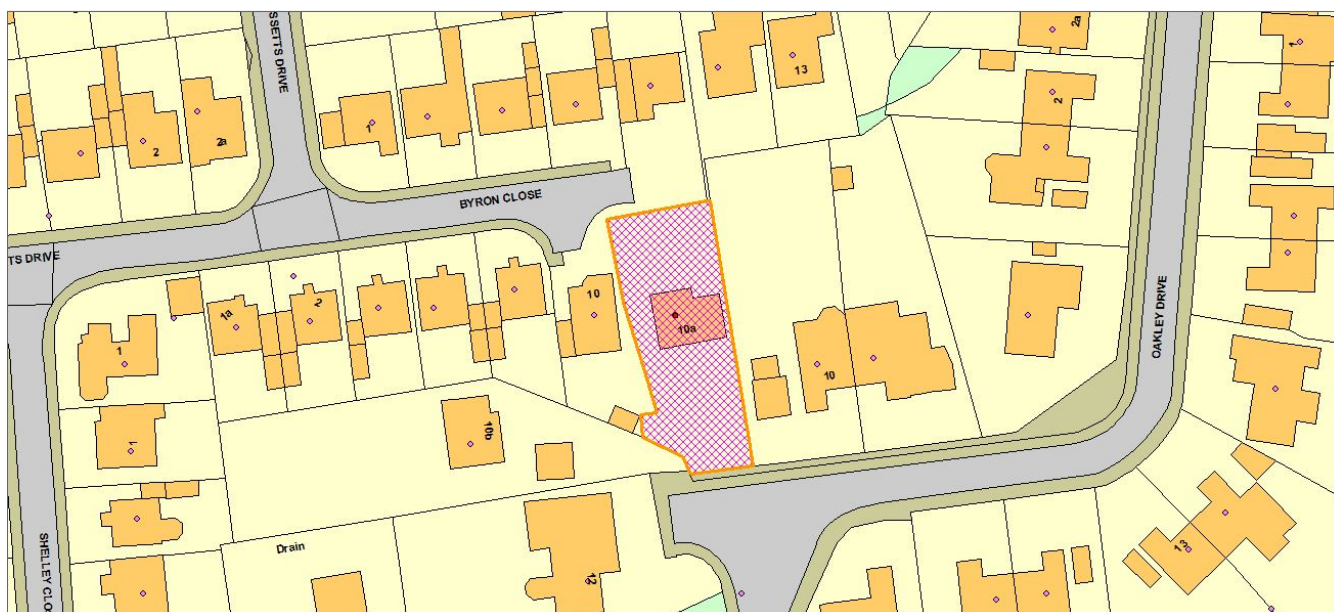


COMMITTEE REPORT

APPLICATION NO.	22/02681/HOU
LOCATION	10A Oakley Drive Fleet Hampshire GU51 3PP
PROPOSAL	Demolition of existing garage and erection of a two storey front extension, two storey side extension, two storey rear extension and front porch. Alterations to windows and doors.
APPLICANT	Mr Kyle Lewington
CONSULTATIONS EXPIRY	17 January 2023
APPLICATION EXPIRY	3 January 2023
WARD	Fleet Central
RECOMMENDATION	Grant subject to conditions



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Background

This application is brought to Planning Committee in line with the Council's Constitution as more than 5 objections have been received from local residents regarding the proposal and Councillor Oliver requested in writing to the Head of Place that the application be determined by the Planning Committee and the referral was agreed by the Chairman. The substantive planning reasons for bringing the application to Committee as requested by Councillor Oliver are flooding concerns and the impact on the street scene.

Site

The application site is within an established, medium density residential area of Fleet. The property is a two storey, detached dwellinghouse dating from mid-1960s, of brick and concrete roof tile appearance. It has garden on all sides and is positioned at the head of a cul-de-sac comprising mostly of single-storey dwellings.

The site is adjacent to a watercourse and the majority of the site is within Flood Zones 2 and 3.

Proposals

Construction of a two-storey front and side extension, and a two-storey rear infill extension, following demolition of the existing garage and linking corridor.

