

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**11 Warblington Road
Emsworth
PO10 7HE**

**Local Planning Authority Reference:- APP/17/01089
Planning Inspectorate Reference:-
APP/X1735/W/18/3198509**



APPEAL BY Mr T FRENCH AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF 1 NO. 5 BEDROOM DWELLING AT 11 WARBLINGTON ROAD, EMSWORTH, PO10 7HE.

Planning Inspectorate Reference: APP/X1735/W/18/3198509

LPA Ref: APP17/01089

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 11 Warblington Road lies within an existing built up area in the south eastern part of the Borough of Havant. The application site itself features a large detached two storey property with integral and attached garages, situated on a generous plot, with the property located on the western part of the site. It has a brown tiled pitched, hipped and cat slide roof and elevations of red multibrick and tile hanging. The site is level and there is open vehicular access to the front leading to an area of block paving and grass. The side and rear garden is mainly laid to lawn with a patio, mature trees and shrub borders. The site is enclosed by a 2 metre high wall to the northern, southern and western boundaries with a 1.6 metre high fence and trellis to the eastern boundary.
- 1.2 A modern two storey detached property is to the east, a detached chalet style dwelling is to the west, a newly constructed chalet style dwelling and detached bungalow are opposite and the rear gardens of two and three storey detached properties in Kinnell Close are to the rear. The area is of medium density with detached bungalows, two and three storey dwellings and chalet style dwellings of similar and individual age, style and design.

2.0 THE APPLICATION

- 2.1 The application the subject of this appeal was validated on 16 October 2017 and sought permission for 'Erection of 1 no. 5 bedroom dwelling'. The plans accompanying the application were annotated Revision D. Following evaluation of the proposal it was considered that the scheme would not receive officer support as submitted, and this was communicated to the appellant's agent. As the appellant's statement clearly states, there was subsequent dialogue between the agent and the Local Planning Authority during the life of the application and a set of plans annotated Revision E were supplied to the Local Planning Authority for further consideration. However, the agent was advised that the revisions did not address the concerns raised and the case officer's email of 8 February 2018 to the agent confirmed the application would be determined as submitted (see Appendix E).
- 2.2 The application was determined under powers delegated to the Head of Planning and was refused on 14 February 2018 for the following reasons:
1. The proposed dwelling would by reason of its size, design and prominent siting be harmful to the existing character and appearance of the area, conflicting with the established pattern of development and spatial characteristics and setting of the street scene. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.

2. The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring property at 9 Warblington Road and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

- 2.3 It is noted the appellant wishes to proceed with the appeal using the plans submitted to the Local Planning Authority on 26 January 2018 annotated Revision E, and the Council's statement will therefore also consider these plans in this appeal statement.

3.0 RECENT RELEVANT PLANNING HISTORY

- 3.1 Following the refusal of the application the subject of this appeal, a further planning application was submitted by the appellant for the site, the details of which are as follows:

APP/18/00297 - Erection of 1No. 3 bed dwelling. (resubmission). The revisions to the scheme included the reduction in the number of bedrooms from five to three, a single garage rather than a double garage, a reduction in the overall width by approximately 1 metre, a decrease in the ridge height of approximately 1.7 metres, a reduction in the depth of the main building by 0.4 metres and a consistent front facade. The application was again determined under powers delegated to the Head of Planning, and was permitted with conditions on 28 June 2018. The approved plans and decision notice are appended to this Statement as Appendices B and C.

4.0 PLANNING POLICIES

- 4.1 The Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the Havant Borough Local Plan 2036 (HBLP 2036) between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, it is of relevance in setting out the Council's direction of travel.

- 4.2 The NPPF sets out in paragraph 8 the three dimensions to sustainable development: economic, social and environmental. The roles should not be taken in isolation because they are mutually dependent. In relation to the proposed development whilst the development would provide a new dwelling which has recognised benefits from an economic and social perspective, this particular development is not considered to constitute a development of the right type as required in the economic role and would create issues in terms of impacts on future residents and neighbours which would be inconsistent with the social role.

- 4.3 Paragraph 9 states:

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 4.4 As set out in Part 6 the proposed development is not considered to achieve good design in terms of size and prominent siting and the overbearing impact in relation to the adjoining property at 9 Warblington Road.

- 4.5 It is agreed that the principle of housing is supported and in accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development, *unless material considerations indicate otherwise*, is acknowledged. However, it is the detailed material considerations about the precise setting of this site and the impact of the detailed design on the street scene and the neighbouring property at 9 Warblington Road that the LPA find unacceptable. The benefits of the scheme in terms of the NPPF's economic and social role, are not considered sufficient to outweigh the harm to the environmental role.

4.6 Paragraphs 125 and 126 endorse the requirement for high quality design:

Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.

4.7 Paragraph 127 sets out planning policies and decisions and states developments should ensure that they:

- 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; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

4.8 Paragraph 128 endorses the value of negotiation:

Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Pre-application advice was sought prior to the submission of the application, although it was considered the concerns raised were not sufficiently addressed, hence the ensuing dialogue between the case officer and the agent during the life of the application.

4.9 The Development Plan for Havant Comprises Havant Borough Local Plan (Core Strategy) 2011 and Havant Borough Local Plan (Allocations) 2014. The following policies are considered relevant to the consideration of this appeal:

Havant Borough Local Plan (Core Strategy) 2011

- 4.10 **Policy CS16** is relevant to both reasons for refusal and sets out the Councils requirements for High Quality Design. The policy states (amongst other matters):

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:

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;

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

- 4.11 The Planning Inspectorate have previously been forwarded copies of the relevant planning policies.
- 4.12 In addition to the Development Plan the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 is relevant to the consideration of this appeal.
- 4.13 The Borough Design Guide SPD supplements Policy CS16 of the Havant Borough Core Strategy and aims to raise the standard of design across the borough. The document was adopted by the council on 14 December 2011 and is a material consideration in the determination of planning applications.
- 4.14 Specific guidance in relation to Residential Development is provided in Part 5. Paragraph 5.03 states:

It is important that applications for new development consider the impact of the development on existing residents. The design of new development needs to balance the needs for the new home to have reasonable levels of privacy, whilst ensuring that the development and its residents engage with the street and public realm.

This is particularly relevant to the second reason for refusal and the relationship with the neighbouring property at 9 Warblington Road. Further explanation for this is provided in part 6 of this statement.

- 4.15 Paragraph 5.10 relates to Sunlight:

It is not always possible or reasonable to require all dwellings to have sunlit rooms. However, the extensive obstruction of sunlight to an existing property or its garden by the construction of a new building or extension is likely to be unacceptable. Therefore applicants should consider the effects of loss of sunlight to existing properties and should aim to mitigate these effects wherever possible. This is particularly important where neighbouring properties are taking advantage of the sun's orientation for solar gain. Further information and tables for calculating sunlight availability at different times of the year are available in the BRE guide.

