

APP/M1710/C/24/3349196: 59 Hazleton Way, PO8 9BP

Appeal statement

Grounds of Appeal

Ground A – Reason for notice (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Relevant Planning Policy

Policy Considerations National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

CS16 High Quality Design

Havant Borough Local Plan (Allocations) July 2014 AL1 Presumption in favour of Sustainable Development

Planning Considerations

Having due regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of Development
- (ii) Impact on the Character of the Area & Appropriateness of Design
- (iii) Impact on Neighbouring Properties

The application site is located within the defined urban area as set out in Policies CS17 and AL2. As such, development is considered acceptable in principle subject to development management criteria.

Enforcement history

An enquiry was raised with the Council in June 2023 to suggest 'A large wooden shed/structure has been erected up to the pavement which looks very unsightly and too big for a front garden'. A further enquiry was received in April 2024 suggesting 'a new, tall, outbuilding has been built in front of number 59 (forward of a wall forming the principal elevation) right up to the boundary of the footpath. This sets precedent for others do to similar on the estate.'

The owner Mr Bassett was contacted and he explained that this is a shed to store pushchairs, bikes and scooters for easy access and did not think the shed would be an issue as we were copying one in the street a few houses down.

Mr Bassett was informed that the building did not benefit from permitted development Under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 – *buildings etc incidental to the enjoyment of a dwellinghouse* as it contravenes (c) being located forward of the main dwellinghouse (c)*any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;*

Mr Bassett maintained throughout the investigation that he believed the development did not need planning permission but did agree to take pre application advice directly from the planners which was requested in July 2023.

A reply to pre application advice was sent January 2024 where the planning officer concluded:

*'Further to a site visit to the area and after consulting with senior planning officers, I am of the opinion that the constructed storage shed and cycle shelter are considered out of context with the area and the streetscene. The significant dimensions of the shed, being fixed and located prominently at the front of the property, with very limited existing screening makes the structure highly visible from the roads and the public realm. Furthermore, the surrounding area is characterised by low front boundary treatment and open front area space, it is deemed that the new structure has therefore resulted in an adverse visual impact within the streetscene and would set a precedent for inconsistent and out of character front outbuildings. Therefore, it is unfortunately considered **unacceptable** and **would not receive officer's support** were a planning application to be submitted'*

It was explained that the shed if re-located to the rear would benefit from permitted development, however we understood from the owner this was not an option largely due to space.

Mr Bassett was chased for a reply to confirm intentions of how to resolve this matter following the reply from planning in January 2024, and outlining what we believed are the 3 options available as follows:

- 1- Relocating the shed/cycle store to the rear garden (from our previous telephone call this may not be possible due to required space)
- 2- Entirely removing the shed/ cycle store and thus resolve the breach.
- 3- Retrospectively apply in full for planning permission. As detailed in the letter, this will likely not receive officer support, however it is still within your rights to apply if you wish, and you can then choose to appeal the decision if refused.

The LPA received no reply and the shed still remained up until April 2024 when a letter before action was sent informing the owner that the Council will now need to consider taking enforcement action.

Enforcement notice issued June 2024.

Policy CS16 of the Havant Local Plan states the following: Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design (amongst other matters): c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors; This proposal is not considered to comply with Policy CS16 as it is not comparable or in keeping with the surrounding pattern of development. The constructed storage shed and cycle shelter are considered out of context with the area and the streetscene.

The significant dimensions of the shed, being fixed and located prominently at the front of the property, with very limited existing screening makes the structure highly visible from the roads and the public realm.

Havant Borough Council Borough Design Guide SPD 2011 provides further guidance in relation to design and relevant extracts are provided below:

4.47 It is crucial that the design of new places is undertaken with a sound understanding of the local pattern of development. This understanding should inform the design of a proposal and reflect local character and distinctiveness, whilst allowing innovative design.

New developments should follow the typical pattern of existing properties, looking to immediate neighbours first. Overall, the storage shed and cycle shelter is not considered to meet with policy and SPD guidance as the surrounding area is characterised by low front boundary treatment and open front area space, it is deemed that the new structure has therefore resulted in an adverse visual impact within the streetscene and would set a precedent for inconsistent and out of character front outbuildings.

Policy CS16 High Quality Design

Policy CS16 of the Havant Borough Council Core Strategy 2011, requires, amongst other matters, that all new development should be of a high standard that responds positively to the local character within or close to the development site and use the characteristics of the locality to help inform the design of the new development.

Statement of Case.

This is a Ground A appeal that planning permission ought to have been granted.

Ground (A) 'Reason for notice (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted'.

The LPA contend that the constructed storage shed and cycle shelter are considered out of context with the area and the streetscene. The significant dimensions of the shed, being fixed and located prominently at the front of the property, with very limited existing screening makes the structure highly visible from the roads and the public realm. Furthermore, the surrounding area is characterised by low front boundary treatment and open front area space, it is deemed that the new structure has therefore resulted in an adverse visual impact within the streetscene and would set a precedent for inconsistent and out of character front outbuildings.

This development does not benefit from permitted development and is considered to be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework, all of which seek to ensure development responds positively to the context of the area, are of high-quality design and correspond with or enhance surrounding development and are sensitively integrated with no adverse effects on the street scene and visual amenity.

We respectfully request that the Ground (A) appeal should be dismissed.

NOTES ON PUBLIC BENEFITS AND CONCLUSIONS

The Human Rights Act

As to the Human Rights Act 1998 and the equality Act 2010, The LPA has full regard to the appellant's and occupier's rights under these Acts. However, this must be weighed against the wider public interest. For the reasons set out in the enforcement notice and above, it is considered that the development is unacceptable in planning terms. The LPA is satisfied that the public interest test, which is a legitimate aim, may only be adequately safeguarded by full compliance with the enforcement notice, which would not be disproportionate, unreasonable, or inequitable.

Appellant's Grounds

The points raised by the Appellant are all covered above.

Suggested Conditions

The development as discussed in the pre application advice is not likely to receive officers support and as such there are no conditions to outweigh the harm identified.