The development would bring the principal elevation forward by 1.5m and would increase the two-storey elements of the house to reach the full width of the existing house and garage. The proposed design would include two-storey bays on the front elevation, with a slightly projecting porch in the recess between. The rear extension would square off the rear of the house. The ridge height of the house would be the same as the existing but would expand in width and change from a hipped roof with a point to a hipped roof with a central ridge.

The external treatment would consist of matching brickwork at ground floor and render at first floor, on all elevations. The roof covering would match the existing concrete tiles. The development would result in increased living accommodation and would facilitate internal re-configuration and the creation of enlarged bedrooms with more facilities.

Planning History

21/01334/HOU - Demolition of existing garage, erection of a two storey front extension, two storey side extension, single storey rear extension, alterations to roof and windows to ground floor side and first floor side and rear. Refused due to design and harm to street scene.

22/01855/HOU - Demolition of existing garage and erection of a two storey front extension, two storey side extension, two storey rear extension and front porch. Conversion of loft into habitable accommodation and alterations to windows and doors. Refused due to lack of bat and flood risk information.

65/02089/F7 - Erection of two detached dwellings. (Formerly adj. 10 Oakley Drive Fleet). Permitted

CONSULTEE RESPONSES

Environment Agency Thames Area

No comments received.

Drainage (Internal)

Thank you for the opportunity to comment. The application has provided a substantial and detailed Flood Risk Assessment that complies with the Environment Agency (EA) guidance. The proposed development is classed as a minor development and therefore the EA 'Advice for Minor Extensions' can be followed and this has been shown within the FRA. The proposed floor levels of the extension will be no lower than this existing levels and the extension will be built as flood resilient. The size and shape of the proposed development will also have minor implications on flood flows from all sources of flood risk.

The only concern I have for the application relates to its proximity to a designated Main River. This is mentioned with the FRA and it is stated that the applicant has applied for the EA Main River Permit. Without this permit, the development will not be approved to take place and while this is separate to the planning application, it could have implications to any approved details or conditions should the application be granted.

While I have no objections to the application, I would raise concerns and suggest that the EA Main River Permit is received and approved prior to the application being granted.

Fleet Town Council

' The plans and the rear elevation do not tie up. The rear elevation appears to show an extension at the ground floor level only whereas the plans do not show a lower roof.

' The application description and the proposal do not agree as the room in the roof space has been removed. This needs to be clarified.

' The Drainage Officer continues to have concern regarding the EA approval of building in close proximity to a main river.

Holding OBJECTION until the EA position is clarified.

Should also be a condition that vegetation and some new tree planting should be reinstated to assist local high water table issues.

NEIGHBOUR COMMENTS

A total of 16 objection comments were received, from 11 separate addresses, throughout the course of the application.

Concerns were raised regarding:

- flooding and drainage,
- removal of soft landscaping (prior to the determination of the application),
- design and impact on the streetscene / character of the area
- overlooking
- noise pollution
- traffic generation
- overdevelopment
- development within the roof space
- need for change to description to reflect design amendments

CONSIDERATIONS

Hart Local Plan (Strategy and Sites) 2032 (HLP32):

- SD1 Sustainable Development
- NBE4 Biodiversity
- NBE5 Managing Flood Risk
- NBE9 Design
- INF3 Transport

Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (HLP06):

- GEN1 General Policy for Development

Fleet Neighbourhood Plan 2018-2032

- Policy 10 - General Design Management policy
- Policy 10a - Design Management Character Areas
- Policy 15 - Residential Gardens
- Policy 19 - Residential Parking

The following guidance has also informed the assessment:

National Planning Policy Framework (NPPF) 2021)

- Section 2 - Achieving sustainable development
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

- Planning Practice Guidance (PPG)
- Technical Advice Note - Cycle and car parking in new development August 2022
- Hart Planning Technical Advice Note - Privacy, Daylight and Sunlight: The 45 and 25 Degree Guideline
- The Urban Characterisation and Density Study for Hart
- Hart's Climate Change Action Plan
- Hart's Equality Objectives for 2021 - 2023

ASSESSMENT

The main planning considerations are:

- Principle of development
- Design and character of the area
- Residential amenity
- Flooding and drainage
- Highway safety and parking
- Impact on the natural environment

Principle of Development

The site is located within the urban settlement boundary of Fleet and the principle of development is acceptable, subject to compliance with relevant development plan policies and all other considerations as set out below.