This is relevant to the second reason for refusal in that the substantial height and mass of the scheme would result in a loss of sunlight to the neighbouring property at 9 Warblington Road. Further explanation for this is provided in part 6 of this statement.

4.16 Part 5.2 relates to Residential Backland and Infill Developments.

Paragraph 5.25 states:

Havant Borough Council acknowledges that backland and infill developments have a role to play in delivering the council's housing and development targets. However, many of these sites are situated amongst existing neighbours and can create an adverse impact. Development of backland and infill sites should not have an adverse effect on neighbouring properties, should maintain and enhance the existing character and quality of an existing area and should create pleasant and attractive places to live.

This is relevant to both reasons for refusal in that the design of the scheme would not enhance the existing quality and character of the area and would have an overbearing impact on the neighbouring property at 9 Warblington Road. Further explanation for this is provided in part 6 of this statement.

4.17 Paragraph 5.33 specifically relates to Infill Development and states:

Infill development should look to the immediate site context for reference and respect the layout and character of the surrounding area, looking to immediate neighbouring properties in the first instance. Where perimeter block development predominates, rear garden infill breaks the perimeter block structure and may reduce the security of internal areas and therefore may be unacceptable.

Again, this is relevant to both reasons for refusal in that the design of the scheme conflicts with the established pattern of development and spatial characteristics and setting of the street scene and would have an overbearing impact on the neighbouring property at 9 Warblington Road. Further explanation for this is provided in part 6 of this statement.

5.0 **REPRESENTATIONS**

- 5.1 During the consideration of the planning application the subject of this appeal 5 representations were received from 4 addresses objecting to the application. These representations have been forwarded to the Planning Inspectorate and are summarised in the Officers Report also submitted to the Planning Inspectorate.

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The planning application was refused for two reasons and these are considered in order below:

1st Reason - The proposed dwelling would by reason of its size, design and prominent siting be harmful to the existing character and appearance of the area, conflicting with the established pattern of development and spatial characteristics and setting of the street scene. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.

- 6.2 The proposal is for the construction of a substantial 5 bedroom dwelling with a ridge height of approximately 8.7 metres, situated in the eastern side garden of 11 Warblington Road. The application was submitted following pre-application advice, and whilst the scheme endeavoured to address the concerns raised regarding mass and height, it was considered the changes were not significant enough for the proposal not to appear dominant and have an overbearing and harmful impact on the visual amenity of the street scene.
- 6.3 The immediate character of the area is one of generally low to medium density, with low key residential development set within well vegetated, generous plots. There have been limited examples of infill developments within the immediate area, however these have been designed to assimilate with the siting, scale and form of the older dwellings so that they integrate into the area. It is considered the development marks a significant change to the existing characteristics of this

part of Warblington Road, introducing a substantial dwelling that is distinct from the prevailing character of the area and does not achieve an effective transition between the respective patterns of development surrounding the site on this highly visible plot. Whilst it is acknowledged the street scene is diverse, having due regard to the constraints of the site it is considered the proposal would be harmful to the open nature of the existing street scene resulting in an excessive building bulk adjacent to the neighbouring properties.

- 6.4 When taking into consideration the siting of the proposed dwelling it would appear overly dominant in the street scene. It is noted that the application does not have any scaled street scenes or perspective drawings showing how the building would appear in the context of neighbouring buildings and perspectives, meaning that there is no evidence available which would allay the concerns above, and indicates that the relationship between the buildings and their context has not been fully considered.
- 6.5 It is considered that the proposed design solution does not relate either to the local area or surrounding houses, neither does it establish a high quality contemporary or innovative design, which addresses this sensitive highly visible site. This is emphasised through the front elevation (south elevation) which would bring stark elevations, emphasised through the extensive areas of glazing, which is not characterisitic of the area, causing the development to not sit well with the design of the remainder of the scheme. It is therefore considered that this approach lacks a sense of proportion and balance, which would result in the development having an adverse impact on the character and appearance of the area.
- 6.6 Taking these factors together it is considered that the development would appear incongruous, and out of keeping with the character of the area against which it would be read. As a result, the development would fail to achieve a successful transition within the established pattern of development and spatial characteristics and setting of the street scene. It is considered that the proposed development would mark a significant change to the existing characteristics of this prominent site, which plays a significant role in the character of the area, introducing a much more intensely developed built form that would jar with the prevailing spacious character of the area, and would not achieve an effective transition between the respective patterns of development in the area on this highly visible plot.

Submission of revised plans

- 6.7 An email was sent to the agent on 4 January 2018 outlining officer concerns and inviting the agent to forward any revised plans for further comment *prior* to any formal submission. Additional plans were provided for consideration on 26 January 2018 annotated Revision E.
- 6.8 The changes consisted of reducing the overall height of the dwelling by 0.2 metres and approximately 0.95 metres in width, removing the rear gable element, the balcony to the front and changes to the fenestration. Notwithstanding these revisions, in essence the resulting building remained a substantial detached two storey dwelling with 5 double bedrooms and a large double garage. Following careful consideration, advice was given on 31 January 2018 recommending a further reduction of 1.5 metres in width and a 1 metre reduction in the height of the roof of the proposed dwelling would be required in order for the scheme to be acceptable. However communication was subsequently received on 7 February 2018 stating the required revisions were too much of a compromise and that the applicant wished to proceed with the scheme, aware that the recommendation would be to refuse planning permission.
- 6.9 It is considered both schemes under Revision D and Revision E mark a significant change to the existing characteristics of this part of Warblington Road, introducing a substantial two storey dwelling that is distinct from the prevailing character of the area lacking a sense of proportion and balance and does not achieve an effective transition between the respective patterns of development surrounding the site on this highly visible plot. It is deemed it would be harmful to the open nature of the existing street scene resulting in an excessive building bulk adjacent to the neighbouring properties.

- 6.10 It is therefore considered that neither of the proposed designs relate sympathetically either to the local area or surrounding properties and would be overbearing and appear cramped, resulting in the scheme having an adverse impact on the character and appearance of the area. In weighing the balance to be struck between achieving additional housing on a site within the urban area, and protecting the environmental qualities of that area, it is considered that the harm that would be caused to the character and appearance of the area would outweigh the benefits of providing a new dwelling. The proposal is therefore contrary to criterion 1 c) of policy CS16 of the adopted Havant Borough Local Plan (Core Strategy) 2011, paragraph 5.03 of the Havant Borough Council Borough Design Guide which states that the design of new development needs to ensure engagement with the street and public realm and paragraph 127 of the NPPF .
- 6.11 **2nd Reason - The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring property at 9 Warblington Road and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.**
- 6.12 The application site is situated towards the end of Warblington Road and would utilise the side/rear garden of number 11. The proposed dwelling would be sited 2.5 metres from the eastern boundary and would be situated forward of the property at number 9 Warblington Road, which currently benefits from a relatively open outlook to the west. There are no windows in the eastern elevation of the dwelling, and although the roof of the proposed dwelling pitches away from the boundary, the eaves height is 4 metres rising to a ridge height of 8.7 metres.
- 6.13 Furthermore, due to the layout of the property at number 9, the main amenity area is predominantly to the front and west of the dwelling. Given the increased intensity of development proposed for the site, which would introduce a two-storey dwelling into an area currently undeveloped in the rear/side garden area of the existing dwelling, it is considered there is clear potential for the scale and density of the development to appear dominant and intrusive to the amenities currently enjoyed by the adjoining properties, affecting their outlook, light and privacy. Having regard to these concerns, on it is considered that the development would have a significant adverse impact on the amenities of the neighbouring property of 9 Warblington Road. As such the proposal would consequently have a detrimental effect on this property and be contrary to criterion 1 e) of Policy CS16 of the Havant Borough Local plan (Core Strategy) 2011, paragraphs 5.03, 5.10, 5.25 and 5.33 of the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and paragraph 128 of the NPPF.

