2013  
**TIME:** 6pm  
**PLACE:** Council Chamber  
**Democratic Services contact:** Vicki Stone

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

The Mayor (Councillor Dickson) (ex officio)  
Chairman of the P and O Board (Councillor Hook) (ex officio)

Councillor Ronayne(Chairman)  
Councillor Carter CR (Vice Chairman)

Councillor Ms Ballard	Councillor Henshaw
Councillor Beavis	Councillor Mrs Hook
Councillor Ms Diffey	Councillor Jessop
Councillor Farr	Councillor Langdon
Councillor Gill	Councillor Wright

### **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm being activated, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**Legal Democratic and Planning Services:** Linda Edwards – Borough Solicitor  
Switchboard Telephone Number: **(023) 9258 4242**  
Britdoc Number: **DX136567 Gosport 2** Website: **www.gosport.gov.uk**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:**

- i. Councillors are requested to note that, if any Councillor who is not a member of the Board wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

**AGENDA**

Recommended  
Minute Format

**PART A ITEMS**

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

*All Members present are reminded to declare, at this point in the meeting or as soon as possible thereafter, any disclosable personal interest in any item(s) being considered at this meeting*

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 5 MARCH 2013

4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday, 5 April 2013. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon Friday, 5 April 2013).*

6. REPORTS OF THE BOROUGH SOLICITOR

*Schedule of planning applications with recommendations.  
(grey sheets – pages 1-16)*

7. ANY OTHER ITEMS

PART II  
Contact Officer:  
Debbie Gore  
Ext: 5455

## **GOSPORT BOROUGH COUNCIL – REGULATORY BOARD**

**9th April 2013**

### **ITEMS WITH RECOMMENDATIONS**

1. Copies of drawings and accompanying planning applications referred to in this schedule will be made available for inspection by Members from 5.00 pm immediately prior to the meeting. Unless otherwise advised, these plans will be displayed in the room in which the Regulatory Board is to be held.
2. The number of objections and representations indicated in the schedule are correct at the time the recommendations were formulated. Should any representations be made after this date, these will be notified to the Regulatory Board during the officer presentation.
3. Copies of all representations received from the public will be made available for inspection by Members in the same way as drawings will be made available, referred to in Note 1 above.
4. An index of planning applications within this schedule can be found overleaf, together with a summary of each recommendation.

<u>Item</u>	<u>Page</u> <u>No</u>	<u>Appl. No.</u>	<b>INDEX</b>	
			<u>Address</u>	<u>Recommendation</u>
01.	3	11/00366/FULL	4A Prideaux-Brune Avenue Gosport Hampshire PO13 0UE	Grant Permission
02.	6	12/00499/FULL	Land Adjoining 24 Ashburton Road Gosport Hampshire PO12 2LJ	Grant Permission

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 11/00366/FULL**  
**APPLICANT: Mr Bradley Hunt**  
**DATE REGISTERED: 05.08.2011**

**RETENTION OF AND FURTHER WORKS TO ERECT A DETACHED OUTBUILDING**  
**(amended material details received 22.11.12)**  
**4A Prideaux-Brune Avenue Gosport Hampshire PO13 0UE**

***The Site and the proposal***

This application was considered by the Regulatory Board on 5 March 2013 when Members resolved to defer it for a site visit.

The site is located on the west side of Prideaux-Brune Avenue and consists of a red brick detached house with a front garden, which is primarily a parking area. There is a pedestrian access on the north side of the property leading to the rear garden which has a tapered northern boundary. The garden is approximately 7.9 metres wide adjacent to the house and 3.8 metres wide at the rear boundary. There is an existing outbuilding, which is partially enclosed, that is described by the applicant as a 'gazebo'. This has a pitched roof approximately 3 metres high and is located 3.5 metres from the rear elevation of the house.

The neighbouring properties to the south are a pair of semi-detached properties with gardens that run parallel with the application site. Number 6 Prideaux-Brune Avenue has an existing shed which has a roof height, of approximately 2 metres. The garden of number 4 to the north runs parallel to the application site, finishing part way along the boundary, with the remainder of the application site bordered by the rear boundary of number 1 Bridgemary Grove. To the west of the site is a parking court which, until recently, included garage blocks, with a 1.8 metre high fence forming the rear boundary of the application site. Number 3 Bridgemary Grove to the northwest of the site has a detached garage accessed from the parking court which is approximately 3 metres high, with a flat roof.

