

Section 78 Town and Country Planning Act

Appeal Statement - Written Representations Procedure

Demolition of garage; two storey side extension incorporating hip to gable roof and loft conversion with dormers to front and rear.

53 Penhurst Road,
Havant,
PO9 3NX

Site Information

Consultant	Ema Baker
Client	Jason King
Site Address	53 Penhurst Road, Havant, PO9 3NX
LA	Havant Borough Council
Description of Development	Demolition of garage; two storey side extension incorporating hip to gable roof and loft conversion with dormers to front and rear.
Pathway (PD/Application/Appeal)	Appeal

Constraints Review

Flood Risk Zone	No
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No

Local Policy Requirements

Local Plan/Core Strategy	Local Plan (Core Strategy) adopted March 2011
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Local Plan (Allocations) adopted July 2014

Effective Policies in Development Control

Havant Borough Local Plan (Core Strategy) March 2011

- CS16 (High Quality Design)
- CS17 (Concentration and Distribution of Development within the Urban Areas)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

SPG/SPD's

- Havant Borough Council Borough Design Guide SPD December 2011
- Havant Borough Council Parking SPD July 2016

Planning History

53 Penhurst -

APP/19/00847 Demolition of garage; two storey side extension incorporating hip to gable roof and loft conversion with dormers to front and rear. Refused 3 December 2019

APP/20/00104 Demolition of garage; two storey side extension incorporating hip to gable roof and loft conversion with dormers to front and rear. Refused 19 March 2020

APP/20/00847 Demolition of garage; two storey side extension incorporating hip to gable roof and loft conversion with dormers to front and rear. Refused 28 April 2020

51 Penhurst -

04/65496/000 - Provision of living accommodation in loft space incorporating change from hipped pitched roof to gable end to side elevation and dormer window to rear elevation. Approved 2004

85 Scratchface Lane -

95/59953/001- Replacement breakfast room and adjoining conservatory. Approved 1995

87 Scratchface Lane -

97/55272/002 | Roof extension incorporating new gable wall to west elevation and extension of dormers to front and rear. Approved 1997

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1. Introduction

1.1. This appeal statement has been prepared to support the following proposal:

Demolition of garage; two storey side extension incorporating hip to gable roof and loft conversion with dormers to front and side.

1.2. Town Planning Expert acts as planning consultants for the appellant.

1.3. The appeal follows the refusal of planning application. LPA reference: APP/20/00211.

1.4. An identical application was submitted in 2019 under LPA reference: APP/19/00847 which was also refused, but due to illness an appeal was not lodged in time.

1.5. Following discussions with the then case officer a revised application was submitted under LPA reference: APP/19/00847 but was also refused.

1.6. Copies of the decision notices are attached at Appendices A and B respectively.



Site Location



Street View

Matters Pursuant to the appeal

- 1.4. The site is located within the defined Urban area, therefore the principle of development is accepted
- 1.5. The LPAs concerns relate to the proposed height, mass and proximity of the extension to the boundary; and the effect on neighbouring properties.

2. Site Context

- 2.1. The property is a two storey semi-detached property with attached garage, brown tiled pitched and hipped roof with elevations of red multi brick.
- 2.2. The property lies on the western side of Penhurst Road with Scratchface Lane to the north, Springfield Close to the south wrapping around to the west and Marylands Road to the East.
- 2.3. The adjoining property, 51 Penhurst Road, has been extended to provide living accommodation in the loft space incorporating a change from hipped pitched roof to gable end to the side elevation and a dormer window to rear elevation. It also has a rooflight to the front roofslope.
- 2.4. To the north of the property lie Nos 85 and 87 Scratchface Lane, a pair of semi-detached bungalows which sit at an angle to the appeal premises. Both of these bungalows have been extended by the addition of front dormers.
- 2.5. The site is within the built up area of Havant and is characterised by medium density residential development consisting of properties of varying sizes, styles and designs.
- 2.6. Penhurst Road lies approximately 2 kilometres north-west of Havant town centre.

3. Local Development Framework

National Planning Policy Framework

3.1. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and sets out the government's planning policies for England and how these are Expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, and revised in July 2018, this revision is reflected in this Statement.