7.0 COMMENTS ON APPELLANTS STATEMENT OF CASE

- 7.1 The Council's case is set out above and the following comments are made by way of clarification or amplification only where issues not addressed above are introduced.
- 7.2 Paragraph 5.12
Section 7.9 of the case officer's report (as submitted with the Local Planning Authority's questionnaire) clearly states: *'It is considered the new dwelling would appear overbearing and would result in loss of evening sunlight and associated overshadowing to the garden area of this property which is predominantly to the front, consequently having a detrimental effect on this property'*. However, the appellant's comment to this is: *'It is noted the case officer has no concerns on this basis but we would like to highlight the fact their dimensions are wrong due to considering the wrong revision of plans.'* Therefore the appellant appears to agree with the Local Planning Authority in this regard, and we are unsure why an appeal has been lodged for reason 2.
- 7.3 Paragraphs 5.12, 5.13 and 5.14
Further dialogue was conducted following the receipt of additional plans received on 28 January 2018 as documented in 6.5 above and the scheme set out in the plans annotated Revision E were not accepted as a formal amendment to the original proposal. If the revisions to the scheme on the plans annotated Revision E had been considered to be acceptable, notification would have been sent to the neighbours advising of the changes and there would also have been a requirement for a

further extension of time in which to determine the application. As such the application was determined on the plans annotated Revision D. Notwithstanding this issue, the Council's Statement as set out above addresses both revisions D and E.

7.4 Paragraphs 5.15 and 5.16

The case officer visited the occupiers of this property in order to assess the impact of the proposal, and would advise this is a hypothetical transcript of the dialogue which took place between the occupiers of 2 Kinnell Close and the case officer.

7.5 Paragraphs 5.17 and 5.18

This correspondence was not submitted to the local planning authority.

7.6 Paragraph 6.2

There is no evidence to substantiate the claim by the appellant that the application was prejudged by the case officer. The application was determined in line with paragraphs 186 and 187 of the NPPF (now paragraph 38 of the NPPF 2018). A professional judgement was made in respect of the impact of the development on the character and appearance of the area, and the impact of the development on the neighbouring property at No.11 Warblington Road, informed by both the prevailing planning policies and the officers' visit to the site and surroundings. To suggest that the Local Planning Authority have failed to engage positively with the appellant is to ignore the dialogue that was entered into in the course of the application, as set out at 6.5 above, which offered a solution to the concerns raised but which was not acted upon by the appellant. It also ignores the subsequent planning history, where the appellant has received planning permission for a more modest proposal under Application APP/18/00297.

8.0 CONCLUSION

8.1 In conclusion the LPA consider that both proposals outlined in the Revision D and Revision E set of drawings for the proposed erection of a 5 bedroom detached dwelling would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout, scale or design, conflicting with the established pattern of development and spatial characteristics of the vicinity. The proposed size and mass of the new dwelling would create a dominant, incongruous feature and have an adverse impact on the setting and visual amenity of the street scene. Additionally, it would result in an overbearing presence on the occupiers of the neighbouring properties, in particular those at 9 Warblington Road.

8.2 Whilst amendments were made to the scheme under Revision E it was considered these did not sufficiently address the concerns raised in order for the proposal to be acceptable. Fundamentally both the two schemes set out under Revision D on which the application was determined and Revision E are for a substantial two storey dwelling. It is considered there are material differences between the refused scheme and that which was subsequently approved under APP/18/00297.

8.3 The proposed development is therefore considered to be contrary to the NPPF, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the adopted Havant Borough Design Guide SPD 2011. The Inspector is therefore respectfully requested to dismiss this appeal.

SUGGESTED CONDITIONS

If the Inspector is minded to grant planning permission for the development, then the LPA would suggest the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 3 No development shall take place until finished floor levels for the proposed building relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of the amenities of the area having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework 2018.
- 4 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.
Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 5 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is

otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 6 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 7 The new dwelling shall not be occupied until space for the parking of vehicles and other vehicular access arrangements (including the provision of dropped kerbs) for the new dwelling have been provided within the site and surfaced with permeable materials in accordance with the details shown on approved drawing no. KAD 02 A PSP Rev D. Such areas shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 8 No development hereby permitted shall commence until plans and particulars (including elevations of the front boundary wall) specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 9 The garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.
Reason: To ensure the retention of adequate on-site car parking in accordance with the standards adopted in the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and to discourage parking on the adjoining highway in the interests of highway safety / local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 10 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension or outbuilding permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
Reason: To protect the amenity of the area and to secure satisfactory levels of private amenity space for future residents and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:

KAD 01 A LP Location plan

KAD 01 A ESP Rev A Existing site plan

KAD 02 A PSP Rev D Proposed site plan

KAD 03 A PP Rev D Proposed floor plans

KAD 04 A PE Rev D Proposed elevations plan

Reason: To ensure provision of a satisfactory development

APPENDICES

Appendix A Borough and location plan

Appendix B KAD 01 A PPNB Rev H floor and elevation plans of approved scheme APP/18/00297

