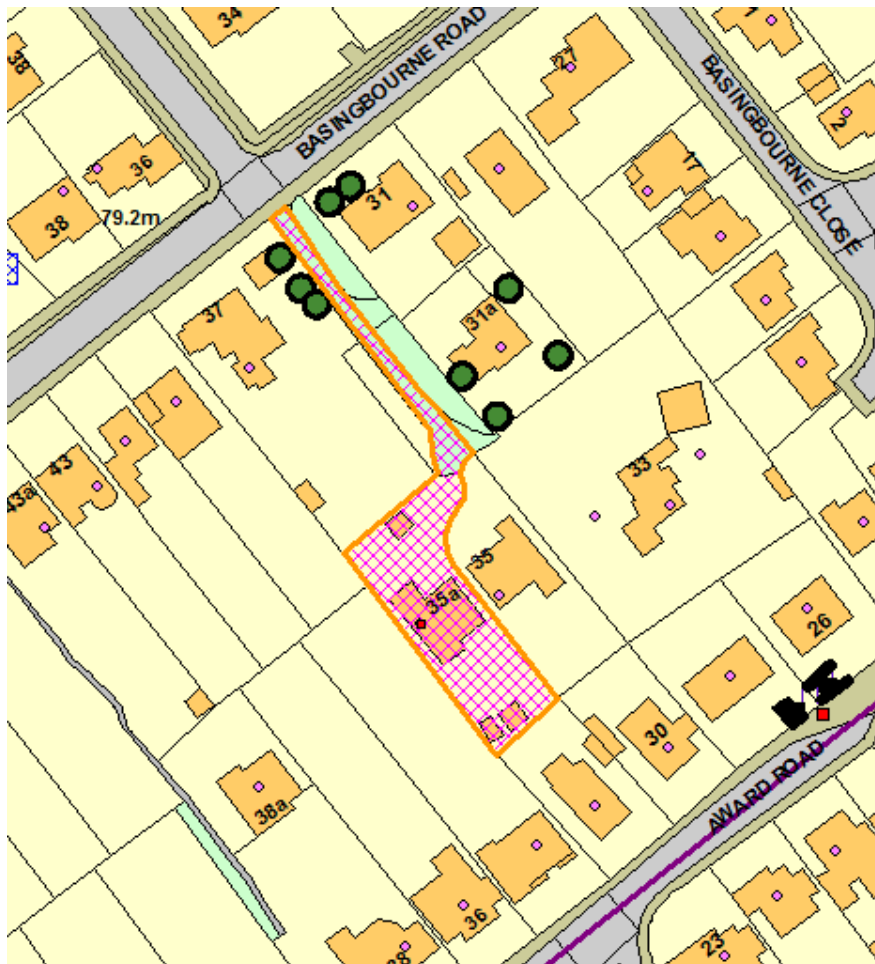


COMMITTEE REPORT

ITEM NUMBER:

APPLICATION NO.	21/02933/HOU
LOCATION	35A Basingbourne Road Fleet GU52 6TG
PROPOSAL	Erection of a single storey rear extension to dwelling (part of which is completed under permitted development rights), together with alterations to the front elevation and replacement of double garage with ancillary residential accommodation.
APPLICANT	Mr N Weston
CONSULTATIONS EXPIRY	5 May 2022
APPLICATION EXPIRY	8 February 2022
WARD	Church Crookham East
RECOMMENDATION	Refuse



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This application has been referred to the Planning Committee for determination at the discretion of the Executive Director for Place due to the complex planning history of the site and because of the level of public and Member interest in the application.

At the time of preparation of this report officers made a visit to the site and noted some works had been undertaken at the property, however, those works did not appear to reflect the detail shown in the proposed plans associated with this application.

These matters will be reviewed in light of current circumstances at the site, and where necessary, additional information will be presented in the addendum.

BACKGROUND

Application Site

The application site is located within the settlement boundary of Fleet as identified on the proposals map of the Hart Local Plan (Strategy & Sites) 2032 (HLP32). The site is accessed via a shared access located between numbers 31 and 37 Basingbourne Road (opposite Linkway) which serves a small enclave of 4 dwellings. The existing property is a detached bungalow with no accommodation in the roof space. The site also accommodates a detached single storey domestic structure to the north (front) of the bungalow. The site has a hardstanding forecourt area utilised for vehicle parking.

The neighbouring property (no. 35) is a chalet bungalow which has been extended and altered, mainly by the addition of front and rear dormers to provide accommodation in the roofspace. This was undertaken prior to the consultation and adoption of Fleet Neighbourhood Plan (FNP32) which seeks to retain single-storey homes in the local housing stock. The wider area is mixed in design terms with a range of two-storey dwellings, chalet bungalows and bungalows. The site is also located with the Dinorben Character Area as identified in the FNP32.

The site lies within Flood Zone 1 wherein properties have the lowest risk of flooding as determined by the Environment Agency. The site is however within a Causal Flood Risk Area as determined by the HLP32.

