

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 April 2024 to suggest a garage is contained in the front garden. Concerns were around the location of this structure and the activities carried out as the complainant notes 'converting a saloon car resulting in cutting, grinding, arc welding and high revving engine noises'.

A further enquiry was received also in April 2024 suggesting 'Over the last few weeks in the front garden, concrete footings have been laid. A garage has been erected on the footings. This is in the front garden.'

A site visit was conducted in April 2024, photographs obtained, and the Council confirmed in their view this does not meet with permitted development, being a permanent structure contained on land forward of a wall forming the principal elevation of the main dwellinghouse.

Mr and Mrs Williams state this garage is bolted together and in no way permanent.

The garage is visible from the street scene and does not benefit from permitted development under Class E of the Town and Country Planning (General Permitted Development)(England) Order 2015 as it is contained forward of the principal elevation.

The development is considered to be out of keeping with the surrounding pattern of development and would have a harmful impact on the character and appearance of the property, the street scene and the visual amenity of the immediate locality. As such the development 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.

Under Class E of the Town and Country Planning (General Permitted Development)(England) Order 2015 – *buildings etc incidental to the enjoyment of a dwellinghouse* the owners were informed that the building did not benefit from permitted development 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;*

The owners did not apply for retrospective planning permission, relocate the building so it meets with permitted development or entirely remove the structure so a letter before action was sent June 2024 before an Enforcement Notice was served 31st July 2024 after a site visit confirmed the garage still remained.

Policy

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 development is not considered to comply with Policy CS16 as it is not comparable or in keeping with the surrounding pattern of development. The constructed garage in the front garden is considered out of context with the area and the street scene.

The dimensions of the garage together with being located prominently at the front of the property, with 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 garage 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 garage is considered out of context with the area and the streetscene. The significant dimensions of the garage together with being located prominently at the front of the property, with 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 is out of context with the area and the streetscene. It has significant dimensions, and being located prominently at the front of the property it would not be likely to receive officers support and as such there are no conditions to outweigh the harm identified.