Appendix C Decision notice for APP/18/00297

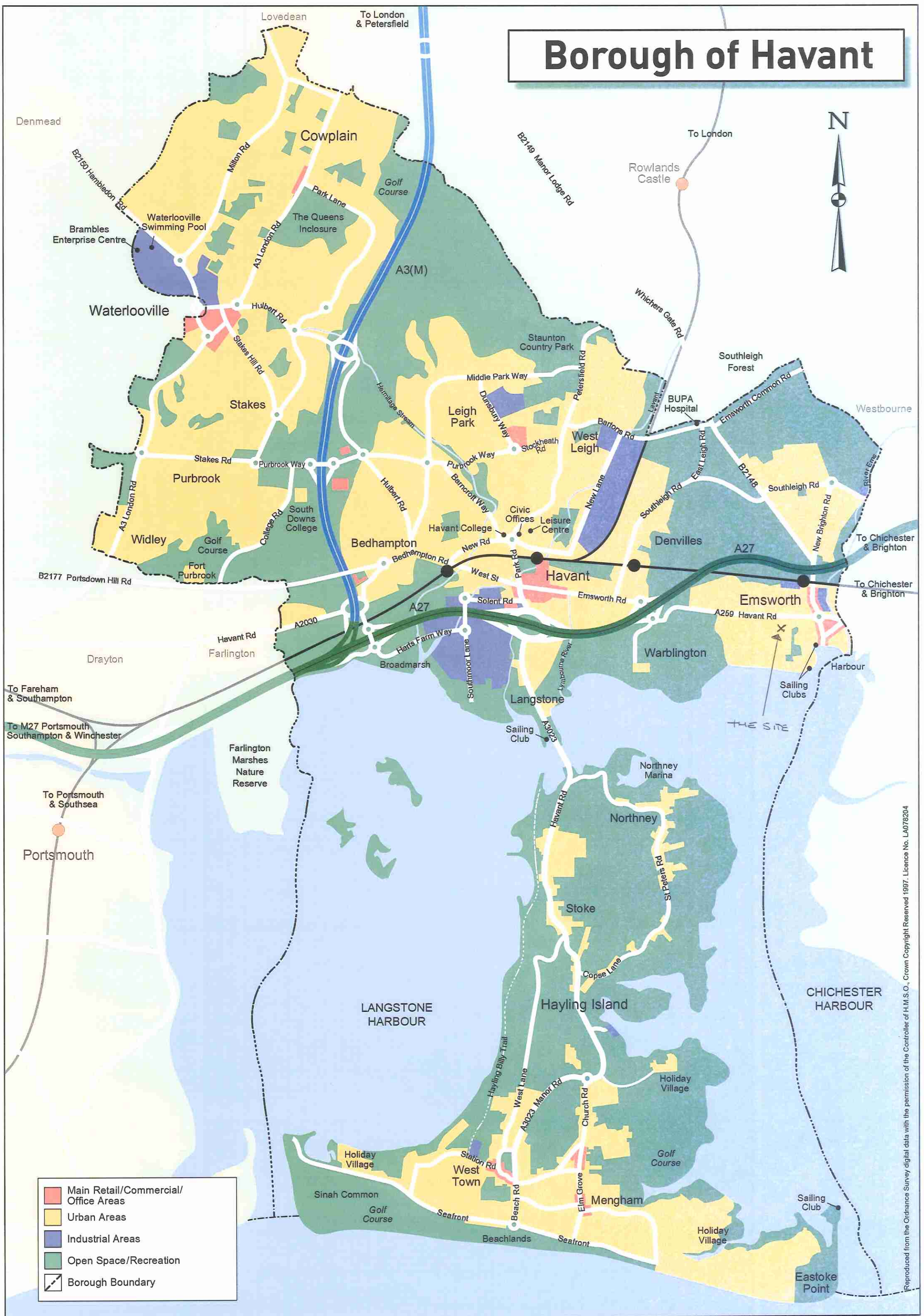
Appendix D Email dated 8 February from Bee Crawford, case officer to Tom Peters, agent acting on behalf of the applicant

APPENDIX A

**APPEAL – 11 Warblington Road
Emsworth
PO10 7HE**

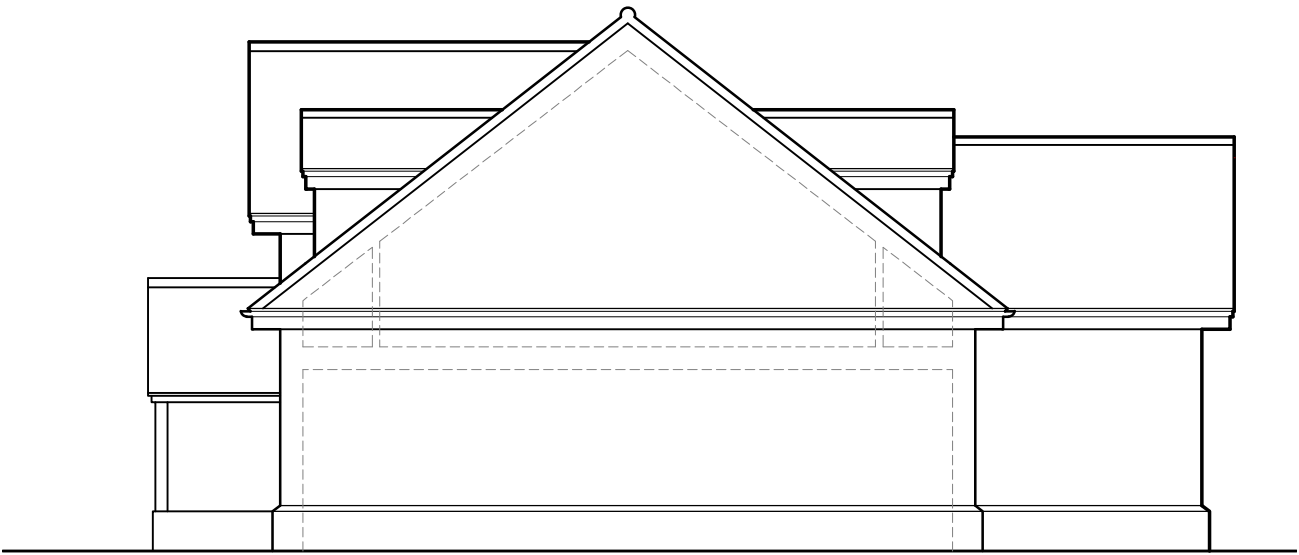
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Borough of Havant