This application is for the retention of a detached outbuilding located towards the western end of the rear garden beyond the 'gazebo'. The building, which is largely complete, although not clad yet externally, has a tapered northern boundary to run parallel with the existing garden fence. The building is set in from the side boundaries by approximately 0.5 metres, 1.8 metres from the rear boundary and over 5 metres from the other existing outbuilding (the gazebo). It is 7 metres long on its southern boundary and the east elevation is 4.3 metres, being its widest point. The building has a pitched roof which is 2.3 metres high to the eaves and 3 metres high to the ridge, which runs east to west. The original proposal was to clad the outbuilding in brick, however, revised details have been provided and the proposal is now to clad the building in cedar boarding.

***Relevant Planning History***

Nil

***Relevant Policies***

Gosport Borough Local Plan Review, 2006:  
R/DP1  
General Standards of Development within the Urban Area

***Consultations***

Nil

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## **Response to Public Advertisement**

1 petition of objection containing 4 signatures from 4 addresses.

Issues raised:-

- structures cover over 50% of rear garden area
- building is of excessive height and footprint and should be reduced in size
- results in poor outlook for occupiers of 1 Bridgemary Grove
- appearance is inappropriate
- insufficient room to erect brick walls
- insufficient space around the building for maintenance, which could attract vermin
- concern over run off from roof and due to area of garden covered in hard surface
- although located at the bottom of the garden the statement is misleading as it extends almost halfway into the garden
- description by applicant in respect of the buildings location and that of the existing 'gazebo' is misleading and its use can cause excessive noise at times until the early hours of the morning
- unclear whether use would be for business activities.

### **Principal Issues**

1. The use of the existing 'gazebo' and any noise generated from it, where the activities are associated with and ancillary to, the lawful use of the residential property, are not matters that can be considered under this planning application. The applicant has not indicated any intention to use the building, the subject of this application, for business purposes and there is no evidence of such use of either this building or the 'gazebo'. Any business activities undertaken in either building may result in a material change of use of the property, which may require planning permission. Although the building is sited close to the boundaries of the neighbouring properties, any issues of access or maintenance are a private matter between the applicant and interested parties. The main issues are therefore whether the proposal would have a detrimental impact on the character and appearance of the property and surrounding area and on the amenities of the occupiers of neighbouring properties.

2. Under 'permitted development' allowances it would be possible to erect a 2.5 metre high outbuilding in this location without the need for planning permission. This is provided the total area of all structures at the property does not cover more than 50% of the total curtilage (garden area). In this case the rear garden has an area of approximately 129 square metres, with the front/side garden being 47 square metres (total 176 square metres). The combined footprint of the two buildings, being approximately 44 square metres, is less than 50% of the rear garden alone. If this building had been constructed at a height of 2.5 metres, or was reduced to that height, planning permission would not be required and this is a material consideration in the determination of this planning application.

3. The maximum height of the building, as erected, is 0.5 metres over the 'permitted development' allowance noted above, with the eaves being 0.2 metres below this threshold. It is also worth noting that the eaves of the building would be 0.3 metres above the maximum 'permitted' fence height of 2 metres. Whilst the concerns of the neighbours in respect of the overall size and footprint are noted, the maximum height of the building is not significantly over the permitted height allowances and the impact is reduced as the pitched roof slopes away from the boundaries. The building is located at the rear of the garden and is a minimum of 12 metres from the closest house. Buildings of this height and footprint, in the forms of sheds and garages, are not uncommon in rear garden locations, which is evident from the existence of the 3 metre high flat roofed garage at number 3 Bridgemary Grove. Having regard to the building's design and location, it is not considered to have an excessive footprint or height and is considered an acceptable building in this rear garden location in compliance with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. Having regard to the orientation of the properties there may be some minor shadowing of the ends of the gardens of 1 Bridgemary Grove and 4 Prideaux-Brune Avenue to the north, however, due to the height of the building, roof form and the distance from the adjacent houses, the proposal does not have a harmful impact on the amenities of the adjacent occupiers, in terms of

overshadowing, or outlook, and as this is a single storey building where there are no side windows and the window to the rear faces onto an existing 1.8 metre high fence, there would be no loss of privacy. The proposal would therefore be in compliance with Policy R/DP1.

5. It was accepted by the applicant that it would be difficult to implement the brick cladding to the building and therefore the alternative now proposed is to clad the building in cedar boarding. This material is of traditional appearance and is appropriate for a garden building and is considered to be acceptable in this location. A condition requiring the cladding to be applied within 6 months is proposed to ensure that the appearance of the building is improved in this respect. With regard to the issue of water run-off, the building is set off the boundary by 0.5 metres and the area around the building is permeable being soil/grass. There is no evidence of water run-off causing issues in the adjoining properties and should this become an issue it would be a matter for the applicant/owner to resolve in consultation with the neighbouring occupiers, if this can be attributed back to the building. In conclusion, the development, as proposed, would not have an unacceptable impact on the amenities of the neighbouring occupiers, or the character and appearance of the property or surrounding area and as such complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

**RECOMMENDATION: Grant Permission**

**Reason(s) for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed would not have an unacceptable impact on the amenities of the neighbouring occupiers, or the visual amenities of the area and as such complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

**Subject to the following condition(s):-**

1. The building hereby permitted shall be clad with cedar boarding, in accordance with the details received on 22.11.12, within six months of the date of this decision.