Proposal

The application has been amended and seeks permission for the erection of a single storey rear extension to the existing bungalow to provide an enlarged kitchen/living/dining room and a new sitting room, the partial retention of the ancillary domestic outbuilding to the front (north) of the existing bungalow to provide two bedrooms and a toilet and to provide an enclosed link between the bungalow and outbuilding.

The retained outbuilding would be reduced in size from the existing structure currently on site by removing the existing pitched roof from the structure leaving the retained building with a flat roof, by reducing the length of the outbuilding by around a third and reducing the width of the rear of the building by approximately 40cm.

The plans indicate rear extension to the bungalow would provide a floor area of 46.3 square metres and would have a height of approximately 2.6 metres. The extension would be constructed with external materials matching the existing dwelling.

The plans indicate the retained outbuilding would have a floor area of around 37.2 square metres and a height of approximately 2.54 metres. The outbuilding would be completed with

external materials matching the existing dwelling.

The enclosed link between the bungalow and outbuilding would have a floor area of 4.14 square metres and a height of 2.3 metres.

Planning History

87/15859/OUT - Erection of detached dwelling & garage. Refused 19.11.1987; allowed on appeal 07.06.1988.

88/17151/REM - Approval of reserved matters HDC/15859. Granted 18.10.1988.

93/22492/S64 - Extension to provide a utility room. Granted

19/02318/HOU - Erection of extensions to existing first floor roofspace to facilitate the conversion of the loft to habitable accommodation, single storey front and rear extensions, demolition of existing garage, erection of replacement garage with accommodation in the roof space, single storey link extension from dwelling to garage and alterations to fenestration. Withdrawn 05.12.2019.

19/02779/PREAPP - Erection of extensions to existing first floor roofspace to facilitate the conversion of the loft to habitable accommodation, dormer style, single storey front and rear extensions, demolition of existing garage, erection of replacement garage, single storey link extension from dwelling to garage and alterations to fenestration. No Further Action 06.04.2020.

20/00577/HOU - Erection of single storey front and rear extensions, raising of roof, insertion of two dormer windows to front, two dormer windows to rear and a window to each side to facilitate the conversion of the roof space to habitable accommodation, erection of a single garage and habitable accommodation following demolition of existing double garage (part retrospective), link extension from garage to dwelling and alterations to fenestration. Refused 07.04.2020.

20/00884/HOU - Erection of single storey front and rear extensions, raising of roof, insertion of two dormer windows to front, two dormer windows to rear and a window to each side to facilitate the conversion of the roof space to habitable accommodation, conversion into habitable accommodation following demolition and enlargement of existing double garage (part retrospective), alterations to fenestration. Refused 06.08.2020. Appeal Dismissed 03.03.2021.

20/00052/OPERT3 - Unauthorised erection of a single storey outbuilding. Enforcement Notice Served 30.11.2021. Appeal Dismissed and Enforcement Notice Upheld 04.07.2022.

CONSULTEES RESPONSES

Fleet Town Council:

FTC commented on a previous submission on 11.01.2022 that there were significant discrepancies in the submitted drawings.

The submitted drawings are now consistent in terms of the plans and elevations, but do not match the description of the application as indicated.

If the following application description is followed:

Erection of a single storey rear extension to dwelling (part of which is completed under permitted development rights), together with alterations to the front elevation and replacement of double garage with ancillary residential accommodation. (Revised Plans Uploaded 21.04.2022) then the plans are in conformity with the description and appear acceptable.

To note that 3 letters of support all come from a family apparently living at the applicant address and 2 from addresses not even nearby.

[Officer's note: The description of the application on any decision would need to reflect the details provided on the approved plans.]

Ecology Officer (Internal):

More information needed. Previously no objection regarding bats given that the property is located in a suburban setting, and they had no records of protected species relevant to this application. The property appears to be a modern (post 1960s) detached bungalow in a suburban location with no woodland or water within 200m, the nearest woodland being located at Basingbourne Park just under 300m away. A building of this age in this location does not meet the trigger list for when bat surveys are appropriate so ordinarily this would not be requested for this application.

However, the trigger list is a guide and assumes that buildings are of a condition typical for a property of their age. I note there is some discrepancy between the submitted bat assessment (which states building is in a good state of repair with close fitting roof tiles, chimney flashings, eaves and bargeboards) and comments on this application with photographs which appear to show areas of the roof which are not in a good condition. If, as the photos suggest, there are a significant number of missing tiles and gaps in ridge tiles, these could offer potential roosting features for bats and therefore the likelihood of presence is increased.

Given the above and that the proposals involve major roof impact, it would be prudent to request that an initial bat survey is carried out by an experienced licensed bat ecologist to determine if there are any constraints to this application or whether further survey work and/or mitigation is required."