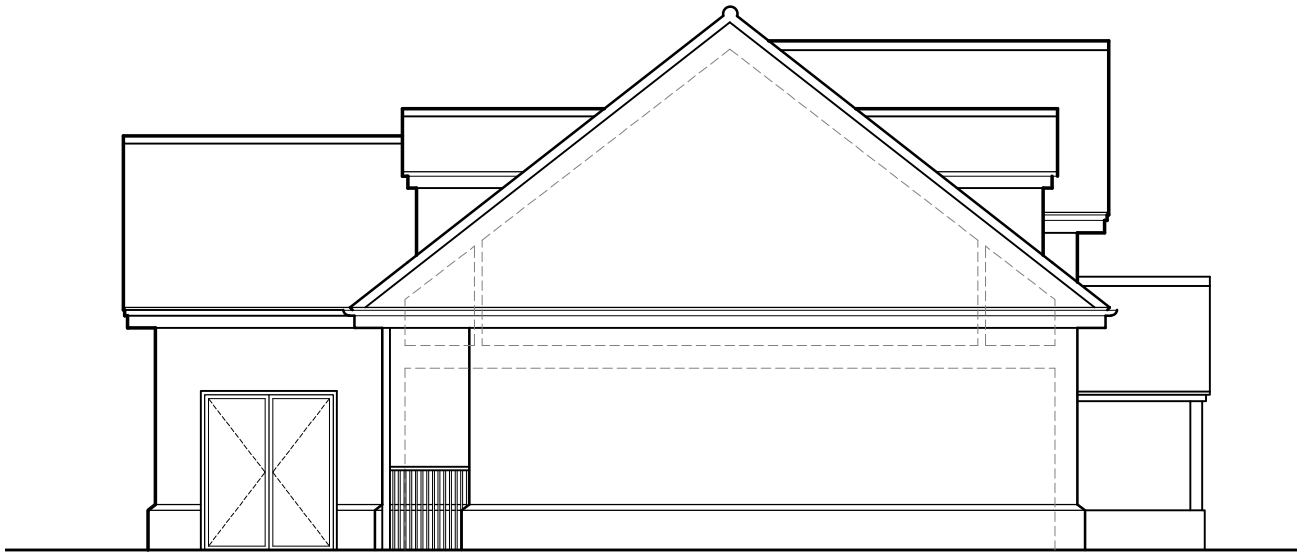
NORTHERN ELEVATION



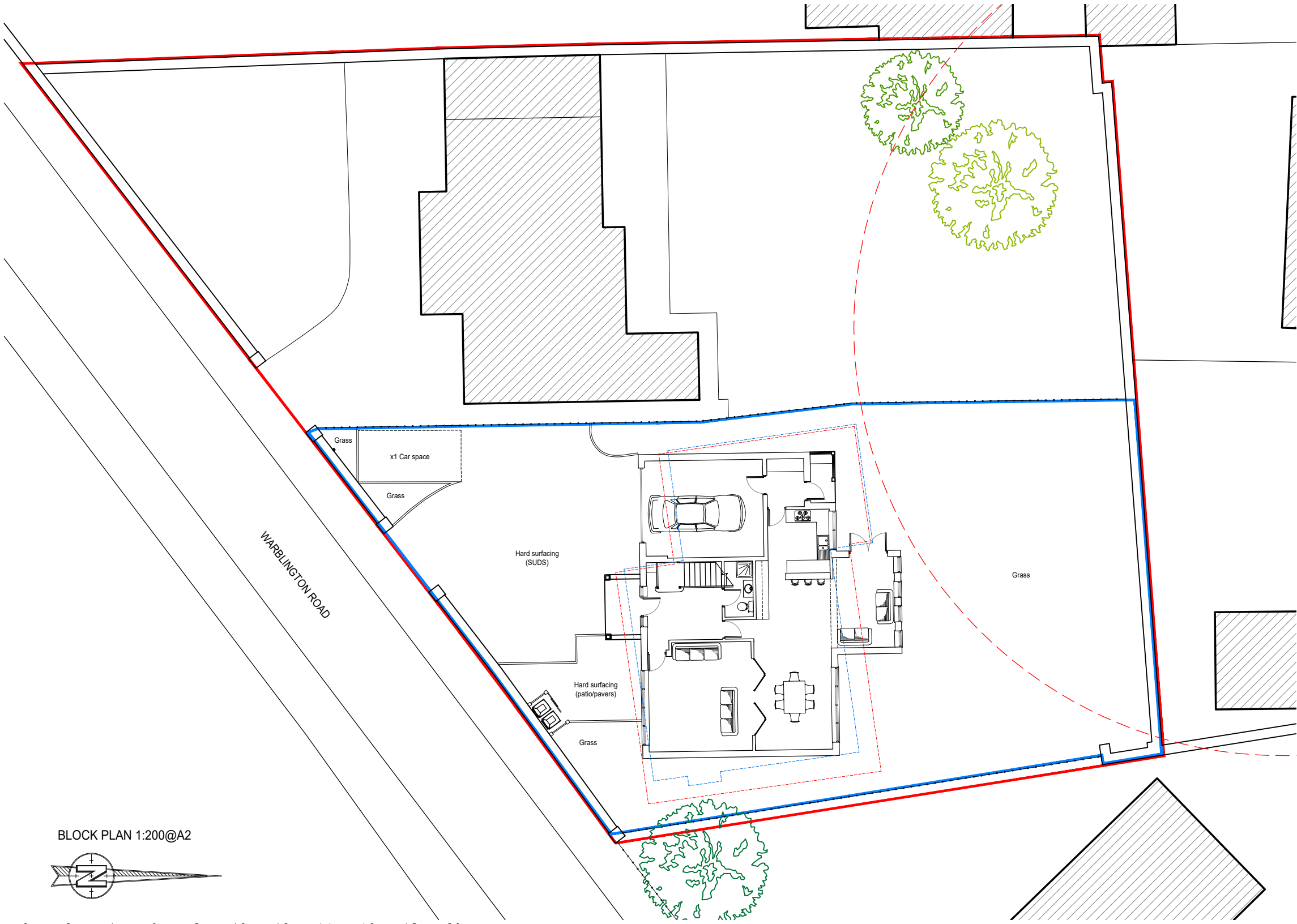
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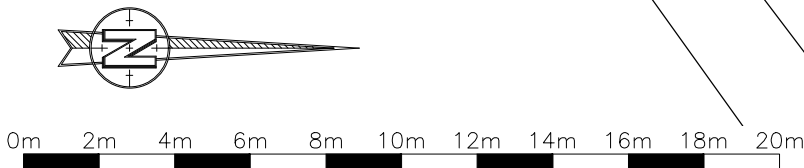
SOUTHERN ELEVATION