Design and character of the area

Concerns have been raised by local residents and by Fleet Town Council regarding the potential for a dominant appearance of the finished property, concerns regarding the proposed scale and design in addition to questions of over-development.

Policy NBE9 of the HLP32 and saved policy GEN1 of the HLP06 seek to ensure that developments are in keeping with local character by virtue of their design, scale, massing and height and where the prominence of the proposal is in character with the local area. Policy 10 of the Fleet Neighbourhood Plan 2032 (FNP32) sets out 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".

The FNP32 establishes Design Management Character Areas (Policy 10A) and the application site is within Area E for South Fleet. Policy 10A of the FNP32 states that proposals for development in the various character areas will be supported where they have appropriate regard to the design characteristics for the relevant land use in that character area.

The site is located within Fleet Neighbourhood Area 5 for 'South Fleet' of the Hart Urban Design and Characterisation Study (UDCS) and is in Character Area E. Character Area E is described as having 'mostly one storey and one storey with attics, buildings in fairly large plots with broad frontages, building alignment variable including some at an off-set angle or 'echelon' with staggered frontages, materials relatively consistent.' The Character Area has low sensitivity to change.

Design recommendations for Character Area E within the UDCS state that 'an increase in the height of buildings would probably not be acceptable in areas of single storey development, whilst there are few opportunities to increase density, extensions to buildings should maintain the character of detached buildings as well as roof profiles'.

The host property is somewhat unusual in comparison with the established pattern of development described in the UDCS. It does not follow the same building line as the majority of properties on the road and was originally constructed as a two-storey dwelling, whereas many properties on Oakley Drive have expanded living accommodation into their roofs and interrupted roof profiles with the addition of dormers. Several other properties on the road have been subject to extension and alteration, which has modified the character of the area.

The mix of designs in development of the various extended properties denotes the scope for development of the immediate area. There is no uniformity of roof style or design. This variation in the streetscene is further emphasised by Oakley Cottage, which has distinctly different exterior treatments and detailing than the other properties on the road, and occupies a prominent position at the entrance to the cul-de-sac.

The position of the host property means that it forms part of the streetscene of Byron Close. The closest property on Byron Close, no. 10, has been altered through replacement roof tiles and windows and addition of white render on all elevations. There would be limited views of the extended property from the end of Byron Close and in the houses there, the design and appearance of the application property would be acceptable in terms of its impact on Byron Close.

The proposal would add noticeable bulk and mass to the existing property and it would extend the two-storey element of the building towards the shared boundary with No.10 Oakley Drive.

Concerns have been raised within public representations citing the dominating and incongruous impact of the proposed changes on the streetscene of Oakley Drive. Whilst the proposal would clearly give the property more prominence than the current situation and

amend its design, the set-back of the house and its position in the cul-de-sac would integrate into the streetscene.

The shallow roof angle would echo the broad roofscape of the majority of properties on Oakley Drive, preserving the horizontal emphasis of this design form and helping to integrate the proposed changes with the character of the area.

With regards to the exterior treatment of the property, the proposed half-render and window design changes would modernise the external appearance and the appearance would be acceptable in terms of visual amenities of the area. In the context of the character of Oakley Drive, the dwelling would remain significantly set-back from the road, the plot would remain spacious and as a result the proposal would not represent over-development.

Overall, the proposal would bring about visual change to the Oakley Drive streetscene however this would not amount to visual harm and would not have a detrimental impact on its character. A condition which requires details of external materials to be submitted for approval has been recommended to ensure that the extended property is acceptable in terms of its external finishing details.

As a result, the proposal complies with Policy NBE9 of the HLP32 and saved policy GEN1 of the HLP06, accords with Policy 10 of the FNP32 and the design aims of the NPPF 2021.

Residential Amenity

Saved policy GEN1 of the HLP06 permits development subject to the proposal not materially detracting from the amenities of adjoining dwellings by virtue of its siting and massing or loss of privacy.

