

APP/20/00699 Two storey extension (south); first floor (north) extension; render and cladding; attached garage and new access on Southwood Road. 2 Eastoke Avenue, Hayling Island, PO11 9QW

Introduction

1. My clients are very concerned about this application and they are making their own observations from a neighbour's point of view in separate letters sent to you directly. I have been engaged on their behalf to provide a professional view on the planning merits of the proposals.
2. The submitted revised plans are still inaccurate. For example, on the 'Proposed Site Plan – Rev B', the pitched roof of the north extension is still not shown. It is important for this to be amended if this application is to proceed to determination.
3. The building (no. 2 & no. 2a) sits in a prominent position at the junction of Southwood Road and Eastoke Avenue with its principal elevation onto Southwood Road. As such, it constitutes a 'landmark' dwelling which should set an example in terms of good design which enhances the attractiveness of the area and the seafront street scene. It has not gone unnoticed by the objectors that there are similarities of these proposals to the dismissed appeal proposals of a few years ago. Whilst it might be wrong to directly compare them, there is no doubt that some considerations are common to both. During the appeal the appellant's planning consultants admitted there are no architectural merits accruing to the current building at no. 2/2a Eastoke Ave and this admission adds weight to the observation that design changes which enhance the quality of the building are absolutely essential if further development is to be allowed.

Why the Development Should Be Refused

4. Permission should be refused as the proposals represent *"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, taking into account any local design standards or style guides in plans or supplementary planning documents"*. (NPPF paragraph 130). It is also contrary to Havant Borough Local Plan (Core Strategy) Policy CS16 (High Quality Design) which says, *"All development should demonstrate that its design: 1. Responds to, draws inspiration from and respects local context and: 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; and e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking."*
5. The proposals are also not in accordance with the Havant Borough Design Guide 2011. Para 1.04 states that the SPD *"aims to raise the quality of design across the Borough by providing detailed guidance that supplements and helps to implement Core Strategy Policy CS16 High Quality Design."* The proposals fail to show how the design of the development meets the aims and criteria of the Design Guide and implements Policy CS16. Indeed, it is evident that the proposals do not respect several design guide criteria including advice on massing, building line, architectural detail, daylight considerations, overshadowing, separation between dwellings, front extensions, and rear extensions.
6. The objectors assert that the proposals constitute poor design (which is enlarged upon in the following paragraphs) and as such should be refused in accordance with national and local policy. The development fails to demonstrate that its design responds to, draws inspiration from and respects its local context. It has not used the characteristics of its locality to inform the design and is contrary to the local design guide (again contrary to national policy). It also injures the amenity of neighbours to an unacceptable extent.

Design Considerations

7. The proposals fail to align with the local context of neighbouring properties, which as the objectors have previously pointed out, and confirmed by a dismissal of previous proposals at appeal, comprises single storey dwellings. The mass and bulk of a heavily extended two storey building in this location would serve to dominate the street scene and its neighbouring properties (including no. 2a Eastoke Ave).
8. From an aesthetic/detailed design point of view extensions should be in sympathy with, and in general, smaller than the main building. This allows them to use the original building as a reference point in terms of size, design and materials, and not to dominate the structure by creating conflicting forms of equal importance. Thus it should be possible to 'read' the history of the building by discerning the principal element to which subsidiary elements have been added. A 'family of forms' should be respected where two storey extensions are smaller than the main building with reduced ridge heights and similar pitch angles, which enhances the original form of the building. Here we have a veritable dog's dinner with extensions here, there and everywhere added to the original structure over time with an annexe turned into a separate dwelling. This has produced a building exhibiting no overall design strategy and if the proposed extensions are built, the original design will be further obscured and very difficult to read. The proposals therefore do not represent good design and thus fail the intentions of national and local policy to improve standards.
9. The two storey south extension projects beyond the building line, which serves no useful design purposes and which does nothing to hide the ugliness of the flat roof porch. The new southern frontage would introduce a number of adverse features. The asymmetry of two unequal width gables with different roof pitch angles will look extremely odd, which will be exacerbated by the conflicting mix of directional emphases in wall openings in the upper and lower storeys – vertical emphasis in the lower storey and horizontal emphasis in the upper storey, and by the replacement of one of the double width windows in the upper storey by a single width window. This could be corrected in detailed changes, but the projection beyond the building line is a serious design flaw.
10. The second storey north extension is similarly flawed and the effects of this construction on no. 2a are particularly severe. At present, the existing single storey north extension of no. 2 provides (albeit inadequately) some necessary space between the two addresses which prevents them completely merging into each other. If the north extension is built as a second storey it will loom over and dominate its neighbour to an undesirable degree. Furthermore, as a rear extension it fails to observe local design guidance by being less than 2 metres from the neighbouring property and projecting more than 3 metres beyond the wall of the house.
11. From a mass/scale point of view, the extensions will add approaching 50% to the living space of no. 2 (ignoring the conservatory as a room) which compromises the integrity of design of the original building. Coupled with the fact that for determining scale the two dwellings should be considered as one single building, the cumulative addition to dwelling space would be to double the size of the original building. Although the 'planning unit' is No. 2 and does not include no. 2a, nevertheless there is evidence that the two addresses share/will share amenity space since the garage cannot apparently be accessed apart from the amenity space of no. 2a. Therefore, from a mass/scale point of view the whole building should be considered as one, and in that respect, it clearly fails the advice in the district's design guide about scale of extensions.