Reason - In the interest of visual amenity, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.



**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: 12/00499/FULL**  
**APPLICANT: Mr & Mrs J Knott**  
**DATE REGISTERED: 20.11.2012**

**ERECTION OF 1 NO. THREE BEDROOM DETACHED DWELLING, DETACHED GARAGE, GARDEN STORE AND ASSOCIATED CAR PARKING AND LANDSCAPING (CONSERVATION AREA) (as amended by plans received 26.03.13 and amplified by letters received 21.01.13 and 18.02.13)**  
**Land Adjoining 24 Ashburton Road Gosport Hampshire PO12 2LJ**

### ***The Site and the proposal***

The application site is located on the northern side of Ashburton Road, within the Urban Area, as defined by the Gosport Borough Local Plan Review. The majority of the site falls within the Anglesey Conservation Area and the northern 5.5m of the site is within the Alverstoke Conservation Area. The site is also within Flood Zones 2 and 3. The site varies in depth between 30m and 35m and is 18.5m wide where it adjoins Ashburton Road. The site is mainly laid to lawn and steps down in level from the road to the northern end of the site, which is approximately 1.5m lower than the road. There is an existing dropped kerb from Ashburton Road which serves the application site and also provides a secondary vehicular access to the rear of 7 Coward Road.

Number 7 Coward Road is a detached, two storey, dwelling whose rear elevation is set off the northern boundary of the application site by 4.5m. To the east of number 7 is the rear garden of 3 Coward Road, a property whose side elevation is adjacent to a detached building located in the north eastern corner of the curtilage of 24 Ashburton Road. Number 24 is a three storey, semi-detached, property with a semi-basement to the rear. This property is situated 4.5m away from the application site boundary and contains two kitchen windows in its semi-basement, secondary lounge and dining room windows on the ground floor and a secondary bedroom window on the first floor in the elevation facing the application site. Immediately to the west of the application site is number 26 Ashburton Road which is a two storey, semi-detached, dwelling that has a two storey side extension built up to the common boundary and a landing window overlooking the site in its recessed side elevation. Numbers 23 and 25 are located on the opposite side of Ashburton Road to the south, in excess of 20m from the front of the application site. The application site contains two mature trees at the northern end and is bounded by a combination of 1.8m high fencing, 2m high walls and a 1.8m high trellis. The side boundary treatment steps down towards the rear of the site due to the changes in ground level. There is a 1.5m high brick wall forming the southern boundary of the site with a timber five bar gate in the south western corner that demarks the existing access.

The application site is located between a very distinct pattern of late Victorian development to the east and two storey semi-detached inter-war housing to the west. The buildings to the east vary between two storeys and three storeys in height, some with semi-basements. The character of these buildings reflects the architectural conventions of their time and varies between Neo-Classical and Gothic, with appropriate detailing. The buildings to the west of the application site are typical of inter-war suburban development and have hipped roofs and projecting bays to the ground floor. There is an example of a more modern dwelling that picks up some of the recurrent themes of the street on the southern side of Ashburton Road at number 11a (permitted under Ref. K15064/2 in 2002).

It is proposed to erect a three storey, three bedroomed, detached dwelling on the site, with a detached single garage alongside the western boundary together with associated vehicular manoeuvring areas and landscaping. The proposal also includes the erection of a garden/cycle store to the rear of the proposed dwelling, adjacent to the eastern boundary. The detached building in the north eastern corner of number 24 Ashburton Road would be retained within that curtilage. The existing access to the application site would be retained, however, the secondary access through to 7 Coward Road to the north would be closed.

The proposed dwelling would be set back from the highway by 5.3m, 1m further back than the adjacent dwellings to the east and west. It would be set off the eastern boundary with number 24 by 1.5m and the western boundary by 7.8m. The dwelling would be generally square shaped and would be 10.2m wide and deep. At ground floor level, the north western corner would have a further square section that extends 2.4m beyond the side elevation and 2.3m beyond the rear elevation. The three storey rear elevation of the main dwelling would not project beyond the rear elevations of numbers 24 and 26 Ashburton Road, however, the further single storey square section would project 2.5m beyond the rear of number 26. A rear garden with a depth in excess of 14m would be provided. The rear elevation of the proposed dwelling would be approximately 28m away from the rear elevation of number 7 Coward Road. The ground floor level would be 3.9m Above Ordnance Datum (AOD).