3.2. ***Achieving sustainable development***

The Government indicates within paragraphs 7 and 8 of the framework that:

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

an economic objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*

a social objective – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

an environmental objective – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 3.3. The framework also indicates in paragraph 11 a presumption in favour of sustainable development

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or
(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 3.4. Paragraph 38 indicates that:

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 3.5. Within the NPPF it is further encouraged for communities to have a mix of differing types, tenures and sizes of properties within local areas.

Local Policy

3.6. Local planning policy is set out in the Core Strategy adopted in 2011. Although a new Local Plan is being prepared this is still at a relatively early state and therefore carries little weight.

3.7. The only policy of relevance is Policy CS16 - High Quality Design.

3.7. Policy CS16 - High Quality Design

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:

1. *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 wherever possible to create variety and interest;*
 - 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;*
 - d) *Is well connected to and integrates with the immediate local area and the wider area by 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.*
(Appellant's emphasis)
2. *Produces a positive relationship between buildings, street and spaces both existing and proposed, where:*
 - a) *The layout of the development reduces opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development;*
 - b) *New streets are not dominated by vehicular traffic;*

- c) *The layout of the development is legible, meaning it is easy to orientate oneself and move through.*
3. *Contributes to the improvement of the public realm close to the development, particularly sites close to town, district and local centres and other priority regeneration areas by using high quality hard and soft landscape material and street furniture; and where development is of a significant scale or prominence makes provision for public art.*
4. *Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration.*
5. *Maximises opportunities for mixed use developments, particularly in town and district centres; and encourages higher densities (50+ dwellings per hectare) where appropriate.*
6. *Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.*
7. *Adapts to the changing needs of the users and the changing climate over the lifespan of the building.*

4. Grounds of Appeal

The Council's Reasons for Refusal

- 4.1. *The proposed extension and dormers would by reason of their height, mass, bulk, design and proximity to the boundary result in an overbearing and excessive building bulk adjacent to the neighbouring properties at No's 85 and 87 Scratchface Lane, harmful to the visual outlook and amenities of the occupiers of these properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.*

Common Ground

- 4.2. With regards to the impact on 85 Scratchface Lane, to the North, the council has judged that the proposed development for 53 Penhurst would not increase the level of overlooking into this property.
- 4.3. With regards to the impact on 87 Scratchface Lane, to the North-West, and the potential increase in overlooking, it has been judged by the council that the proposed windows in the first floor and dormer are to serve bathrooms, it has also been considered that a dormer of substantial size can be built under permitted development, therefore any increase to the level of overlooking to number 87, would not constitute a defensible reason for refusal.

The Appellant's Statement of Evidence

- 4.4. The proposal seeks to extend this 3-bed semi-detached property by adding an extension to the side and changing the hipped gable to a full gable to provide a utility room and enlarged kitchen at ground floor level, a staircase and enlarged bathroom at first floor level and a fourth bedroom within the roof. Two dormer windows are proposed to the front roof slope and a box dormer to the rear roofslope.
- 4.5. The Council has raised concerns over the height, mass, bulk, design and proximity to the boundary result in an overbearing and excessive building bulk adjacent to the neighbouring properties.
- 4.6. The height is the same as the existing house.

- 4.7. With regard to the mass and bulk the appellant would point out that the use of a full gable would reflect the changes already made to No 51 and therefore restore the symmetry of this semi-detached pair of properties.
- 4.8. It is pointed out that the change from the existing hip to a gable could be undertaken under permitted development.
- 4.9. The use of dormers to the front roofslope is not uncommon in this area as evidenced by the adjacent properties at 85 to 87 Scratchface Lane. The Inspector will also note other examples in the wider area which are visible from the site.
- 4.10. The appellant has sought to reflect the design of the property in the front dormers by using two smaller dormers with pitched roofs. These would be clad in matching materials to the existing roof.
- 4.11. The rear dormer is necessary to provide the headroom required in the new bedroom, and again reflects what has been done at No 51 adjacent. The dormer would be largely screened from public view by the existing house.
- 4.12. The side extension would extend only 1735mm from the existing and is set in 750 mm from the boundary. The principle of extending sideways has previously been accepted at Nos 15 and 17 Penhurst Road.
- 4.13. As indicated above this extension is largely to accommodate the staircase to the new bedroom in the roof. The alternative would be to sacrifice the existing third bedroom to gain access to the roofspace.
- 4.14. The only windows to the new side wall would serve a toilet and utility room on the ground floor, a landing at first floor level and the staircase at second floor level. All would be obscurely glazed to avoid any overlooking.
- 4.15. Being due south of 85 Scratchface Lane the present house already throws a shadow over its neighbour, albeit it is largely over the garage and parking area. The addition of the side extension should not significantly add to this. Indeed the only objection was from No 87 Scratchface Lane.

