

PLANNING INSPECTORATE

Temple Quay House
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Temple Quay
Bristol
BS1 6PN

25.11.2020

Dear Sir / Madam

WRITTEN REPRESENTATION HOUSEHOLDER APPEAL

55 HILLMEAD GARDENS | HAVANT | HAMPSHIRE | PO9 3NN

This letter is provided on behalf of the appellant as owner of the above property and in support of the current written representation householder appeal under s.78 of the Town and Country Planning Act 1990 (as amended) against the decision of Havant Borough Council dated 09.09.2020 to refuse to grant planning permission for:

Creation of carport and first floor side extension, dormer to rear elevation, extension to existing roof including 3no. rooflights to front elevation and 1.no roof light to rear elevation to provide habitable accommodation in loft space

The LPA refused to grant planning permission with two reason for refusing to grant planning permission given:

- 1. The design and appearance of the proposal is deemed inappropriate in context to the main building and is therefore considered to be unacceptable, contrary to the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would result in an adverse impact on the visual amenity of the locality. In accordance with guidance in the NPPF permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
- 2. The scale of the proposal would cause unacceptable harm to the amenity of neighbours through the loss of light and overbearing nature of the development and therefore is contrary to Policy CS16 of the Havant Borough Core Strategy.*

CONTEXT

The site is within the administrative boundary of Havant Borough Council and forms part of the defined urban area.

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The site is located to the west of Hillmead Gardens and is located midway down this infill development at the end of Scratchface Lane.

The property is a semi-detached two storey building with elevations finished in brick and a gabled, tiled roof.

To the rear of the property adjacent to the southern common boundary, the property is served by a detached single bay outbuilding with gabled roof.

PROPOSAL

The appeal proposal seeks the following operational development: erection of a first-floor extension to the side south elevation with undercroft access to the rear; and construction of dormer window within the rear western roof slope and insertion of roof lights (x 4) in the front (east) roof slope.

The dormer window would facilitate the conversion of the existing roof space to habitable floor area, with the roof volume within the first floor extension providing access up into the roof and also space for part of the proposed en-suite bathroom.

With regard to the proposed roof lights, the one in the new addition would be serving a loft storage area.

DEVELOPMENT PLAN

The Development Plan for Havant consists of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Local Plan (Allocations) 2014.

In terms of emerging policy, the Havant Borough Pre Submission Local Plan 2036 and Emsworth Neighbourhood Plan Post Examination Version 2020 (ENP) are relevant.

The new Local Plan is at the Regulation 19 stage and although the consultation on the proposed changes is currently taking place, given the level of unresolved objections is unknown at this stage only limited weight can reasonably be attributed to relevant policies.

The ENP is at the Regulation 18 stage. Due to COVID 19 the Council are unable to run any NP referendums until May 2021. Whilst ENP is therefore still some way off being made, given its stage of preparation and the lack of unresolved objection it still carries substantial weight as part of the decision-making process.

In terms of relevant policies of the current development plan, Policy CS16 of the Core Strategy is the most salient, stating that all development should demonstrate that its design:

Responds to, draws inspiration from and respects local context and:

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;*

- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme whenever possible to create variety and interest;*
- c) Uses the characterises 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;*
- d) Is well connected to and integrates with the immediate local area and the wider area linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and*
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

In terms of other relevant guidance, the Council's Design Guide SPD is referenced in the officer report and supports the implementation of CS16.

The revised National Planning Policy Framework (2019)(Framework) is also a material planning considerations, with the following paragraphs considered relevant in the assessment of the current appeal.

Paragraph 124 makes clear, that the creation of high quality buildings and places is *fundamental to what planning and development process should achieve*, with good design a *key aspect of sustainable development*.

Paragraph 127 sets out, that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks*

ASSESSMENT

The main considerations in this case are considered to be as follows:

- Impact on character & amenity
- Impact on amenity of neighbouring occupiers

IMPACT ON CHARACTER & AMENITY

In terms of the context of the area, as the Inspector will appreciate from their site visit, there is a largely equal split between semi-detached and terraced properties that gives the area variety in terms of space / sense of space between built form / blocks of development.

To illustrate this point, opposite the application site (between no.12 and no.13) and to the south (between no.52 and no.53), as shown in the street scene photographs provided in Figure 1 and 2, below the gap between properties and relationship created is largely the same as proposed as part of the current application.