The proposed dwelling would have a maximum height of 9.5m when viewed from Ashburton Road, which would be 4.5m higher than the eaves of number 26 Ashburton Road to the west, 3.2m higher than the height of the two storey extension of that dwelling along the common boundary and 1.1m higher than the overall height of that dwelling. The proposed dwelling would be 0.6m below the eaves height of number 24 Ashburton Road to the east and 4.2m lower than the overall height of that property.

The proposed dwelling would have a contemporary, modern, design with a mono-pitched, 'floating', zinc roof. It would be finished in off-white render, highlighting the art-deco influences of the design, with sections of cladding to all elevations, built over a buff brick plinth. The asymmetrical dwelling would have inset sections to provide articulation to the elevations and would have an upper floor, south facing, inset roof terrace area with the floating roof over. The front elevation (south) would also contain a two storey, forward projecting section denoting the location of the main entrance to the dwelling. There would be a number of windows in each elevation, which would be dark grey aluminium. The trees at the northern edge of the site would be retained.

Originally it was proposed to have nine windows in the western elevation, with four at first floor level, two first floor windows in the eastern elevation and an opening in the southern elevation on the roof terrace area constructed using glass bricks. However, amended plans have been received which show changes to the windows and design to address privacy, design and access concerns raised during the public consultation period. The application now proposes four windows in the western elevation with one at first floor level, which would wrap around the south western corner of the dwelling and serve a bedroom. The windows that serve habitable rooms in the eastern elevation have been omitted, leaving two vertical windows serving the staircase. The changes also include the glass bricks of the opening on the roof terrace being replaced with a window and a reduction in the amount of inset sections and cladding on the side elevations, to simplify the design of the dwelling.

The amended plans also show a widening of the existing access from 2.8m to 4.4m to provide greater visibility when exiting the site. The front boundary wall to Ashburton Road would be retained. There would be an 18m deep parking/vehicular manoeuvring area forward of the garage and the area to the rear of the dwelling would be landscaped to provide a 2.4m deep terraced area that would not project beyond the square section on the north western corner of the dwelling.

The proposed single garage would be located alongside the western boundary and would be sited 2.4m beyond the rear of the square section on the north western corner of the dwelling, which would be 4.8m beyond the rear elevation of the main dwelling and the rear elevation of the side extension of number 26. It would be 3.5m wide and 6m deep. It would have a shallow, mono pitched, roof, 3 metres in height and would be finished in render to match the main dwelling.

The garden/cycle store would be located alongside the eastern boundary, 4m to the rear of the main dwelling. It would be 4.5m deep and 2.5m wide and would have a shallow, mono pitched, roof 3.1m in height, with a 1.7m wide overhang on the western side. This garden/cycle store would be finished in cladding to match the main dwelling.

Residential development on the site has been accepted in the past with the granting of both outline and full planning permissions. These consents, however, have not been implemented and have now lapsed. The most recent planning application on the site, in 2008 (Ref. K5856/4), was for the erection of a more traditionally designed dwelling that was refused on the basis that the proposal was inappropriate in design terms and would have had a detrimental effect on the character and appearance of the Conservation Area and would have resulted in a harmful loss of privacy to the occupiers of the neighbouring occupiers. Flood risk was also not suitably addressed.

This application is supported by a Design & Access Statement, a Flood Risk Assessment and a Tree Survey.

Supporting statements have been submitted by the applicant following the concerns raised during the public consultation period which clarify the historic use of the existing access to the site and provides justification of the proposed changes to this access.

### ***Relevant Planning History***

K5856 - erection of 2no. 2/3 storey houses with integral garages - permitted 28.07.67

K5856/1 - outline application - erection of detached dwelling - permitted 06.04.82

K5856/4 - erection of detached house with semi-basement (Conservation Area) - refused 10.10.08

### ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/H4

Housing Densities

R/BH1

Development in Conservation Areas

R/T11

Access and Parking

R/DP3

Provision of Infrastructure, Services and Facilities

R/T4

Off-site Transport Infrastructure

R/OS8

Recreational Space for New Residential Developments

R/OS13

Protection of Habitats Supporting Protected Species

R/ENV5

Contaminated Land

### ***Consultations***

Natural England

No objection. The application does not appear to fall within the scope of the consultations that Natural England would routinely comment on. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority to fully take account of the environmental value of this site in the decision making process, the Local Planning Authority should seek the views of their own ecologists when