PUBLIC COMMENTS

The Statutory requirements for publicity, as set out in the Development Management Procedure Order (DMPO) 2015 (as amended) are in this case the notification of the adjoining properties or the display of a site notice. In this case the adjoining properties/owners have been notified by post. The Council's Statement of Community Involvement has now been amended so that we are only required to carry out the Statutory publicity requirements so in this case it is not necessary to display a site notice. The consultation period as set in the "neighbour notification letters" ran between 15.12.2021 and 05.01.2022. Following receipt of amended plans further neighbour notification was carried out between 21.04.2022 and 05.05.2022.

Twelve objections were received from 4 households (1 from an unknown address and the others from numbers 31A, 37 and 39 Basingbourne Road) in respect of both the original plans submitted in December 2021 and in respect of the amended proposals submitted in April 2022.

The concerns raised in respect of the amended proposals can be summarised as follows:

- Lack of consistency and ambiguity in what has been and will be built;
- The replacement of double garage with ancillary residential accommodation has already taken place in the form of an overbearing illegal building;
- Adverse implications for bats;
- Unclear where the front door is going to be;
- Unclear how occupiers will be able to enter the 'extension' as no door is shown;
- The plans make for a view of an incredibly long structure and wall of brick for 34 Award Road and 39 Basingbourne Road;
- The building at the front of the property (beyond the building line) would produce an effect that through its bulk and scale would be overbearing and not be sympathetic to or contribute to the character of the area, contrary to the Planning Policy Framework; and
- The amendments are effectively a completely new application, not an amendment to an existing one, and the applicant should therefore furnish all the detailed documents necessary for a new application to be considered.

Nine letters of support have been received, but seven of these are from residents of the application property. The two other letters are from addresses in Lennel Gardens and Reading Road South, Church Crookham, and their contents can be summarised as follows:

- Scheme has been reduced in size from the previously refused and its scale will reflect that of earlier development on the site;
- Proposal will have no impact on neighbouring amenity as it will lead to no loss of sunlight, will not result in overlooking and will not result in any encroachment; and
- Development is needed to accommodate the needs of the family resident at the property.

POLICY AND DETERMINING ISSUES

Planning Policy

The development plan for the site is the Hart Local Plan (Strategy & Sites) 2032 (HLP32), Saved Policies of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and the Fleet Neighbourhood Plan 2018-2032 (FNP32). The Saved Policies of the HLP06 are identified in the appendices of HLP32.

Hart Local Plan (Strategy & Sites) 2032

NBE4 - Biodiversity

NBE9 - Design

INF3 - Transport

Hart District Local Plan (Replacement) 1996-2006 Saved Policies

GEN1 - General Policy for Development

Fleet Neighbourhood Plan 2018-2032

Policy 10 - General Design Management

Policy 10A - Design Management Policy related to Character Areas

Policy 11 - Bungalows

Policy 19 - Residential Parking

National Planning Policy Framework (NPPF) (July 2021)

Section 4 (Decision Making)

Section 12 (Achieving well-designed places)

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

Section 15 (Conserving and enhancing the natural environment)

Other Guidance

Cycle and Car Parking in New Development Technical Advice Note (August 2022)

National Design Guide: Planning Practice Guidance for Beautiful, Enduring and Successful Places (January 2021)

BRE Report - Site layout planning for daylight and sunlight: a guide to good practice (2011)

Considerations

Background

The application site was the subject of two recent planning appeal decisions. The first related to a part retrospective proposal (20/00884/HOU) involving the provision of first floor accommodation for the bungalow and for the retention of the outbuilding to the front of the dwelling. This application was refused for the following reasons:

- 1. The proposed development would result in an unacceptable scale, bulk and mass by virtue of the raising of the roof height and the outbuilding. The proposal would result in a development that would not be sympathetic to, or positively contribute to the character of the area, contrary to the National Planning Policy Framework 2019, Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies, Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032 and Policy 10 of the Fleet Neighbourhood Plan 2032.*
- 2. The proposed development would result in the loss of a bungalow suitable to occupation by older people. The proposed development is therefore contrary to Policy 11 of the Fleet Neighbourhood Plan 2032.*
- 3. The proposed accommodation within the replacement garage structure would be tantamount to creation of a new dwelling due to its size, provision of accommodation suitable for independent and separate living and the lack of connectivity to the host dwelling. The proposed development would not be incidental or ancillary to the enjoyment of the host dwelling due to the proposed internal layout and the level of conveniences to be provided within the structure. The proposed development would be contrary to Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies and Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032.*

The reasons for refusal of planning application 20/00884/HOU were summarised by the Inspector into two main issues:

1. The effect of the appeal scheme on the character and appearance of the area; and
2. The effect of the appeal scheme on the supply of single storey properties within Fleet Parish, which are suitable for independent occupation by persons of limited mobility.

In their decision letter (Appeal ref: APP/N1730/D/20/3259713) the Planning Inspector identified that one of the main issues in the determination of the appeal was the effect of the appeal scheme on the character and appearance of the area. In reaching their decision to dismiss the appeal the Inspector commented as follows:

“Planning application drawing Ref 1209-001 confirms that the previous garage at the appeal site comprised a flat-roofed structure with a square, double garaged size footprint. As such, I find that although sited to the front of the bungalow, its combined height, width, depth and flat roof form meant that the building would have appeared subsidiary in scale and function to the host property, and that it would not have detracted from the frontage of the bungalow.”

