



Land Adjacent to 93 Winterslow Drive, Havant PO9 5DZ

Final Comments

Ref. APP/X1735/W/19/3243426

On behalf of
Mr. G. Comley

March 2020



Nova Planning Limited has been appointed by Mr. G. Comley, to prepare and submit final comments in respect of Appeal Ref. APP/X1735/W/19/3243426.

Comments on the Local Planning Authority's (LPA) Statement

Reason 1

We note that the majority of the LPA's Statement provides context rather than any further comments to counter those made in the Appellant's Statement. Paragraph 5.13 refers to the planning history as being a material consideration and states that this is not reflected or considered in the Appellant's case. The Planning History of the site is set out at Paragraph 1.7 of the Appellant's Statement and paragraphs 3.11 – 3.24 provide an assessment of the proposal against reasons for refusal that have been applied to the current proposal and the previous scheme. In this respect, to say that the Appellant's Statement does not reflect or consider the previous appeal decisions is untrue.

With regard to the assessment provided at Section 3.0 of the Appellant's Statement, this proposal is materially different to previous proposals for the site and this is acknowledged in the LPA Statement at Section 3.0 as follows:

“The main differences between the previously refused scheme (APP/19/00635) and the current application is that the proposed development is for two dwellings attached to the existing dwelling, therefore proposing to continue the terrace of dwellings. The layout of this revised proposal sets back the dwellings into the plot, in combination with the size, scale and massing being reduced. Furthermore, the car parking layout has been amended and includes an element of additional landscaping.”

Therefore, the current proposal warrants an individual assessment based on its individual merits. Whilst it is clear that the LPA has undertaken an assessment, we feel that this places too much emphasis on the planning history of the site which relates to separate proposals.

The Officer's Report identifies very limited 'actual' harm associated with the proposal and it acknowledges that the proposal is materially better than previous schemes as follows:

“As has been outlined the main differences between this application and the last previous refusal (APP/19/00635), are in terms of the amended layout, and the reduction in terms of the size, scale, massing and design of the proposal. With regard to this element the proposal would now largely be read within the context of the existing terraced properties, albeit that the units would be set back into the plot, in order to accommodate the revised parking layout. As such it is considered on this element that the proposal would in terms of the visual impact of the dwellings themselves be an improvement from the previous scheme, and it is considered that the dwellings, when considered in isolation, would not have a significant adverse impact on the character and appearance of the area, and has overcome reason for refusal 1 of APP/19/00635.”

The LPA's case focusses solely on the change in character to the frontage area of the proposed dwellings. We feel strongly that the evidence submitted with this appeal confirms that the proposal would not be harmful in terms of character – it would reflect arrangements found in the immediate vicinity and recently approved arrangements elsewhere in the Borough. Examples have been provided to corroborate this view.

Notwithstanding these views, even if the LPA's position is accepted then the level of harm is not so significant to warrant a refusal when balanced with the benefits of housing delivery. The benefits of the proposal are even more relevant given delays to the Havant Local Plan Review and a lack of housing delivery in the Borough over the past 12 months due to issues relating to nitrate neutrality. If planning permission is granted for their proposed development then it is at a scale that will allow early delivery once a mitigation scheme is in place – the emerging Local Plan Review is reliant on a number of larger strategic allocations that will result in delayed housing delivery. The proposal will also provide smaller and therefore more affordable homes in a highly sustainable location. These are significant benefits that should carry significant weight in the overall planning balance, and in our opinion outweigh the harm suggested by the LPA in their decision.

Reason 2

The Appellant has made payment for the appropriate mitigation and the LPA has confirmed receipt. Please see copy of correspondence from the LPA and associated Unilateral Undertaking accompanying these comments. The absence of mitigation is cited at paragraph 6.3 of the LPA's Statement and weighs against the proposal in terms of the overall planning balance. With mitigation secured, this balance has tilted more in favour of the proposal.

Third Party Comments

The comments received from third parties refer to technical issues and impacts on residential amenity. The technical issues focus on access, parking and flood risk. No concerns have been raised by the LPA or technical consultees in relation to these issues. Concerns have been raised regarding potential overlooking and loss of privacy for No.87 Winterslow Drive. The separation distance between the proposed dwellings and the existing dwelling at No.87 is 24.6m as shown on submitted Site Plan Drawing Ref. 19032 – 110. This distance is generous and would remove any potential overlooking issues.