	determining the environmental impacts of this development.
Environmental Health	<p>No objection. The construction work should be undertaken in accordance with the BRE Pollution Control Guide - Controlling particles, vapours and noise pollution from construction sites (2003).</p> <p>All work operations that result in noise being audible at the site boundary, shall only be undertaken between the hours of 08.00 - 18.00hrs Mondays to Fridays and 09.00 - 13.00hrs on Saturdays with no noisy operations being undertaken on Saturday afternoons, Sundays or Bank Holidays.</p> <p>Smoke and dust on site should be controlled so as not to cause a nuisance to neighbouring premises or Local Air Quality.</p> <p>The site has been identified as being adjacent to "Former Military Land" and has been prioritised as "moderate-high risk" for land contamination. Should any contamination be encountered during the construction phase, therefore, all work should cease immediately and the Council should be contacted immediately.</p>
Streetscene Parks & Horticulture	No objection.
Local Highway Authority	No objection. The amended access to the site is satisfactory. Ashburton Road is an unclassified carriageway and, as such, it is not necessary for vehicles to be able to enter, perform a turning manoeuvre and exit the site in a forward gear. Therefore, the proposed parking and manoeuvring arrangements are acceptable. It is noted that it is proposed to include a garden store with cycle parking provision and, as such, the size of the proposed garage is considered adequate for parking of vehicles associated with the property. A transport contribution in accordance with Hampshire County Council's Transport Contributions Policy will be required.
Streetscene Waste & Cleansing	Bin requirements will be 240 litre domestic and 240 litre recycling wheeled bins. There is adequate storage for bins which will need to be placed out adjacent to the kerb for collection.
Environment Agency (Hants & IOW)	No objection, in principle, to the proposed development in terms of flood risk, subject to the imposition of appropriate conditions

	<p>related to the finished floor level of the dwelling and other flood protection measures.</p>
<p>The Gosport Society</p>	<p>The principle of development on this site has already been established with the previous application Ref. K5856/4, however, that application was refused on the grounds of design, height and mass in the streetscene, and the wider Conservation Area.</p> <p>There are no other 'modernist; designed buildings in Ashburton Road and to our knowledge, none in the wider Anglesey Conservation Area, and although the recent National Planning Policy Framework states that policies 'should not stifle innovation' it also states that policies should 'promote or reinforce local distinctiveness'. The proposed 'modernist' design shows a geometric, asymmetric, flat roof style without any feature linking it to the other more traditionally designed buildings nearby, and therefore, in our opinion, does not 'promote or reinforce local distinctiveness'.</p> <p>In conclusion this application is not compatible with the 'Saved Policies' of Gosport Borough Council Local Plan Review May 2006 Policy R/BH1 with particular reference to (i and iv) in that the design does not respect the historic character or appearance of the Anglesey Conservation Area.</p>
<p>Building Control</p>	<p>Building Regulations approval required. Trees may affect foundation depth/design.</p>
<p>Coastal Partnership (Havant, Portsmouth And Gosport)</p>	<p>No objection, subject to appropriate mitigation measures related to the finished floor level of the dwelling and other flood protection measures.</p>
<p>HCC Ecology</p>	<p>No objection. There are unlikely to be significant adverse impacts to biodiversity from this application. However, the work will require some level of vegetation clearance. This may potentially affect nesting birds, which are legally protected under UK law.</p> <p>Additionally, while the area is laid to lawn, there may be small areas of habitat suitable for supporting slow worms (also legally protected), which can typically be found in larger residential garden plots in areas such as compost heaps, piles of dead vegetation / logs etc. around boundaries. Therefore, a suitable informative should be added to any</p>

**Response to Public Advertisement**

7 letters of objection (to original plans)

Issues raised:-

- the design is too modern and is out of character with other dwellings on Ashburton Road
- the flat roof is out of keeping with the area
- the modernistic style building will look incongruous
- design and layout would be out of keeping with the established form and pattern of development in the area
- the modern design would have a detrimental effect on the character and appearance of the Anglesey Conservation Area
- whilst the site is appropriate for a new dwelling and the size and position is appropriate, the design would be obtrusive and unsympathetic to the streetscene of Ashburton Road
- granting permission for such a modern design in this location would disregard the principles of Conservation Areas
- proposal would dominate the Conservation Area for all the wrong reasons
- the dwelling will be too high
- the style of the property does not link between the two adjacent properties
- front balcony will overlook windows of number 23 Ashburton Road
- loss of privacy to number 26 Ashburton Road
- loss of outlook to number 26 due to position of proposed garage
- Flood Risk Assessment does not consider effect on surrounding properties
- proposal is not significantly different from previously refused application on the site
- concerns regarding content of Design & Access Statement

1 letter of objection (to amended plans)

Issues raised:-

- design and layout would be out of keeping with the established form and pattern of development in the area and would harm the Conservation Area
- loss of privacy
- Flood Risk Assessment does not consider effect on surrounding properties
- mass of the property is unchanged from previous application on the site
- the existing access to the site from Ashburton Road is rarely used and its use as a main access would have a major impact