However, they noted that:

“The appeal scheme has replaced this building with a significantly larger structure, having a greater footprint and length, and including a steep pitched roof, adding much massing and height to the building. As such, the building is of a scale that would visually compete with the extended chalet property, not appearing subordinate to it. This discordant relationship with the enlarged host property would be accentuated by the close position of the annexe building directly in front of the dwelling. With a building width of approximately half that of the dwelling and a deep pitched roof, it would obscure a large part of the frontage of the host property, including a large part of one of the front dormer windows.”

“When approaching the appeal site, the pitched roof of the annexe would appear noticeably higher than that of the flat-roofed part of the host property, within which it would be in close proximity. The combined building height, length extending close to the site boundary with No.37, and incorporation of 3 large windows within its frontage-facing side elevation, all serve to draw attention to the outbuilding. Accordingly, it would have an unduly bulky and visually dominant appearance in relation to the proposed chalet property, and would appear cramped in relation to the host property and the site boundary with No.37. Notwithstanding existing mature landscaping around the site, this relationship with the host property would be apparent from outside the site, due to the position of the building opposite the site entrance.”

Following the appeal decision on planning application 20/00884/HOU and given that application was part retrospective, and the development was built, the Council issued an Enforcement Notice on 30 November 2021. The breach of planning control was, without planning permission, the unauthorised erection of a single storey outbuilding. The requirements of the Enforcement Notice are:

- i. Cease the use of the unauthorised outbuilding for residential purposes;
- ii. Demolish the unauthorised outbuilding;
- iii. Remove any materials arising from the demolition of the outbuilding from the land; and
- iv. Reinstate the land to its former condition by levelling the land.

The period for compliance with requirement (i) is 6 months, and for the requirements (ii), (iii) and (iv) is 7 months.

The Appeal (Appeal ref APP/N1730/C/22/3290512) was dismissed and Enforcement Notice Upheld 4 July 2022. The Planning Inspector’s Report on the appeal highlights in paragraph 16 that:

“The appellant suggests there is a possibility of bats roosting in the building and that complying with the notice by demolishing it could result in him committing a criminal offence. However, he has not provided any evidence of bats roosting, but refers to comments from neighbours of bats being in the area. Should bats be found the appellant would need to obtain specialist advice and, if necessary, a licence for roost relocation prior to demolition. However, the possibility of these circumstances arising does not render the notice requirements excessive in terms of remedying the breach of planning control.”

The Enforcement Notice has come into effect and will therefore require compliance by 4th January 2023 and 4th February 2023.

Principle of Development:

The application site is within the defined settlement boundary of Fleet. It therefore complies with Policy SS1 provided that the proposal is in compliance with other relevant Development Plan policies for the area and that no unacceptable harm to residential amenity, the environment, highway safety or any other material planning considerations arise.

Supply of single-storey properties within Fleet:

The current scheme no longer seeks to provide first floor accommodation within the existing bungalow and therefore addresses the effect of the previously refused scheme on the supply of single storey properties within Fleet which are suitable for independent occupation by persons of limited mobility. There is no longer a conflict with Policy 11 of the Fleet Neighbourhood Plan.

Design and Impact on the Character of Area

The acceptability of the proposal is required to have regard to Policies GEN1 and NBE9 of the Local Plan which state that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area and are in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density.

The NPPF (2021) additionally reiterates the need for high quality design that is visually attractive, sympathetic to the character of the area and seeks to improve the character and quality of an area and the way it functions. It is stated that standards of design should be raised more generally within an area, so long as they fit with the overall form and layout of the surroundings (para. 127).

Policy 10 of the Fleet Neighbourhood Plan states that development shall complement and be well integrated with neighbouring properties in the immediate locality in terms of scale, density, massing, separation, layout, materials and access and architectural design shall reflect high quality local design references in both the natural and built environment and reflect and reinforce local distinctiveness.

In order to assess the design and impact on the character of the area it is necessary to consider the size of the former garage building and of the outbuilding as built and as proposed to be reconstructed.

The former garage building located in front of the existing bungalow had a footprint of 30.25 square metres.

The outbuilding the subject of the 2021 appeal decision, which is still present on site, has dimensions of 6.2 metres by 9.2 metres, giving a total floor area of 57.04 square metres, and had a maximum height of 4.4 metres to the ridge. The roof has since been removed by the applicant to a flat level.

In comparison, the proposed outbuilding in its amended form as proposed in this application would have a footprint of 37.2 square metres and a height of approximately 2.55 metres. The proposal would result in demolition of substantial parts of the existing unauthorised structure with only around two-thirds of the front wall and much of the side (southeast) wall retained. The proposed building as amended would therefore be around 20 square metres smaller in terms of footprint and lower in height than the structure the subject of the appeal. It would however be 6.95 square metres larger in terms of its footprint than the original garage structure and closer in proximity to the host dwelling. Although it would be linked to the host dwelling, this would be achieved by a modest glazed link of approximately 2.3 metres in height.