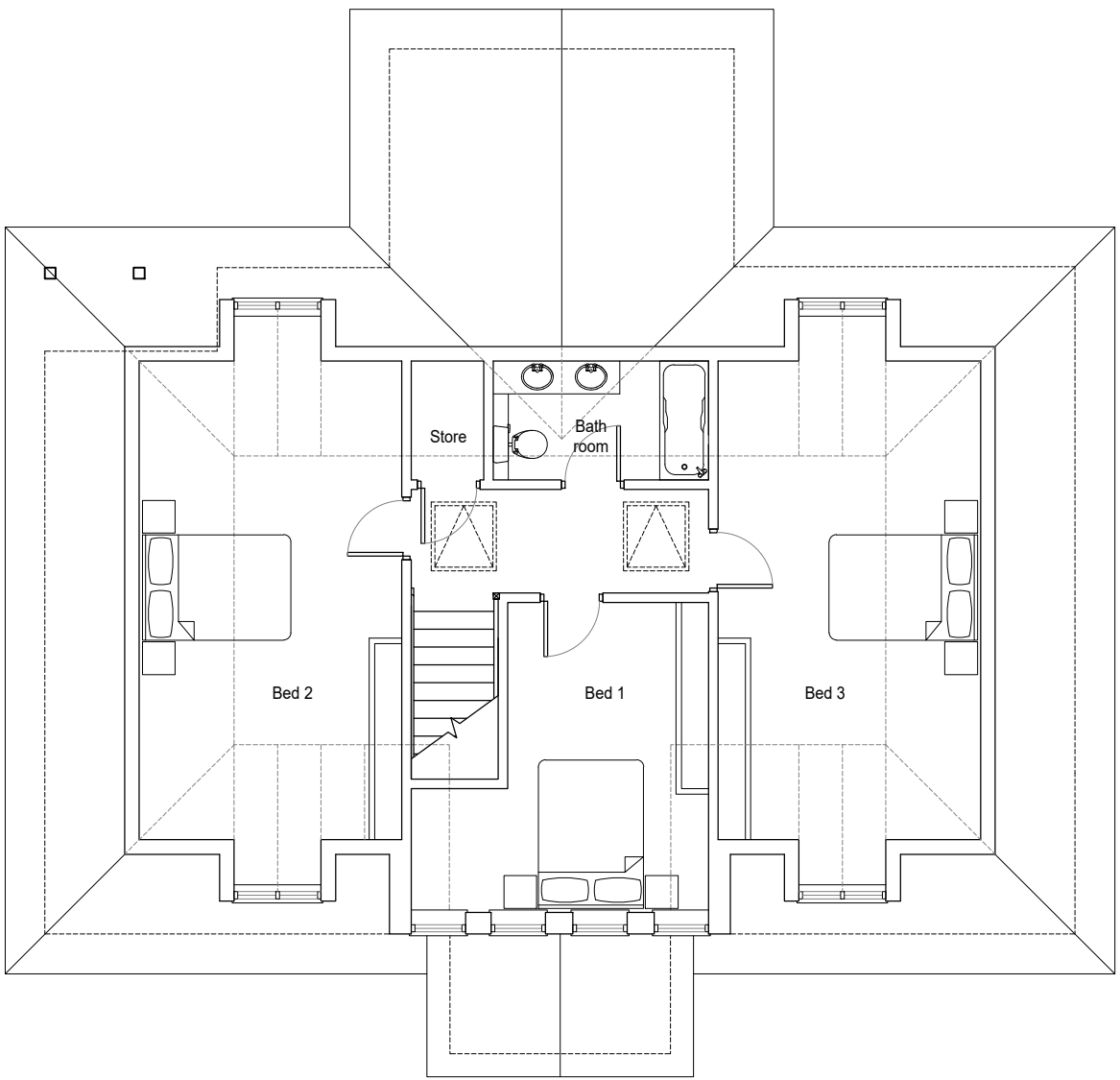
WESTERN ELEVATION



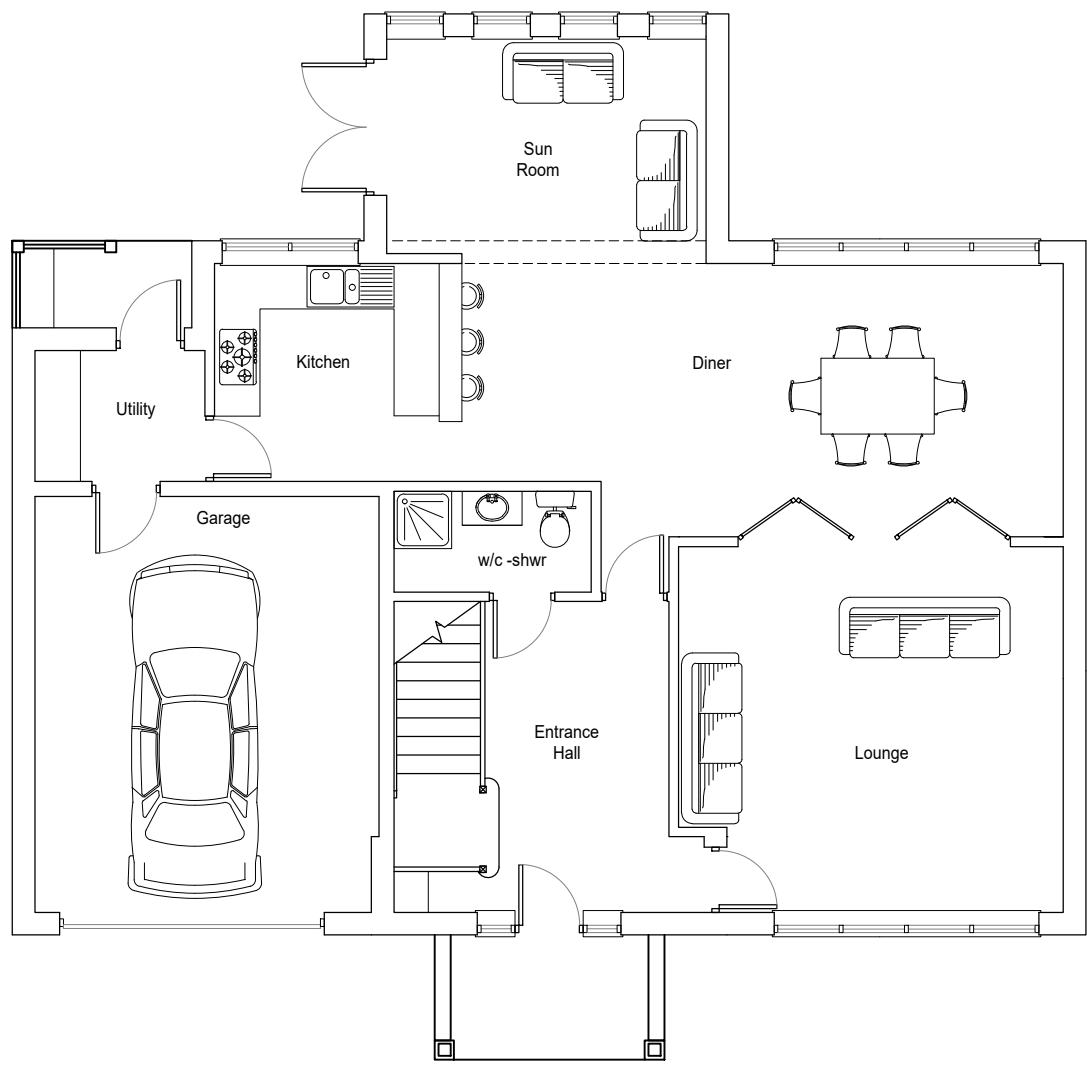
BLOCK PLAN 1:200@A2



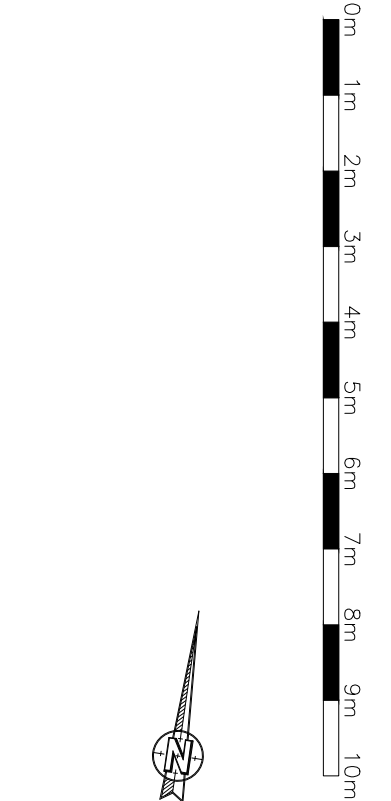
LOCATION PLAN 1:1250@A2



FIRST FLOOR PLAN



GROUND FLOOR PLAN



Client: TIM FRENCH

Project: 11 WARBLINGTON ROAD
EMSWORTH
PO10 7HE

Drawing: PROPOSED NEW BUILD SCHEME

Scale: 1:100@A2 Date: MAY 2018

Project no.	Sequential	Brig/Floor	Detail	Rev
KAD	01	A	PPNB	H

K.A.D. Ltd
Ground Floor Suite
94 Richmond Court
Botley Road
Southampton
SO31 1BA
T: 01489 6601194
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T 023 9247 4174
F 023 9248 0263