**Principal Issues**

1. The site is located within the Urban Area Boundary where the principle of residential development is acceptable provided that the details of the application accord with the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan Review. Within the NPPF, a key objective is that Local Planning Authorities, when determining planning applications, give weight to outstanding or innovative designs which help raise the standard of design in the respective area. Furthermore, paragraph 60 of the NPPF states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness". The Local Planning Authority is required to determine the application on the basis of the submitted plans and its individual merits. The information accompanying the application has been submitted with the intention of supporting the application, nevertheless, the application forms and plans are of adequate detail and the plans show the relationships between the properties, and, in conjunction with the Officer's site visit, are sufficient to enable this application to be determined. Therefore, the main issues in this case are the acceptability of the proposed development in terms of its design and the impact on the character and visual amenity of the locality, whether the proposal preserves or enhances the character and appearance of the Anglesey and Alverstoke Conservation Areas, the impact on the amenities of nearby and prospective residents, the adequacy of access and parking arrangements and the provision for cycle parking, refuse storage,

open space and highway infrastructure improvements, the interests of nature conservation, land contamination and flood risk.

2. Whilst the density of the proposed development is 16 dwellings per hectare (dph) and falls outside of the general range of 30 to 50dph stated within Policy R/H4 of the Gosport Borough Local Plan Review, there is provision within that Policy to consider allowing a lower density in appropriate circumstances, such as within Conservation Areas. At present, the application site forms a 'natural break' in the streetscene between the smaller scale red brick, two storey dwellings to the west and the rendered, three storey, dwellings to the east. Given this unusual arrangement on the northern side of the road, it is considered that this is a location where it could be appropriate for a single, contemporary, dwelling to provide a transition between the differing property styles and scales adjacent to the site. The proposed dwelling would be set back by an appropriate distance and the existing access to the site would be retained. In terms of its rhythm within the streetscene, the dwelling would be sited appropriately between the plots to the east and west and the overall height of the proposed dwelling would not exceed the height of the eaves of number 24 to the east and would only 1.1m higher than the overall height of number 26 to the west. Therefore, it is considered that the proposed dwelling would have a suitable mass that would not overpower the dwellings to west and not compete, in visual terms, with the dwellings to the east. The two storey, forward projecting, section on the front of the dwelling picks up on the projecting bays of the neighbouring dwellings, but treats the detail in an appropriately modern way. The differing architectural and window detailing complements the proportions found on the adjacent properties, notably with the vertical emphasis of the windows and form of the dwellings to the east and the more horizontal emphasis of the windows and dwellings to the west both being represented in the proposed design on either side of the forward projecting section of the proposed dwelling. The application proposes high quality materials that further serve to act as a link between the properties to either side. The rendered finish of the proposed dwelling is reflective of the dwellings to the east and the retention of the brick boundary wall forward of the dwelling serves to add continuity from the dwellings to the west and helps to lessen the visual impact of the dwelling in this location. The shallow mono-pitched roof is appropriate for a dwelling of this contemporary design. The roof and window materials compliment the design of the dwelling and are appropriate to this context. The proposed garage and garden/cycle store are both proposed to be constructed using matching materials and form and are acceptable in design terms in the context of the site and proposed dwelling. A condition is proposed to ensure the existing trees on the northern edge of the site will be retained and protected during the works. Overall, the proposed dwelling has an innovative design which promotes the distinctiveness of the locality by incorporating the appropriate architectural features of the neighbouring properties without competing with or mimicking earlier styles. Previous attempts to introduce a dwelling of more traditional design on the site have been unable to successfully address the differing property styles to the east and west. It would be difficult to design a traditional dwelling on this site that would be reflective of the adjacent architectural styles, however, this is possible with a contemporary design. The unique attributes of the site and mixed character of the locality are such that the proposed design is an appropriate approach in this instance, a view which is shared by the Head of Conservation & Design. The proposed development is an example of high quality contemporary design on a site that has the potential for such. For the above reasons and given the quality of the design and the proposed materials, which would be controlled by condition, the proposal would not harmfully impact the character and visual amenity of the locality and would enhance the character and appearance of the Anglesey Conservation Area in which the dwelling would be sited and would preserve the character and appearance of the Alverstoke Conservation Area, located towards the rear of the site. As such, the development complies with the NPPF and Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

