

Planning Appeal Statement

Application reference: APP/19/00020

Refusal of: Erection of 1No. one bedroom end of terrace dwelling.

101 St Albans Road, Havant, PO9 2JS



Appeal on behalf of Mr. And Mrs Gavin Spurway.

April 2019

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1. Introduction

1.1 This report provides the Grounds of Appeal against the decision to refuse planning permission for the Erection of 1No. one bedroom end of terrace dwelling at 101 St Albans Road, Havant, PO9 2JS.

1.2 This appeal is submitted on behalf of Mr and Mrs Gavin Spurway.

1.3 The site, the subject of this appeal, is 101 St Albans Road, Havant, PO9 2JS.

1.4 The Appeal is made under Section 78 of the Town and Country Planning Act (as amended).

1.5 The Appeal has been submitted, in full, before the 6 month deadline of 04 September 2019.

2. Background

2.1 A planning application for was submitted for the 'Erection of 1No. one bedroom end of terrace dwelling' on 07 January 2019 by James Potter Associates. The application was deemed technically valid by Havant Borough Council on 07 January 2019. The application reference is APP/19/00020.

2.2 The following information was submitted as part of the application:

- Completed application forms with Certificate A.
- 18060-PL-001 Block and location Plan
- 18060-PL-002 Ground Floor Plans
- 18060-PL-003 First Floor Plans
- 18060-PL-004 Existing Elevations
- 18060-PL-005 Proposed Elevations
- CIL Additional Information Form
- CIL form 1 - Assumption of Liability
- Planning Statement

2.3 The application was refused planning permission under delegated powers on 04 March 2019.

2.4 The application was refused for the for the following reasons:

1. Development of the site in the manner proposed would amount to an over-development, in that it would give rise to substandard garden lengths and insufficient amenity space for both the occupiers of the existing and proposed dwelling. This would lead to a cramped and contrived layout, to the detriment of the character and appearance of the application site, and at variance with the character of the area. The proposal is therefore contrary to the adopted Borough Design Guide SPD, 2011 and policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

2. The proposed dwelling would by reason of its size, layout and design result in an unbalanced external appearance harmful to the vernacular and rhythm of the host terrace and strong visual appearance of the area. Furthermore the size and bulk of the proposed dwelling would result in a prominent and overbearing development that would be visually harmful to the amenities and spatial characteristics of the area and the St Albans Road streetscene, conflicting with the established pattern of development in the locality. 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 2018.

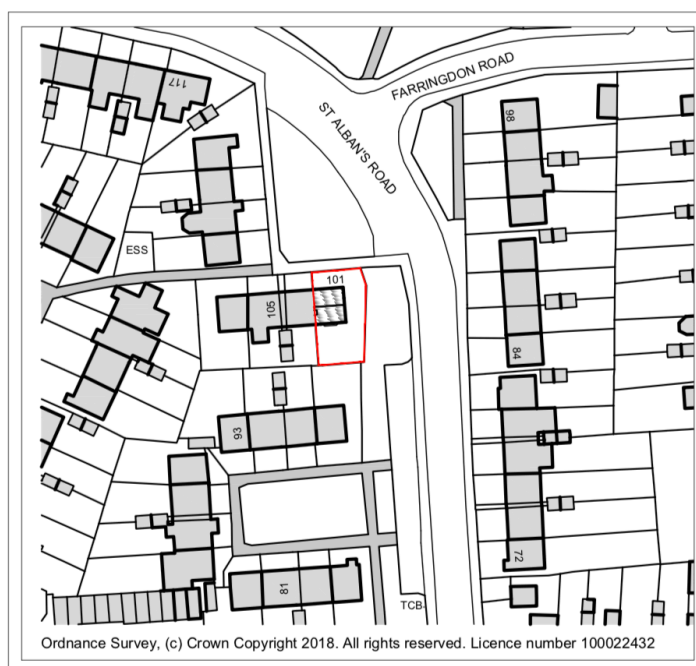
3. Without the appropriate financial mitigation, the development would be likely to have a significant effect on the Chichester and Langstone Harbours Special Protection Area and so is

contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) and the Conservation of Habitats and Species Regulations 2017.