The submission has sought to address the previous reasons for refusal by reducing the size of the ancillary accommodation building by around 35% in floor area terms and by reducing the building height by removal of the pitched roof and its replacement with a flat roof. The design of the building would now be a flat-roofed structure to reflect the appearance of the previous double garage building located at the site, but it would have two window openings within the front elevation rather than the previous structure's garage doors which would reflect the residential nature of the use of the building.

In regard to the character of the area, there is no unifying character or style to the built form within the wider vicinity of the site. Basingbourne Road is characterised by a mixed form of development with a variety of two-storey dwelling styles, chalet bungalows and bungalows which is evidenced within a short distance of the application site. The application site however notably has a direct relationship to some modest sized bungalows, albeit with some featuring accommodation in the roof space.

The original host dwelling itself is modest in its scale and benefits from a hipped roof. The property is not visible from Basingbourne Road, and by virtue of its size and design has little prominence within its locale. The immediate neighbour No. 35 is a modest chalet style dwelling.

The application property was granted outline planning permission under planning reference 87/15859/OUT. Condition 3 of the Inspectors decision states that the dwelling shall be of single storey construction as this would ensure the dwelling would not be out of character or appearance with the surrounding development, but as noted by the Planning Inspector in the recent planning appeal development in the area has changed significantly since then and any application should be determined on the basis on the nature of surrounding development as it exists now.

The single storey extension to the rear of the existing bungalow raises no design concerns and it is not visible from the public domain. The flat roof design is acceptable and produces a subservient addition to the existing dwelling.

The former garage (which had been demolished prior to the erection of the subject outbuilding) would appear to have been of modest dimensions, with a low height incorporating a flat roof and resulted in a proportionate and subservient relationship with the host. The proposed outbuilding structure, as proposed to be amended, would replicate the appearance of the former garage and would be comparable in terms of its height, but would have a different and larger footprint.

In determining the recent Planning Appeal, the Inspector referred to the previous garage structure and confirmed that: "I find that although sited to the front of the bungalow, its combined height, width, depth and flat roof form meant that the building would have appeared subsidiary in scale and function to the host property, and that it would not have detracted from the frontage of the bungalow." It is therefore necessary to consider whether the increase in footprint and design of the outbuilding compared to the garage, or the change in function of the building, would alter that conclusion.

The increase in size of the structure amounts to some 6.95 square metres or 23 per cent over the size of the original garage structure which sat in a similar location to the front of the bungalow. Whilst this is not an insignificant increase it should be noted that the previous double garage on the site would not have accorded with the Council's current standards specified in the recently published 'Cycle and Car Parking in New Development Technical Advice Note' which would require a structure with a gross internal floor area of 42 square metres (6m x 7m). A replacement garage for the structure previously present on the site would therefore result in the provision of a larger structure than that currently proposed.

The external materials to be used for the outbuilding would comprise of brickwork to match the existing dwelling and the applicant has now verbally indicated that the proposed link would be formed by two 1.8m high timber gates to the northeast and southwest elevations with a corrugated plastic roof to provide rain shelter. In design terms this approach would not be appropriate, and it would be recommended that, if the application been considered otherwise acceptable, a condition be imposed to require the submission of a more appropriately detailed link feature, perhaps comprising a glazed link as apparently illustrated in the submitted plans.

Taking into account the now proposed height, scale, bulk and mass of the outbuilding, and its flat roof design and external materials, it is considered that the structure would be sympathetic to the appearance of the existing street scene and have due regard to the scale, layout and appearance of the area and would result in a subservient addition which would respect the scale, design and appearance of the bungalow, as required by Policy NBE9 of the HLP32, Policy GEN1 of the HLP06 and Policy 10 of the FNP32.

In terms of the function of the building this would clearly be to provide ancillary residential accommodation rather than a vehicle parking or storage facility. The outbuilding structure would be physically and functionally linked to the main bungalow by the proposed link and would provide solely two bedrooms and a WC. Kitchen, bathroom and other living accommodation would be shared and located within the main dwelling. The size of the proposed bedrooms within the outbuilding, at 8.505 square metres and 8.9775 square metres, would accord with the Government's 'Technical housing standards – nationally described space standard' which requires that single occupancy bedrooms should have a minimum area of 7.5 square metres and be at least 2.15 metres wide (the bedrooms would be 2.7 and 2.85 metres wide). As such, it is considered that the accommodation to be provided would be acceptable in size terms and ancillary to the residential enjoyment of the parent property and would not be readily capable of subdivision given the limited amount of accommodation provided within the outbuilding and the lack of an external access to the structure which would have to be accessed through the main dwelling via the front entrance door and hallway and through the bungalow's utility room.