3. Whilst the development proposes a second storey roof terrace, due to the orientation of and separation distances between the properties and relationship across a highway, the development would not have a harmful impact on the amenities of the occupants of the dwellings on the opposite side of Ashburton Road to the south. The application has been amended to remove all but one window in the upper floor of the western elevation. Given the position of this remaining window, together with the forward position of the roof terrace and the siting of the proposed dwelling relative to number 26, which has no habitable windows in its opposing elevation, the proposed dwelling

would not have a harmful impact on the amenities of the occupants of that dwelling, particularly given the location and scale of the side extension at number 26 and the oblique angle between the upper floor window in the proposed dwelling and the most private areas of the rear garden of number 26. In addition, the location and height of the proposed garage and the intervening boundary treatment is such that the garage would not have a harmful impact in terms of loss of light or outlook. With regard to number 24 to the east, the proposed dwelling would not project beyond the rear elevation of this property and would be set off the flank elevation by 6m. Furthermore, having regard to this separation distance between and orientation of the properties in addition to the absence of windows to habitable rooms in the eastern elevation of the proposed dwelling, the development will not have an unacceptable impact on the amenities of the occupiers of number 24, or the prospective occupiers of the proposed dwelling. Given the approximate 28m distance between the proposed dwelling and the properties to the north, together with the position of the detached building associated with number 24, and the retention of the trees on the northern edge of the site, there would be no harmful impact upon the occupiers of those dwellings. Therefore, the development would not have a harmful impact in terms of loss of light, outlook or privacy and is in compliance with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The proposed dwelling would utilise an existing access from Ashburton Road that has served number 7 Coward Road to the north for a number of years. The existing through access to 7 Coward Road would be closed and the existing access from Ashburton Road utilised for the proposed dwelling. The closing of the secondary access to 7 Coward Road would not significantly increase traffic movements in Coward Road. This new, single, dwelling on the site would be serviced from this existing access, which is located alongside the existing access and integral garage of number 26 Ashburton Road and would not result in an unacceptable level of disturbance to the adjacent occupiers. The plans have been amended to provide a wider access to aid visibility when exiting the site. Car ownership within the Alverstoke ward averages 1.31 cars per household. The development provides both a detached garage and space to park at least two further cars on the site. Therefore, the development is unlikely to result in significant overspill parking in the local road network, to the detriment of pedestrian or highway safety. The vehicular movements associated with a three bedroom dwelling are unlikely to have a harmful impact on the traffic characteristics of the locality. Adequate facilities are shown for bicycle parking within the garden store and areas for the storage of refuse bins to the rear of the garage, the retention of which can be controlled by condition. The existing off-street parking arrangements for number 24 would be retained on that site. A condition is proposed to limit the timing of the works to prevent unacceptable disturbance to neighbouring residents during the construction period. Given the above, the proposal, would not harm highway or pedestrian safety, or be harmful to residential amenity, in compliance with Policies R/DP1 and R/T11 of the Local Plan Review.

5. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, in accordance with Policy R/OS8, and payment of a sum towards transport infrastructure, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review, for the additional dwelling. Without this obligation the proposal is unacceptable.

6. Whilst the proposal will require some level of vegetation clearance on the site, the application site is of little ecological value. An Informative is proposed to ensure that any harmful impact upon any habitats present on the site is addressed through the implementation of suitable measures during construction, if necessary. The proposal would, therefore, not harm the nature interests of the site or the surrounding area, in compliance with Policy R/OS13 of the Gosport Borough Local Plan Review.

7. The application site has been identified as being as being as "moderate-high risk" for land contamination. A planning condition is proposed to require a suitable remediation strategy to be agreed with the Local Authority to ensure that practicable and effective measures are provided to treat, contain or control any land contaminants that are discovered during construction on the site. Given the above, and subject to this condition, the proposal would not expose the occupiers or surrounding neighbours to an unacceptable contamination risk, in compliance with Policy R/ENV5 of the Gosport Borough Local Plan Review.



8. The application is supported by a Flood Risk Assessment which concludes that the development would be safe and would not increase Flood Risk elsewhere. Measures by which the residual flood risk can be managed on this site, which include the setting of the ground floor level 0.8m over the current 1 in 200 year flood prediction for the area (3.9m AOD) and flood protection measures being integrated into the construction of the dwelling are proposed and would ensure that the Flood Risk is effectively managed on the site. These can be controlled by condition. Given the above, and subject to the aforementioned conditions, the proposal is in compliance with the NPPF.

**RECOMMENDATION: Grant Permission**

Subject to Section 106 agreement relating to

1. The payment of a commuted sum towards the provision and/or improvement of outdoor playing space.
2. The payment of a commuted sum towards the provision of transport infrastructure.