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Mr Knight
Knight Architectural Design
7 Coldeast Way
Sarisbury Green
Southampton
SO31 7AT

For: Mr French

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Grant of Planning Permission**

Application Number: APP/18/00297

Site Address: 11 Warblington Road, Emsworth, PO10 7HE

Proposal: **Erection of 1No. 3bed dwelling. (resubmission).**

Further to your application received on 16 March 2018 (which was valid from 04 April 2018) Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

Conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Our Ref: APP/18/00297

- 3 No development shall take place until finished floor levels for the proposed building relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of the amenities of the area having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework 2012.
- 4 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.
Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 The new dwelling shall not be occupied until space for the parking of vehicles and other vehicular access arrangements (including the provision of dropped kerbs) for the new dwelling have been provided within the site and surfaced with permeable materials in accordance with the details shown on approved drawing no. KAD 01 A PPNB rev H. Such areas shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning

- 8 No development hereby permitted shall commence until plans and particulars (including elevations of the front boundary wall) specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 9 The garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.
Reason: To ensure the retention of adequate on-site car parking in accordance with the standards adopted in the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and to discourage parking on the adjoining highway in the interests of highway safety / local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 10 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension or outbuilding permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
Reason: To protect the amenity of the area and to secure satisfactory levels of private amenity space for future residents and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg no. KAD 01 A PPNB rev H Location and block plan, proposed floor and elevations plan
Design and access statement
Reason: - To ensure provision of a satisfactory development.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.

- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
- Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You sought and were provided with pre-application advice,
 - You were updated about issues after the initial site visit.
- (5) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>
- (6) Before undertaking any work which effects a public highway (including a footpath) you must obtain specific written approval from the Highways Manager, Hampshire County Council Highways (Havant) at the Public Service Plaza, Civic Centre Road, Havant, PO9 2AX. This requirement applies not only to the creation of new vehicle access involving excavation within a footway, verge or carriageway, but also to the stopping of existing access(es), the connection to existing or new foul and surface water sewer involving excavation within the public highway or the construction of new boundary walls and foundations immediately alongside the public highway.

Simon Jenkins

Simon Jenkins
Head of Planning (East Hampshire and Havant)

28 June 2018

From: Crawford, Bee
Sent: 08 February 2018 14:17
To: Tom Peters <tom@k-a-d.co.uk>
Subject: Re: APP/17/01089 - 11 Warblington Road, Emsworth

Dear Tom

Thank you for your email with respect to the above.

Following the comments made in your message of 1 February, I was disappointed to learn that you feel the requested amendments are not acceptable and no longer wish to negotiate a scheme which would be suitable for the plot.

Whilst I appreciate some revisions have been made to the scheme outlined in your original enquiry, as previously stated I am of the view the proposed dwelling is disproportionate and would have a harmful impact on the neighbouring property at number 9 Warblington Road.

Havant Borough Council is pro-active in supporting new development and I am of the view that advice has been given in line with paragraphs 186 and 187 of the NPPF.

I would also refer to paragraphs 188, 189 and 190 of the NPPF and reiterate my advice to you in my letter of 4 September that I was happy to look at any designs for further comment prior to the submission of an application.

I realise that this is not the outcome either yourself or the Council would have hoped for and will subsequently determine the application as submitted recommending refusal of planning permission.

Kind regards

Bee

B A Crawford

Mrs B A Crawford
Planning Officer
Planning Services

Bee.crawford@havant.gov.uk

023 9244 6514

From: Tom Peters <tom@k-a-d.co.uk>
Sent: 07 February 2018 18:31
To: Crawford, Bee
Cc: Ian Knight; TIM FRENCH
Subject: RE: APP/17/01089 - 11 Warblington Road, Emsworth

Hi Bee

I have talked through the requested changes with my client and after reviewing the impact these have on the scheme and its viability, we feel that this is too much of a compromise on the high quality level of family dwelling we are seeking permission for.

It is disappointing that the authority seems to be taking such a negative and very subjective stance with this project. We had hoped that Havant BC would have taken more notice of the NPPF paragraph 186/187 where both parties are expected to take a positive and proactive approach to reach a successful outcome – but it appears every compromise has been met with more demands for compromise and as such the scheme no longer works if these final amendments are made. We feel the proposal in the latest revision now relates well within the plot, uses characteristics of the locality to help inform the design including heights, massing, existing buildings lines, plot widths, depths and materials. The suggestion of looking to the dwelling at no.10 for these influencing factors would result in a scheme that is out of character and subsequently counter policy for a proposal on the adjacent side of the road where the plots and massing of buildings is much larger in scale.

Our client can no longer keep reducing the scale & positioning of the proposal as the loss of usable space is moving the project to being financially non-viable. We have attempted to display through extensive graphical presentation, that the building is in keeping with the street scene and setting and that the proportioning is balanced and therefore understandable. However, we've felt there has been a pursuit downwards from the outset and this is forcing us into the undesirable position of advising our client that he should expect a refusal and that we should then choose to take this to appeal, and also to be seeking costs from the authority when it is won.

We've previously had good relationships with Havant planning but it is unfortunate that an unbalanced view is being taken with this case and forcing this reply.

I look forward to hearing back from you with your response and/or decision notice.

Kind Regards,

Tom Peters

01489 660194
07707 051415
tom@k-a-d.co.uk
[www.k-a-d.co.uk]www.k-a-d.co.uk

Ground Floor Suite, 94 Richmond Court, Botley
Road, Park Gate, Southampton, [SO31 1BA](http://www.k-a-d.co.uk)

From: Crawford, Bee [<mailto:Bee.Crawford@havant.gov.uk>]
Sent: 02 February 2018 15:15
To: Tom Peters <tom@k-a-d.co.uk>
Subject: Re: APP/17/01089 - 11 Warblington Road, Emsworth

Dear Tom

Thank you for your message with respect to the above.

Following the submission of amended plans I will be able to advise you further regarding the acceptability of the scheme. We will also need to agree a further extension of time for the application to be determined.

I look forward to hearing from you.