12. In terms of overlooking and daylight amenity, the north extension is less than 10 metres from the south facing window of the living room of no. 4 Eastoke Avenue. The daylight and sunlight tests contained in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011) indicate that adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2 metres above floor-level at the facade. This would result in a spacing of at least 10 metres between opposing facades. This is in my view, an absolute minimum in this location which the proposals do not respect.
13. The above considerations are sufficient evidence that the application should be refused on design grounds alone.

Other Considerations

14. In addition, my clients fear that although the plans do not show windows in the upper storeys of either extension facing their houses; nevertheless, there will be pressure to do so at a later date, which they would be unable to oppose. I consider that given the planning history of the property, with various alleged breaches of planning control this is a valid fear. As you will be aware numerous court judgements (e.g. Newport BC v SoS Wales (1998)) confirm that a valid fear (in this case based on planning history) can be considered a material consideration in the determination of a planning application. Even local fears which are not justified may be considered part of a human factor which could form an exceptional circumstance. For the purposes of the law, such fears need not be proved as likely, nor are they limited to health issues; they merely have to be genuinely held and there must be evidence that this is the case. In my judgement such fears are genuinely held by my clients as their letters sent to you separately testify. In their own words they sketch what they see as perceived harm to their living conditions which would be caused by this development and subsequent action that they consider might be taken by the applicant in the future based on past and current experience. Of course, it will be for the decision maker to give an appropriate weight to such material considerations, and my clients hope that the Council agrees with them and will make this the basis for a reason to refuse the application.
15. I thus find an unacceptable degree of potential harm for overlooking and reduction in daylight amenity, and coupled with genuinely held fears over further development and lack of trust in the applicant, the extensions should be refused for this reason in addition to design considerations.
16. Some more detailed considerations are the proposed retention of a flat roof to the porch and the adjoining flat roof garage. In design terms, both these structures should have pitched roofs. Notwithstanding the existing CLUED that regularises the porch it is clearly within the powers of the local authority to require remedial work to make the porch acceptable in design terms if it is minded to approve this application. Additionally, the proposed drive (already constructed) from a new access to Southwood Road is a drive that leads to nowhere. The principal vehicular access is taken from Eastoke Avenue to the garage adjacent and this should remain.
17. Finally, local residents are conscious that the way the garage has been constructed (containing a sink, provision for a toilet and kitchen units) indicates there is likely to be pressure for further changes of use to living accommodation sometime in the future. Although the objectors would ideally wish for an outright refusal of the proposals, if the Council were minded to grant planning permission my clients request that such a permission be accompanied by a legal agreement to exclude conversion of the garage into another use or subdivision of the dwelling into flats or an HMO without express prior consent. My clients consider that the previous history of disregarding a planning condition to convert the annexe into a separate dwelling and its lawful establishment

as such via a CLUED plus premature construction of the new access, is evidence that imposing a condition to that effect will not be effective.

Conclusions

18. In conclusion, my clients reject the current proposals and find no merit in them. They represent extremely poor design which will not enhance the street scene or the locality, and the proposed development would have a harmful impact on the character and appearance of the area, both of which are contrary to national and local plan policy. They will adversely affect their amenities to an unacceptable extent and there are genuinely held fears that amount to a material consideration, that further adverse changes to the structure are likely to be made in the future. In my view the proposals cannot be made acceptable by design changes and we respectfully ask that the application is refused.

19. In that the garage has already been constructed and this part of the application is retrospective, I suggest that design changes are made to add a suitable pitched roof and that the aforesaid agreement prohibiting future changes of use is appended to any consent upon reapplication.