Overall, therefore, it is considered that the changes to the proposal would provide an appropriate scale of development in keeping with the character of the immediate area and of a design which would be subservient and ancillary to the residential enjoyment of the main dwelling in terms of its function. The amended scheme would be in accordance with relevant

development plan policy requirements in terms of its design and impact on the character of the area.

Amenity Space Provision

The proposed rear extension would result in a reduction in the amount of outdoor private amenity space available to occupants of the dwellinghouse. The remaining rear garden would have an area of around 186 square metres. The applicant has indicated that the existing dwelling, incorporating the extensions sought in this application has a site coverage of 219 square metres, although this figure includes two sheds located in the rear garden which have a footprint of 36.4 square metres. The total footprint of the dwelling and linked annexe would therefore amount to 182.6 square metres.

Fleet Neighbourhood Plan Policy 15 is relevant for the assessment of this application and paragraphs 3.26 and 3.27 relate to this point, stating that:

3.26 Pressure for new housing and other development, however, can result in existing garden provision being threatened or compromised by inappropriate development. This may take a number of forms including extensions or replacement of existing properties encroaching onto existing garden areas or the replacement of garden areas by parking and hard landscaping. It also may result in the unnecessary loss of trees of amenity value.

3.27 This policy seeks to plan positively to achieve high quality design and a good standard of amenity in line with NPPF paragraph 58 and Hart District Council policies GEN1 and GEN4.

The HLP32 Policy NBE9 is also relevant for the assessment of this proposal and paragraph relates to health and well-being of future residents including consideration of how all potential users would access buildings and move around spaces.

The NPPF 2021 paragraph 127(f) requires planning decisions to ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users.

Within the National Design Guide 2021 (NDG 2021) it states at Section H2 on Well-related to external amenity and public spaces, paragraph 129 that “Well-designed buildings are carefully integrated with their surrounding external space. All private and shared external spaces including parking, are high quality, convenient and function well. Amenity spaces have a reasonable degree of privacy External spaces are designed to respond to local character, as appropriate solutions will vary by the context, for example whether it is a town centre or suburb.”

Paragraph 130 continues “Well-designed private or shared external spaces are fit for purpose and incorporate planting wherever possible. The appropriate size, shape and position for an external amenity space can be defined by considering:

- how the associated building sits in the wider context, including access to public and open spaces;
- how the amenity space will be used, what for, and by whom;
- environmental factors that may affect its usability, such as sunlight and shade, noise or pollution;
- wider environmental factors affecting its quality or sustainability, such as a green corridor or drainage.”

Overall, the amount of outdoor amenity space would appear to be sufficient in that the

amount of space available would roughly reflect the site coverage of the dwelling when the floor area of the bungalow and the linked outbuilding are combined.

Neighbour Amenity:

Policy GEN1 of the HLP06 emphasises that sustainable development should be permitted provided that the proposal does not result in any material loss of amenity to adjoining neighbours, among other considerations.

Within an urban environment there will inevitably be a degree of mutual overlooking. No. 32 Award Road is located directly behind the application site and has a very shallow rear garden. At present there are three ground floor window/door openings in the rear elevation of the application property facing the garden and rear elevation of 32 Award Road and this would remain the case as a result of the proposed development, albeit that one of these window/door opening would be located closer to the mutual boundary.

It is generally accepted that direct facing windows serving habitable rooms should be located some 18 - 20m metres apart. The window-to-window distance would be more than 20 metres apart and there would be a distance of some 15 - 16 metres to the rear common boundary. Given these separation distances the impacts arising are not likely to be so unacceptable, by virtue of overlooking and loss of privacy, such as to warrant the refusal of planning permission on this basis.

One additional window would be provided in the western side elevation of the proposed rear extension, and this would face toward the rear garden of 34 Award Road but would look across the garden rather than down it and would be located in an area where direct overlooking and loss of privacy would not occur.

Turning to the outbuilding, two windows are proposed on the eastern elevation of the structure and would look out over the forecourt hardstanding/parking area. As such, they would not result in any unacceptable or direct overlooking or loss of privacy. One window is proposed to be provided in the western elevation of the building and this would serve the WC and would be obscurely glazed. This window would face toward the bottom of the garden of 39 Basingbourne Road but would be screened by vegetation and would not give rise to any amenity issues.

No openings are proposed in the north elevation of the outbuilding facing toward the rear garden of 37 Basingbourne Road. Overall, the proposal would not give rise to any significant impacts on neighbouring residential amenity and would accord with relevant development plan policy requirements in this regard.

Parking:

Policy GEN1 of the HLP06, Policies NBE9 and INF3 of the HLP32 and Policy 19 of the FNP32 all state that all developments should provide appropriate parking provision in accordance with the Council's parking standards.

The original bungalow was approved as a three-bedroom dwelling and the proposed plans show that the number of bedrooms would be increased to five as a result of the proposed development (although another room is shown as a study but could potentially accommodate a double bed).

The Council's recently adopted the cycle and car parking standards set out in the 'Cycle and Car Parking in New Development Technical Advice Note.' The TAN indicates that a 5

bedroom property should be provided with three allocated parking spaces and one unallocated space, and that each car parking space should have minimum dimensions of 2.5 metres by 5 metres.