There would be a minimum separation distance of 4.5m to dwelling at no. 10 Byron Close and of 11m to the dwelling at no.10 Oakley Drive. There are no significant levels changes between the properties. The separation distances are consistent with the levels of proximity commonplace in urban residential settings and would not be anticipated to result in overbearing impacts.

The orientation of the properties to one another, the position of existing and proposed windows and the separation distances would ensure that the development would not give rise to additional unacceptable levels of overshadowing, or overlooking, over and above the existing situation.

Given that the extended elements of the proposal would be closer to the boundary with no. 10 Oakley Drive it would be appropriate to remove the permitted development rights for glazed openings on that elevation of the house in order to prevent overlooking from windows which could otherwise be installed at a later date.

As a result of the concerns raised that the loft may be turned into a habitable space, a condition has been included to remove permitted development rights for additions such as dormer windows which would otherwise be permitted under the provisions of Class B of Part 1 of schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. Other alterations to the roof of the dwellinghouse, such as those permitted under Class C to install roof lights of the order would not be available in the future given these rights relate to the original dwellinghouse roof and this proposal would be replaced and would therefore not be original to the property.

Flood risk and drainage

A large proportion of the site falls within Flood Zones 2 and 3 and a small proportion of the rear of the site falls within Flood Zone 1, as confirmed by the Environment Agency's Flood Map for Planning (the Flood Map). The site is also adjacent to a main river, as defined on the Flood Map.

The Environment Agency website confirms that Flood Zone 3 land and property located on such sites has a high probability of flooding, Flood Zone 2 land and property located on such sites has a medium probability of flooding and Flood Zone 1 land has a low probability of flooding.

The Council's Strategic Flood Risk Assessment (SFRA) 2016 outlines on page 1 (executive summary) that Fleet is one of the the top four urban areas at risk of fluvial flooding in Hart. Page 2 confirms that Fleet is one of the top four urban areas at risk of surface water flooding. As there is no detailed modelling in the area, the Council's SFRA takes a pragmatic approach and defines Flood Zone 3 as Flood Zone 3b (functional floodplain) unless demonstrated otherwise.

Policy NBE5 of the HLP32 sets out the policy requirements for flood risk and developments. It establishes that development will be permitted provided that, amongst other things, over its lifetime it would be safe from flooding and not increase the risk of flooding elsewhere, if located within an area at risk from any source of flooding, it is supported by a site-specific flood risk assessment and complies fully with national policy including the sequential and exceptions tests where necessary.

The FNP32 states within Policy 10(i) that in relation to flooding, development shall create a safe environment for all uses and not increase off-site flood risk. Policy 15 of the FNP32 supports development which incorporates permeable paving, grasscrete, gravel or other forms of permeable parking surface, which do not increase surface water runoff and flood risk.

Section 14 of the NPPF (meeting the challenge of climate change, flooding and coastal change) deals with 'Planning and flood risk'. It requires development to be appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. It further confirms that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments. In providing a detailed Flood Risk Assessment and introducing flood damage resilience measures, the proposal meets this requirement.

the application is supported by a detailed, professional Flood Risk Assessment (FRA) which indicates that the footprint of the house will be increased by approximately 24 square metres. It confirms that the property is in flood zones 2 and 3 and advises that in the anticipated absence of comments from the Environment Agency, 'the LPA should not ignore the contents of this flood risk assessment'

According to the applicant's submitted FRA, the Environment Agency is taking up to 4 months to provide a response to LPA consultations. This correlates with average timescales experienced by the Council for comments on applications of this scale and nature. The assessment of drainage and flooding therefore rests on the submitted FRA at Officer level.

The Council's Drainage Engineer has raised no objections to the proposal but has commented that whilst the applicant's FRA is acceptable, the proximity of the site to a main river triggers the requirement for a Main River Permit to be obtained from the Environment Agency. The Drainage Engineer has advised that this permit should be obtained before planning approval

is given on a precautionary basis. Under normal circumstances, had a response been received from the Environment Agency requesting the same, this requirement could be fulfilled, however there are two aspects which the LPA consider as mitigating factors against the imposition of such a requirement on the applicants in this particular case.