3. The site

3.1 The application site is an end of terrace, two storey dwelling on the west side of St Albans Road. The front elevation of the dwelling faces north with a garden to the rear (south) and side (east). The dwelling forming 101 St Albans is of brick construction with a tile roof.

3.2 Beyond the curtilage of 101 St Albans to both the north and east are areas of managed amenity space. Close to the application property along the length of St Albans Road is a significant amount of unallocated parking to serve the locality.



4. The proposal

4.1 The proposal is for the erection of a two storey, one bed dwelling that would adjoin the east elevation of the application dwelling. The proposed dwelling would follow the same design of the host terrace in terms of its front and rear elevation depth, brick construction, tiles roof and fenestration arrangement.

4.2 The proposed dwelling would be constructed with brick and tile to match the materials of the host terrace. One allocated, off-street parking space would be provided to serve the proposed property.

5. Grounds of appeal

Reason for Refusal 3

3. Without the appropriate financial mitigation, the development would be likely to have a significant effect on the Chichester and Langstone Harbours Special Protection Area and so is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) and the Conservation of Habitats and Species Regulations 2017.

5.1 Reason for refusal 3 deals with the requirement to mitigate the likely in combination impacts of the development on the Chichester and Langstone Harbour SPA. The appellant has now provided this payment to the Council through the completion of a unilateral undertaking on 15.04.19 and as such, it is considered this reason for refusal is now satisfied. A copy of the completed undertaking has been submitted with this Appeal.

Reason for refusal 1

Development of the site in the manner proposed would amount to an over-development, in that it would give rise to substandard garden lengths and insufficient amenity space for both the occupiers of the existing and proposed dwelling. This would lead to a cramped and contrived layout, to the detriment of the character and appearance of the application site, and at variance with the character of the area. The proposal is therefore contrary to the adopted Borough Design Guide SPD, 2011 and policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

5.2 Paragraph 5.12 Havant Design SPD states “All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment.”

5.3 It is agreed that the length of the garden of the proposed dwelling is below That recommended set within the Havant Design SPD guidance document which suggests of a length of 10m, however, the guidance does state that there will be exceptions to the rule. It should also be notes that the advice within the SPD is guidance, not policy, and is states **should, not must.**

5.4 Consideration should also be given to the proposed dwelling at being a one bed property it is considered the proposed garden would be of an appropriate size to the host dwelling, commensurate to the level of occupation and would allow the occupier to carry out all expected functions of a rear garden. It should be noted that the Design SPD does advise of smaller garden space and amenity provision for flats. It is considered the proposed dwelling is some way between a flat and dwelling in terms of occupation which the SPD reflects, it is simply the label of the term ‘dwellinghouse’ which has guided the provision of the garden, rather than an assessment of occupancy and type of property.

5.5 Given that within the SPD the size of amenity space for flats is not defined, the provision of a rear garden 16.5m² as part of this proposal cannot, by definition, be substandard.

5.6 It is, therefore, considered the proposal does provide a suitable amount of private amenity space which is commensurate to the likely occupancy of the proposed dwelling and is acceptable.

5.7 As a result of the proposal, the application dwelling, number 101 St Albans, the length of this garden would not change from the existing and would be similar in size to that of the neighbouring property, number 103 St Albans. As such, it is not considered the garden associated with number 101 would be reduced to an unacceptable size.

5.8 The Case Officer report does not formally assess the character of the area within the site description, only that the the proposal "...is within an area characterised by similar post war two storey dwellings with a strong sense of uniformity". On this assessment of the character of the area, it is not considered the proposal would be at odds with this character; the proposed two storey dwelling is designed to be well integrated with the existing terrace in terms of ridge and eaves height, front and rear elevation depth.

5.9 Within the Officer report the Council does allude to certain elements of the scheme that would not reflect other development in the area:

- It is considered that a 0-0.6m separation to the side boundary would result in a bulky and prominent development from the highway which combined with a full height gable would create an unduly dominating and oppressive feature in the streetscene.
- Currently there is a sense of openness between the run of terraces within the streetscene and the highway. All development and in particular end of terrace developments retain an acceptable set off from the boundary to the east with the majority of side development being single storey only. Therefore the development of a new two storey dwelling up to the boundary is considered to create an oppressive and dominant feature within St Albans road which is not in keeping nor reflective of other development present.