Kind regards

Bee

Mrs B A Crawford
Planning Officer
Planning Services

Bee.crawford@havant.gov.uk

023 9244 6514

From: Tom Peters <tom@k-a-d.co.uk>
Sent: 01 February 2018 12:23
To: Crawford, Bee
Cc: Ian Knight
Subject: RE: APP/17/01089 - 11 Warblington Road, Emsworth

Hi Bee

I have passed your comments onto the client and will hopefully be making these amendments next week for you.
I would have thought we can accommodate these changes and guess if we do you are gearing up for an approval on the scheme?

Look forward to hearing back from you.

Kind Regards,

Tom Peters

01489 660194

07707 051415

tom@k-a-d.co.uk

[www.k-a-d.co.uk]www.k-a-d.co.uk

Ground Floor Suite, 94 Richmond Court, Botley
Road, Park Gate, Southampton, [SO31 1BA](#)

From: Crawford, Bee [<mailto:Bee.Crawford@havant.gov.uk>]
Sent: 31 January 2018 14:33
To: Tom Peters <tom@k-a-d.co.uk>
Subject: Re: APP/17/01089 - 11 Warblington Road, Emsworth

Dear Tom

Thank you for the revised plans with respect to the above.

I have now had the opportunity to discuss the changes with my Line Manager and I acknowledge the amendments which have been made. However, I feel further modifications are required which are as follows:

- A reduction of 1.5 metres in the width of the projecting gable
- A further 1 metre reduction in the height of the roof

I will be happy to view new plans prior to formal re-submission.

I look forward to hearing from you.

Kind regards

Bee

Mrs B A Crawford
Planning Officer
Planning Services

Bee.crawford@havant.gov.uk

023 9244 6514

From: Tom Peters <tom@k-a-d.co.uk>
Sent: 26 January 2018 14:06
To: Crawford, Bee
Cc: TIM FRENCH; Ian Knight
Subject: RE: APP/17/01089 - 11 Warblington Road, Emsworth

Hi Bee

Following on from your comments and a site meeting with my client, please find attached the amended set of plans for the proposals at 11 Warblington Road.

To address the issues raised as a concern;

- The proposed dwelling would magnify the scale of the host dwelling by removing the sense of spaciousness on this section of the street scene and also infilling it with another large dwelling, which would have no sense of space about it. The result would be two, dominant large dwellings fitted into one plot which would have an overbearing and harmful impact on the visual amenity of the street scene. I am also concerned over the impact of a dwelling of this scale on the neighbouring properties, in particular No. 9 Kinnell Close.
- We understand your concerns regarding the scale of the proposed dwelling, as such we have reduced the overall ridge height slightly and reduced the width and depth of the previous footprint. This we hope shows a significant reduction in the mass and creates more space between developments. It has also allowed us to bring the build line backwards to tie in with the current building placement along Warblington Road. We are now also proposing to obscure the dormer window closest to no.9 Kinnell Close (now the bathroom) to avoid any proximity issues. We hope from the elevations and site plan you can see the distance we are now stepped from the boundary by is fairly significant.
- I feel there is scope to develop a dwelling on this plot however, I am of the view that this would need to be significantly smaller than what is proposed. The height of the proposed dwelling and the large gable section on the western elevation require considerable reduction, if not removal. I am also concerned over the linkage of the gable section to the main part of the dwelling and how the roof at this juncture has been designed which lacks cohesiveness. A front balcony is out of character and appears to have been added so that a certain width can be achieved.
- As mentioned above we have reduced the ridge height further, we have removed the linked section of roof by aligning the gable section of build with the main building line to create a more traditional roof form which ties in better with no.11. due to this we have also removed the front balcony at your request. The gable section and window have been altered slightly but we strongly feel this is a desirable feature and draws directly from no.11 and also no.10 which has an extremely similar design on their gable including the use of feature window sections.
- I realise that in order to reduce the scale of the building, a reduction in the internal floor space would be required however, I am unconvinced that a dwelling of this scale is suitable for this plot. An example of the type of dwelling which would be more suited to the size/nature of the plot is a recent new build at No. 10 (Planning Permission APP/14/ 00590).
- We have reduced the footprint down significantly and tried to draw inspiration from no.10 without reducing the number of bedrooms (there is still the opportunity to reduce the number of bedrooms and the footprint further but this needs to be viable for my client in its current design and this would require a substantial re-design), a complete re-design would be required to form this same type of development within a chalet bungalow scheme.

I hope this satisfies your concerns over the proposal but if you do have any further questions please don't hesitate to get in touch.

And again thank you for your pragmatic approach to this application it is very much appreciated by both myself and my client.

I look forward to hearing back from you.

Kind Regards,

Tom Peters

01489 660194

07707 051415

tom@k-a-d.co.uk

[www.k-a-d.co.uk]www.k-a-d.co.uk

Ground Floor Suite, 94 Richmond Court, Botley
Road, Park Gate, Southampton, [SO31 1BA](#)

From: Crawford, Bee [<mailto:Bee.Crawford@havant.gov.uk>]
Sent: 04 January 2018 13:43
To: Tom Peters <tom@k-a-d.co.uk>
Subject: APP/17/01089 - 11 Warblington Road, Emsworth

Dear Tom

Thank you for forwarding the 3D images of the proposal and I apologise for the delay in my response to you.

Following further discussion with my Line Manager, I have now had an opportunity to make a full assessment of the proposal which I have outlined below:

I see that the design focus has been to create a high quality dwelling which is of a similar scale and size to No. 11. No. 11 is one of the largest dwellings within the section of the street scene and the reason it does not appear overbearing in comparison to other properties is that it is set within a spacious setting, back from the highway with open space extending to the side and rear.

The proposed dwelling would magnify the scale of the host dwelling by removing the sense of spaciousness on this section of the street scene and also infilling it with another large dwelling, which would have no sense of space about it. The result would be two, dominant large dwellings fitted into one plot which would have an overbearing and harmful impact on the visual amenity of the street scene. I am also concerned over the impact of a dwelling of this scale on the neighbouring properties, in particular No. 9 Kinnell Close.

I feel there is scope to develop a dwelling on this plot however, I am of the view that this would need to be significantly smaller than what is proposed. The height of the proposed dwelling and the large gable section on the western elevation require considerable reduction, if not removal. I am also concerned over the linkage of the gable section to the main part of the dwelling and how the roof at this juncture has been designed which lacks cohesiveness. A front balcony is out of character and appears to have been added so that a certain width can be achieved.

I realise that in order to reduce the scale of the building, a reduction in the internal floor space would be required however, I am unconvinced that a dwelling of this scale is suitable for this plot. An example of the type of dwelling which would be more suited to the size/nature of the plot is a recent new build at No. 10 (Planning Permission APP/14/ 00590).

I appreciate that you will need to discuss with your client as to how to proceed. I am willing to accept amended plans with an agreed time extension in place, but request that you forward me any amended plans first prior to any formal submission for further comments. Alternatively you have the option to withdraw the application or proceed as submitted, which due to the concerns laid out above is likely to be refused.

I look forward to hearing from you.

Kind regards

Bee