An earlier proposal, which would have increased the footprint to a similar extent, was responded to by the Environment Agency (more than a month after a decision on the application had been made). The EA confirmed that the proposed development is within 8 metres of a main river (Regent Street Brook). The EA proposed that a condition should be added to any approval given, ensuring compliance with the submitted FRA, with particular reference to a proposed culvert. They further advised that a permit would be required but themselves did not stipulate that planning permission should be withheld until this permit is issued.

Furthermore, in light of the previous comments of the EA and given the delays in receiving response from the EA currently being experienced, it would be unreasonable to delay granting planning permission on the grounds of needing the EA permit as these are separate consenting regimes which are mutually independent from one-another. For example, one could be granted and the other refused.

As such, whilst the precautionary approach from the Drainage Engineer is noted, in light of the EA's comments on the last submission it is considered that the condition suggested by the EA previously should be used to base a condition requiring adherence to the submitted FRA. The need to obtain a permit can be achieved subsequent to planning permission being granted.

It is also considered to be reasonable and necessary to include a condition requiring the use of permeable surfaces for vehicular parking in the interests of reducing flood risk. Subject to the above, the proposal would comply with Policy NBE5 of the HLP32 and accord with the aims of the NPPF 2021.

Highway Safety and Parking

Policy INF3 of the HLP32 requires proposals to provide appropriate parking provision, in terms of amount, design and layout, in accordance with the Council's published parking standards, or as set out in Neighbourhood Plans.

Policy 19 of the FNP32 supports development which provides adequate car parking (according to HDC parking standards) and does not impact highway safety.

The proposal would not alter the number of bedrooms at the property. The site plan demonstrates that 4 parking spaces would be provided at the front of the house, which would be sufficient for a four bedroomed property according to Hart's Technical Advice Note - Cycle and car parking in new development. There would remain sufficient space about the site for the storage of bicycles for the number of bedrooms.

There would be no change to the access arrangements to the site and there would continue to be sufficient areas for the storage of waste and recycling bins.

The proposal development therefore meets the requirements of Policies NBE9 and INF3, of the HLP32 saved policy GEN1 of the HLP06 and the aims of the NPPF in relation to highway safety and parking.

Biodiversity

Policy NBE4 of the HLP32 places an expectation for proposals to avoid negative impacts on existing biodiversity and to provide a net gain wherever possible. Section 15 of the NPPF 2021 refers to conservation and enhancement of the natural environment. Under the NPPF, local planning authorities have a duty to ensure that proposals contribute to and enhance the natural and local environment.

Policy 15 of the FNP32 supports development which is sensitive to biodiversity, and retains at least 50% of the original garden. At the time of the Officer site visit the land surrounding the house had already been cleared of vegetation. As very little of the garden remains, it is not considered that this policy can be given much weight in the determination of this application.

Section 15 of the NPPF concerns conserving and enhancing the natural environment and instructs planning policies and decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Whilst the ground clearance has already taken place, there is potential for the proposal to lead to enhancements of, or a net gain in Biodiversity, through the installation of bat boxes / swift boxes and native planting.

All bat species and their roosts are legally protected, by both domestic and international legislation, namely the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended).

In this instance, the application was supported by a bat assessment report from a Chartered Ecologist, which found no evidence of bats and considered the property to have negligible potential for bats. The Council's Ecology Officer raised no objections to the proposal on the grounds and as such the LPA can be reasonably assured that the works would not adversely impact protected bats.

To achieve a net gain for biodiversity, details of habitat improvements, such as the installation of bat boxes or the planting of native species, will be added to the decision notice.

Climate Change

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District. Policy NBE9 of the HLP32 requires proposals to demonstrate that they would:

- i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and
- j) they incorporate renewable or low carbon energy technologies, where appropriate.

Given the nature and small scale of the proposal, it would be onerous to request the applicant to comply with this policy requirement. The Building Regulations were amended in June 2022 which require enhanced thermal efficiency and the use of low-carbon and renewable technology for heating systems therefore the planning system need not duplicate this requirement.