- 4.16. Following the initial refusal, LPA ref: APP19/00847, discussions were held with the then case officer who advised that there was no objection to the side extension per se, but suggested that the overall height be reduced by the use of a half-hip. No concerns were made regarding the dormer windows.
- 4.17. Application was duly made, LPA ref: APP/20/00104, but, being processed by a different case officer, was refused (Appendix B)
- 4.18. The reason for refusal indicates that the proposals would be harmful to the visual outlook and amenities of the occupiers of 85 and 87 Scratchface Lane.
- 4.19. The front dormers would not be visible to those properties while the rear dormer would face down the garden so there would be no overlooking and only the cheek of the dormer would be visible from the neighbouring properties.
- 4.20. As indicated above the side windows would be obscurely glazed such that there would be no overlooking.
- 4.21. With regard to the proximity of the extension it is stated within the Officer's report that in the Havant Borough Design Guide SPD that there should be a minimum of 10m separation distance between a dwelling facing a blank wall which this proposed extension does not meet, however when reading this SPD, within section 5.05(pg 36) the wording actually states:

Where a dwelling faces a blank gable, 10 metres separation distance is required

- 4.22. As shown in the block plan submitted to the council, submitted as Appendix C for this appeal, the layout of this site and surrounding properties does not follow a linear pattern and the properties at 85 and 87 Scratchface Lane are slanted towards the west from the application site. As such these dwellings are not facing a blank wall as their main outlook is across the garden of No 53 Penhurst Road and is therefore unobstructed by the proposed extension. Indeed they have an uninterrupted view to the properties in Springfield Close.
- 4.23. The SPD goes on to further state within section 5.06;

Some overlooking of gardens from the upper floors of dwellings will be unavoidable in most urban and suburban housing layouts. However, the design should aim to mitigate these effects as far as possible by carefully designing the internal floor layout to

concentrate habitable rooms away from adjacent properties where overlooking could be an issue. The council could also impose a planning condition as part of a planning consent, requiring obscure glazed first floor bathroom or secondary windows to protect residential amenity.

- 4.24. It should be noted that the existing side extension of 53 Penhurst, which is a garage, does not currently meet the separation distance of 10m to 85 Scratchface Lane, therefore the impact of any further extension which does not encroach closer is considered negligible.
- 4.25. As indicated in the guidance, there should be a level of common sense in what is achievable and/or unavoidable in the proposals for development, the appellant has proposed a design that mitigates these effects as far as possible, as indicated by the officers report it is acknowledged by the council that the windows in the first floor and dormer nearest to the adjoining properties are to serve the staircase and bathrooms, therefore these windows will be obscured to protect residential amenity and prevent overlooking or loss of privacy.

5. Conclusion

- 5.1. The property is within a defined built up area, therefore the principle of this development is acceptable.
- 5.2. The area consists of a mixture of differing styles/designs, types and tenures of houses. Therefore this proposal is considered to be in keeping with the character of the area.
- 5.3. This proposal is in keeping with the proportions and finish of the property and it has been noted by the council could benefit from a substantial size rear dormer under permitted development rights.
- 5.4. While the Local Planning Authority seeks a minimum distance of 10 metres between windows and a blank elevation the position of the adjacent properties/gardens means that those properties would only view the side extension at an angle and their direct outlook across the garden of No 53 Penhurst Road is well in excess of 10 metres.
- 5.5. The Local Planning Authority accepts that there would be no adverse impact on other neighbouring properties.
- 5.6. Having regard to the above the appellant considers that the proposal complies with national and local policies and guidelines and respectfully requests that this appeal be allowed and permission granted.