The forecourt area of the property has an area of around 100 square metres and can easily accommodate the four on-site car parking spaces required to be provided to meet the guidance in the TAN.

The TAN would require a 5-bed home to provide 6 secure cycle spaces, with at least 1 space close to the front door and 1 space should be able to accommodate a non-standard 'cargo' bicycle. Whilst no specific details of cycle parking provision have been submitted with the application, there are a number of sheds within the rear garden of the dwelling and other space would be available to make appropriate provision. Had the proposal been otherwise acceptable an appropriate condition could have been imposed to require the submission of detailed cycle parking facilities prior to first use of the development.

Whilst it is acknowledged that the frontage of the property, as currently, would be dominated by hard surfacing and parked cars and there is no, or limited, soft landscaping to the site frontage, given the location of the site and the limited impact on public views, this is not considered to be unacceptable and would not differ from the existing situation.

The proposal would not give rise to any detrimental parking issues or adverse highway safety impacts and would therefore accord with the requirements of policy INF3 of the HLP32 and saved policy GEN1 of the HLP06.

Biodiversity

Policy NBE4 of the HLP32 states that all developments should protect and enhance biodiversity. The Local Planning Authority has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity, which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Previously the Biodiversity Officer had raised no objection regarding bats given that the property is located in a suburban setting, and they had no records of protected species relevant to this application. They noted that the property appears to be a modern (post 1960s) detached bungalow in a sub-urban location with no woodland or water within 200 metres, with the nearest woodland being located at Basingbourne Park just under 300 metres away. A building of this age in this location does not usually meet the trigger list for when bat surveys are appropriate, so ordinarily this would not be requested for this application.

However, they confirm that the trigger list is a guide and assumes that buildings are of a condition typical for a property of their age. They note there is some discrepancy between the submitted bat assessment (which states the building is in a good state of repair with close fitting roof tiles, chimney flashings, eaves, and bargeboards) and comments from neighbours on the application with photographs which appear to show areas of the roof of the outbuilding which are not in a good condition at the time the photographs were taken. They note that, if, as the photographs suggest, there were a significant number of missing tiles and gaps in ridge tiles, these could have offered potential roosting features for bats and therefore the likelihood of presence would be increased.

Given the above and that the proposals, in the Biodiversity Officer's opinion, involve roof

impact, they consider it would be prudent to request that a preliminary bat survey is carried out by an experienced licensed ecologist to determine whether there are any constraints to this application or whether further bat emergency survey work and/or mitigation would be required.

The applicant has been requested to submit a preliminary bat survey but has declined to do so. All bat species are designated and protected as European Protected Species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017. Several species of bats are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006).

Natural England guidance on bats and development: “Construction, demolition, extension or conversion proposals could affect a bat roost in a building or barn. You should ask for a survey where roosts are likely if the building or barn has uneven roof tiles and large roof timbers...has cracks, crevices and small openings...”

The guidance indicates that:

To avoid possible effects on bats and their roosts, developers could redesign the proposal to:

- leave bat roosts in place
- alter the timing of works
- change the methods of working

Where this is not possible, you should look for mitigation and compensation measures that are proportionate to the likely effect on the bat species present. The proposal could:

- keep some existing roof voids and roosting places
- create new roosting places within the existing building
- create new roosting places in different buildings
- redesign lighting to avoid roost entrances and foraging habitats

If the destruction of a bat roost is unavoidable, you must make sure:

- there is no net loss of roost sites
- roost types are replaced on a like-for-like basis
- the affected bat population can continue to function as before

The NPPF 2021, at paragraph 180 further states that:

“When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

Since the submission of this planning application in December 2021, the roof of the outbuilding has been removed and a flat roof constructed of roofing felt or an EPDM membrane has been installed. The applicant has also indicated that at the time the tiles were removed he saw no signs of any bat presence or activity in the roof area. Nevertheless, it has previously been stated by the applicant, in appeal documentation submitted in respect of an Enforcement Appeal (Appeal ref APP/N1730/C/22/3290512 – referred to earlier in this report) relating to the subject building earlier this year, and by neighbours, that bats could be present in the roof area of the outbuilding.

In addition, the Officer site visit has indicated that the submitted plans appear to be

inaccurate in terms of whether any works would still be required to the roof structure of the original bungalow to facilitate the provision of the single storey rear extension to the rear of the dining room. The plans submitted show the roof of the proposed extension being located at the same level as the fascia of the living room extension adjacent, which the applicants have indicated was constructed as 'permitted development.' However, it is apparent that to reflect the fascia level of the living room extension, the new extension would require the removal of at least two rows of tiles.

Bats are a protected species under the Wildlife and Countryside Act 1981. Development causing disturbance and potential abandonment of a roost could constitute an offence both to a population and to individuals. It is therefore important that the use of an area by bats is thoroughly assessed prior to the determination of a planning application relating to a site where bats may be roosting, commuting or foraging. It has been confirmed within appeals and case law that bat surveys cannot be subject of a planning condition. Assessment on the presence of bats within a building or site are matters which must be resolved prior to determination.