An informative has been included to request that the applicant conduct the change of use works in a sustainable manner and consider the carbon footprint of their materials, construction methods and delivery methods.

Equality duty

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. The Public Sector Equality Duty under the Equality Act 2010 identifies 'age' as a 'protected characteristic'. The application raises no concerns about equality matters.

CONCLUSION

The proposal would have acceptable impacts on the character of the local area, neighbouring residential amenity, flooding and drainage, highway safety and parking, and the natural environment, it would meet the requirements of the Development Plan for Hart and is recommended for conditional approval.

RECOMMENDATION – Grant, subject to planning conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 following approved plans and documents:

- GP/02/22 REV G PROPOSED PLANS AND ELEVATIONS, dated December 2022
- GP/03/22 REV C PROPOSED BLOCK PLAN
- LOCATION PLAN
- GP/05/22 REV E STREET SCENE

Reason:

To ensure that the development is carried out in accordance with the approved details.

- 3 The development hereby permitted shall be carried out in full accordance with the approved Flood Risk Assessment and Drainage Report by Simon Jones-Parry BSc CEng MICE dated 31 October 2022. The mitigation measures shall be fully implemented prior to first use of the development hereby permitted. The measures detailed shall be retained and maintained thereafter for the lifetime of the development.

In addition:

o Foundations / footing shall be no less than 4m from the main river identified by the Environment Agency as Regent Street Brook.

o Prior to first occupation of the development hereby permitted, Regent Street Brook shall be inspected for damage works caused by the development. If damage is found, this shall be reported immediately to the Local Lead Flood Authority.

Reason:

To reduce the risk of flooding to the proposed development and surrounding area and to accord with policy NBE5 of the Hart Local Plan 2032 and Policy 10 of the Fleet Neighbourhood Plan

- 4 The approved parking facilities shall not be used for any purpose other than the parking

of motorised vehicles and access shall be maintained at all times to allow them to be used as such.

If additional hard surfacing needs to be installed to accommodate the approved parking / turning areas, this shall be constructed using permeable surfacing materials and measures taken to prevent the overspill of any loose materials from the parking areas onto the public highway.

Reason:

To ensure sufficient on-site parking and to comply with the requirements of policies INF3 and NBE5 of the Hart Local Plan (Strategy and Sites) 2032.

- 5 Prior to the first occupation of the dwelling hereby approved, details of biodiversity enhancement and/or net gain shall be submitted to in writing and approved by the Council. Measures may include native hedge or tree planting on external areas, installation of swift bricks or bat boxes on the elevations of the dwelling or other Measures.

Reason: In the interests of securing biodiversity enhancements and net gain wherever possible in line with Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032, Policy 15 of the Fleet Neighbourhood Plan 2032 and the aims of the NPPF 2021.

- 6 The first floor side window serving the room labelled as the family bathroom on plan GP/02/22 Rev G shall be glazed with obscure glass (of Pilkington Glass level 3 or above, or equivalent) only and shall thereafter be retained as such. The window shall be non-opening below 1.7m above the floor of the room that it serves.

Reason:

To protect the amenities of current and future occupants of the property, to prevent unacceptable overlooking and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning General Development (England) Order 2015 (as amended) (or any Order revoking or re-enacting this Order with or without modification) no additional glazed openings shall be inserted into the east facing side first floor elevation of the extension hereby permitted, without the prior written authority of the Local Planning Authority.

Reason:

In the interest of the privacy of the occupiers of the adjoining properties and to satisfy saved policy GEN1 of the Hart Local Plan 2006.

INFORMATIVES

- 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 necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.
- 2 The applicant is advised that under the Wildlife and Countryside Act 1981 and the

Conservation of Habitats and Species Regulations 2017, bats are a protected species and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to www.naturalengland.org.uk or contact Natural England (S.E. regional office) on 0238 028 6410.

- 3 You may require Building Regulations Consent and we advise that you should contact Building Control on 01252 398715.
- 4 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operatives vehicles should be normally arranged on site.
- 5 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.
- 6 The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place (on or within 8 metres of a main river. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised to consult with the Environment Agency regarding this.