**Reason(s) for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed development is acceptable in this location. It is acceptable in design terms and will not have a harmful impact on the character and visual amenity of the area. It will preserve the character and appearance of the Alverstoke Conservation Area and will enhance the character and appearance of the Anglesey Conservation Area and will not have a harmful impact on the amenities of nearby or prospective residents or the interests of nature conservation. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage and appropriate measures are in place to manage land contamination and flood risk. As such the development complies with the NPPF and Policies R/DP1, R/BH1, R/H4, R/T11, R/DP3, R/T4, R/OS8, R/OS13 and R/ENV5 of the Gosport Borough Local Plan Review.

**Subject to the following condition(s):-**

1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment dated August 2012 and the following approved plans:

3209/08B, 3209/09C, 3209/11E, 3209/12E, 3209/14E, 3209/15E, 3209/16C and 3209/17

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policies R/DP1, R/BH1 and R/T11 of the Gosport Borough Local Plan Review.

3. All work operations that result in noise being audible at the site boundary, shall not be undertaken outside of the hours of 08.00- 18.00hrs Mondays, to Fridays and 09.00-13.00hrs on Saturdays. No work operations that result in noise being audible at the site boundary shall be undertaken on Saturday afternoons, Sundays or Bank Holidays.

Reason - to protect the amenities of the surrounding residential occupiers and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. Before development is commenced, details, including samples, of all external facing and roofing materials shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details, unless otherwise agreed, in writing, with the local planning authority.

Reason - To ensure that the external appearance of the development is satisfactory, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

5. Details of all new windows, doors and any other openings including horizontal and vertical sections at a scale 1:5 and elevations at a scale of 1:10 shall be submitted to and approved, in writing, by the local planning authority before works related to that part of the development are commenced. The development shall thereafter be implemented in accordance with the approved details, unless otherwise agreed, in writing, with the local planning authority.

Reason - To ensure that the external appearance of the development is satisfactory, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

6. Details of all new boundary treatment shall be submitted to, and approved by, the Local Planning Authority before works above slab level are commenced. The development shall thereafter be carried out in accordance with the approved details.

Reason - In the interests of visual amenity and to protect the amenities of surrounding properties, and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

7. The trees and hedges on the site which are to be retained shall be protected during building operations by strict compliance with BS5837:2005 - Trees in Relation to Construction.

Reason - To ensure the enhancement of the development by the retention of natural features, and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

8. Before development is commenced, full details of a soft landscaping scheme including the size/densities of tree/shrubs, the phasing of timing of planting, and provision for its maintenance during the first five years from the date of planting, shall be submitted to and approved, in writing by the Local Planning Authority.

Reason - In the interest of amenity and the appearance of the locality, and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

9. The landscaping scheme approved in accordance with Condition 8 above shall be completed within six months from the occupation of the dwelling, and any trees or plants which die are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed, in writing, by the Local Planning Authority) during the next planting season.

Reason - In the interest of amenity and the appearance of the locality, and to comply with and Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

10. Before development is commenced, full details of the hard landscape works shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall include all hard surfacing materials, boundary treatment, and lighting. The hard landscape works shall be implemented in accordance with the approved details before first occupation of the new dwelling and thereafter retained.

Reason - In the interests of amenity and the appearance of the locality and to ensure adequate car parking is provided and retained and to comply with Policies R/DP1 and R/BH1, R/T11 of the Gosport Borough Local Plan Review.

11. The development hereby permitted shall not be first occupied until areas for the parking of vehicles shown on the approved plan have been provided and these areas shall be surfaced and subsequently retained and kept available at all times for these purposes, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - In the interests of highway safety and to ensure adequate car parking is provided and retained, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

12. Before the development hereby permitted is first occupied, the cycle storage facilities shown on the approved plans shall be provided and thereafter retained, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policy R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

13. Facilities for the storage of refuse for removal from the dwelling shall be provided in accordance with a scheme to be submitted to, and approved, in writing, by the Local Planning Authority before the development is first occupied and thereafter retained.

Reason - In order to protect the amenities of the area, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

14. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) dated August 2012 and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 3.9m above Ordnance Datum (AOD)
- The floor construction is to be concrete with an effective connection between damp proof membrane and damp proof course
- Power sockets should be at least 450mm above floor level and the ring main should be at first floor level
- Internal finishes at ground floor level should conform to CIRIA guidelines on flood resistance

The mitigation measures shall be fully implemented prior to first occupation of the development and thereafter retained, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants and to comply with the NPPF.

15. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved, in writing, by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 30% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and retained thereafter. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason -To prevent the increased risk of flooding, both on and off site and to comply with the NPPF.

16. If contamination not previously identified is found to be present at the site, then no further development or site clearance shall be carried out until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and approved, in writing, by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved remediation strategy.

Reason - To ensure that risks from land contamination, ground gases and contaminated groundwater to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors and to comply with the NPPF and Policy R/ENV5 of the Gosport Borough Local Plan Review.