Whether or not there is a reasonable likelihood of protected species being affected by the proposal simply cannot be determined on the information before the LPA. Bats are stated as present in the immediate locality, which raises the possibility of interference from the development with their roosting, feeding patterns or foraging routes. Without a survey, the LPA cannot be satisfied that there is not a current adverse effect or whether mitigation measures are required or would be sufficient.

The Local Planning Authority has a duty to consider the possible impact of the development on protected species and has to be reasonably certain that biodiversity would not be adversely affected by the proposal. Unfortunately, the absence of a bat survey carried out by a suitably qualified Ecologist, the Council cannot be assured that no harm to bats would occur as a result of the proposed development and no mitigation measures have been proposed.

The proposal is therefore considered to conflict with the requirements of policy NBE4, and paragraph of the NPPF 2021, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 and potentially Section 41 of the Natural Environment and Rural Communities Act (2006) as the proposal could have an adverse effect on existing biodiversity and on a protected species.

Flood Risk:

The application site is located within a Flood Zone 1 location.

The site is however located within a Causal Area as identified in the Council's Strategic Flood Risk Assessment (SFRA). These relate to the surface water catchments for Fleet, Yateley, Blackwater/Hawley and Crondall. In these areas stricter management of surface water runoff will be applied as these areas will have the greatest impact on fluvial and surface water flood risk in Hart in line with the guidance in policy NBE5 of the Local Plan.

Policy NBE5 indicates that within Causal Areas all development should take opportunities to reduce the causes and impacts of flooding; and the SFRA identifies the following forms of mitigation:

- a) all parking areas and hard surfacing (with the exception of the public highway) using permeable surfacing unless shown to be technically unviable;
- b) all brownfield development should be looking to provide a reduction in surface water runoff below existing levels; and

- c) minor new builds should be providing surface water storage and ensuring discharge rates are no higher than existing or where this is not possible due to blockage issues discharging at rates no higher than 5 l/s.

No information has been provided with the application to demonstrate how surface water storage would be accommodated or how discharge rates would be limited. Had the proposal been otherwise considered acceptable then an appropriate condition could have been imposed to require the submission of a surface water drainage scheme to demonstrate how this issue would be addressed.

Climate Change:

Hart declared a Climate Emergency in April 2021 and is committed to reducing carbon emissions. HLP32 Policy NBE9 requires developments to be resilient and aims to reduce energy requirements through carbon reduction and incorporation of energy generating technologies, where appropriate.

By virtue of the scale of the development, the proposal would not be anticipated to have a significant impact on carbon emissions. However, an informative could have been added so that the applicant would be encouraged to explore all opportunities to minimise the impact of the development on climate change had the development otherwise been acceptable.

Equalities:

In terms of Equality, The Equality Act 2010 legally protects people from discrimination in society. It replaced previous anti-discrimination laws (Sex Discrimination Act 1975; Race Relations Act 1976 and Disability Discrimination Act 1995) with one single Act. The public sector Equality Duty came into force in April 2011. Section 149 of the Equality Act means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services.

Due regard is given to the aims of the Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination, advancing equality of opportunity, and fostering good relations between those who share a protected characteristic and those who do not share it. This application would not raise any issue in this regard however Officers note that the applicant has explained a personal need for the building due to a large size family. Officers consider that the application has been assessed in line with normal process and due regard has been given to material planning considerations which would not prejudice larger or smaller families.

CONCLUSION

The proposed development, in its amended form, is considered to be generally acceptable and to accord with the requirements of relevant development plan policies. The removal of the previously proposed first floor accommodation and the reduction to the size and height of the ancillary accommodation building to the front of the dwelling has addressed the previous reasons for refusal in respect of the earlier applications and appeal decision. The proposed development would be subservient to the existing dwelling and would be of a design and scale in keeping with the character of the area. No neighbour amenity, highways or flooding issues would arise.

However, in the absence of a bat survey carried out by a qualified ecologist to demonstrate that the proposal would not have an adverse impact on bats which are a European protected species, the Council cannot be assured that the development would comply with the

requirements of policy NBE4 of the Hart Local Plan and with the guidance within the National Planning Policy Framework 2021, the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 in respect of biodiversity.

Refusal is, therefore, recommended.

RECOMMENDATION - Refuse

REASON

- 1 Insufficient information has been provided within the application for the Local Planning Authority to be able to adequately assess the impacts of the proposal on the local bat population and does not enable the LPA to discharge its statutory duties in this regard. The proposal is therefore contrary to Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032, Section 15 of the National Planning Policy Framework 2021 and the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) with regards to European protected species.

INFORMATIVE

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:
 - The applicant was advised of the need to submit a bat survey carried out by a qualified ecologist during the processing of the application but declined to submit the requested information to allow the details to be properly considered.