Figure 1 – street scene photograph show spacing between no.12 and 13 (source: ©Google 2020)



Figure 2 – street scene photograph showing spacing between no.52 and 53 (source: ©Google 2020)

This variety is further illustrated by the simple comparison sketch provided at Figure 3, below, which demonstrates that the spacing between blocks of development as part of the appeal proposal would not be at odds with the prevailing character of the area.



Figure 3 – comparison sketch of spacing between blocks of development in the immediate area

As part of the officer report reference is made to the Council's Design SPD: *the width of the plot and the width of the proposed building should be similar to that prevailing in the local area, looking to the immediate neighbours first*. This section of the SPD is concerned with new dwellings and not enlargements to existing. Notwithstanding this, when the guidance is simply applied as a benchmark, as already set out, the variety in terms of terraces and semi-detached units in the area mean the width of the resultant dwelling (at first floor level), and the spacing created, would not be at odds with its context. Furthermore, the first-floor addition would be proportionate to the host dwelling, being half the width of the existing, so as not to unbalance the pair.

The proposed extension would be subservient to the host dwelling, with a lower overall ridge height and recessed front elevation. Furthermore, the eaves line would be maintained and aperture size consistent with the existing first floor.

The dormer window to the rear would not be visible from public vantage points, with only the proposed roof lights an indication that the roof space of the property having been converted to formal habitable space.

It therefore cannot be shared that the proposal would materially harm the street scene and be out of keeping with the character of the area. As such, it is contended, the appeal proposal would accord with Policy CS16 and the Framework on this ground.

IMPACT ON AMENITY OF NEIGHBOURING OCCUPIERS

With regard to the impact of the development on the amenity of neighbouring occupiers, the Council's SPD on design does not consider the relationship created.

However, for completeness and applying good planning, when a 45-degree line is taken from the outside edge of the window, as demonstrated on the proposed first floor plan, the line is not impinged to the frontage, and only impinged to the rear at a distance of 4m. Given no impingement to the frontage and the render used in the flank elevation being painted white to maximise on the refraction of light, a demonstrable loss of light to this room would not occur. It is noted that should a 45-degree line be taken from the centre point of the window the same outcome would apply.

With regard the first floor window towards the rear, this window is serving a double aspect room and therefore further compounds the view that a material loss of light to the room served by this window would not occur as part of the development.

With regard to the ground floor apertures, the doorway towards the frontage serves a transitory space and not a formal habitable room, and the window towards the rear serves a room with a glazed doorway to the rear. Combined with no development at ground floor level (to allow access through the site to the rear), the proposal would not lead to a material loss of light to rooms / spaces served by these apertures.

In terms of the development appearing overly dominant or overbearing, the space to the side of the no.54 is driveway / parking space, with the property's high-quality amenity space to the rear. This importantly reduces the value of this space, and therefore on the basis of the properties orientation and the proposal not projecting beyond the rear building line of this neighbouring property mean that the development

would not adversely impact on the amenity of neighbouring occupiers by virtue of its dominance or overbearing form.

With regard to the proposed dormer window, the property is already served by first floor apertures in the rear and therefore the addition of an aperture at roof level would have no greater impact on the amenity of neighbouring occupiers.

The proposal would not, therefore, demonstrably harm the amenity of neighbouring occupiers, in accordance with criterion (e) of CS16 and the Framework on this ground.

CONCLUSION

The variety in spacing between properties is greater than identified by officers as part of their assessment and allows, this statement contends, for development to the side of the property in the form proposed.

Combined with the development's separation (at first floor level) to the common boundary, absence of built form at ground floor level and the extension being subservient to the host dwelling, and the proposal would not materially harm the character of the area.

The impact of the development on the amenity of neighbouring occupiers would also not be material when regard is had to the rooms that are served by the side facing apertures and quality of amenity space.

The appeal proposal is considered to accord with CS16 and although conflict has been identified by officers with regard to the Council Design SPD, this relates to new dwellings, although notwithstanding this when an assessment of any harm is made material harm cannot, this statement contends, be substantiated.

The Inspector is therefore respectfully requested to consider the points in support of the appeal proposal and based on this should, this statement contends, allow the appeal.

With kind regards,

ADAM GRIFFITHS BA (Hons) MA MRTPI
DIRECTOR

ALG PLANNING + DEVELOPMENT