5.10 With regard to the separation to the side boundary of the property, it is not considered the distance between the flank elevation of the building and the curtilage is part of the character of the locality. The character of openness of the locality is established though the pockets of space between the curtilage of the dwellings and the highway. The Council at other locations in the locality has accepted the erosion of the distance from a dwelling to its curtilage. Examples, all of which required planning permission, include:

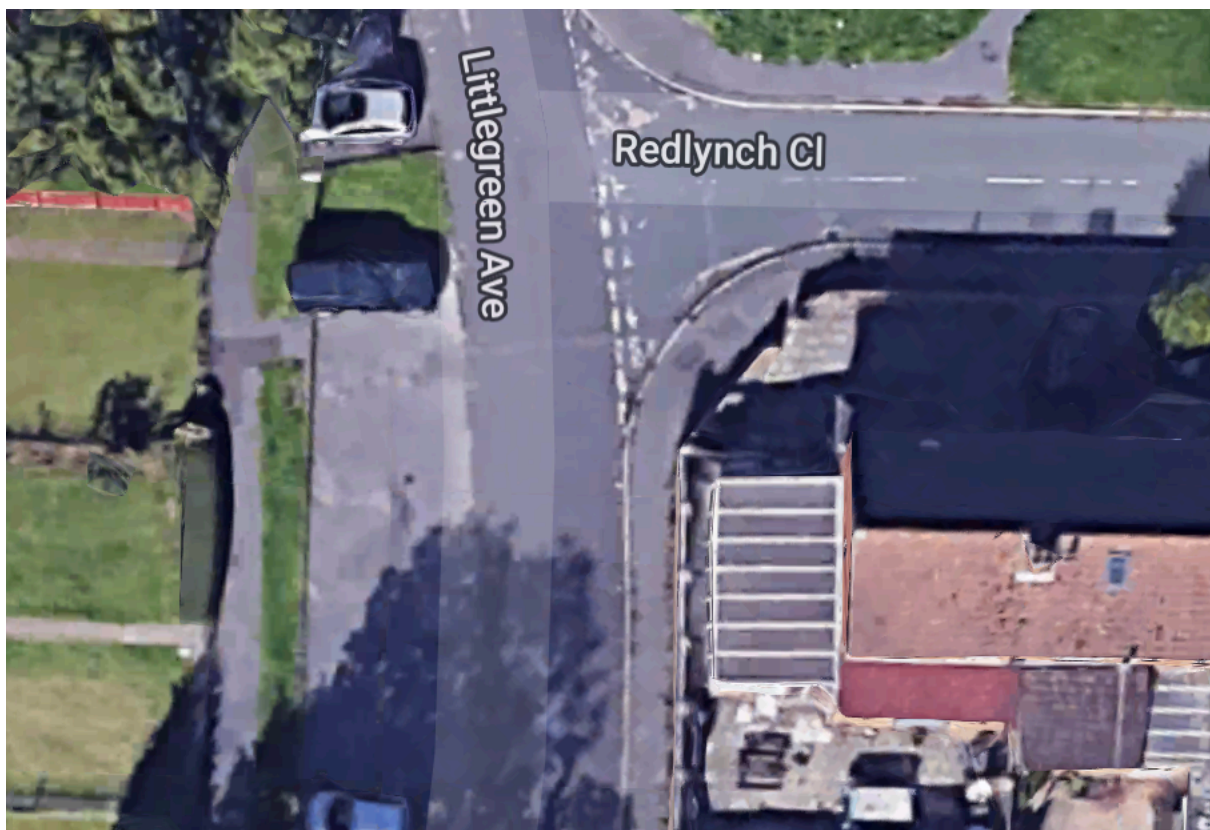
- 140 St Albans Road - Erection of new dwelling - Application reference: APP/12/00726



- 100 St Albans Road - Two storey side addition - Application reference: 02/67033/000



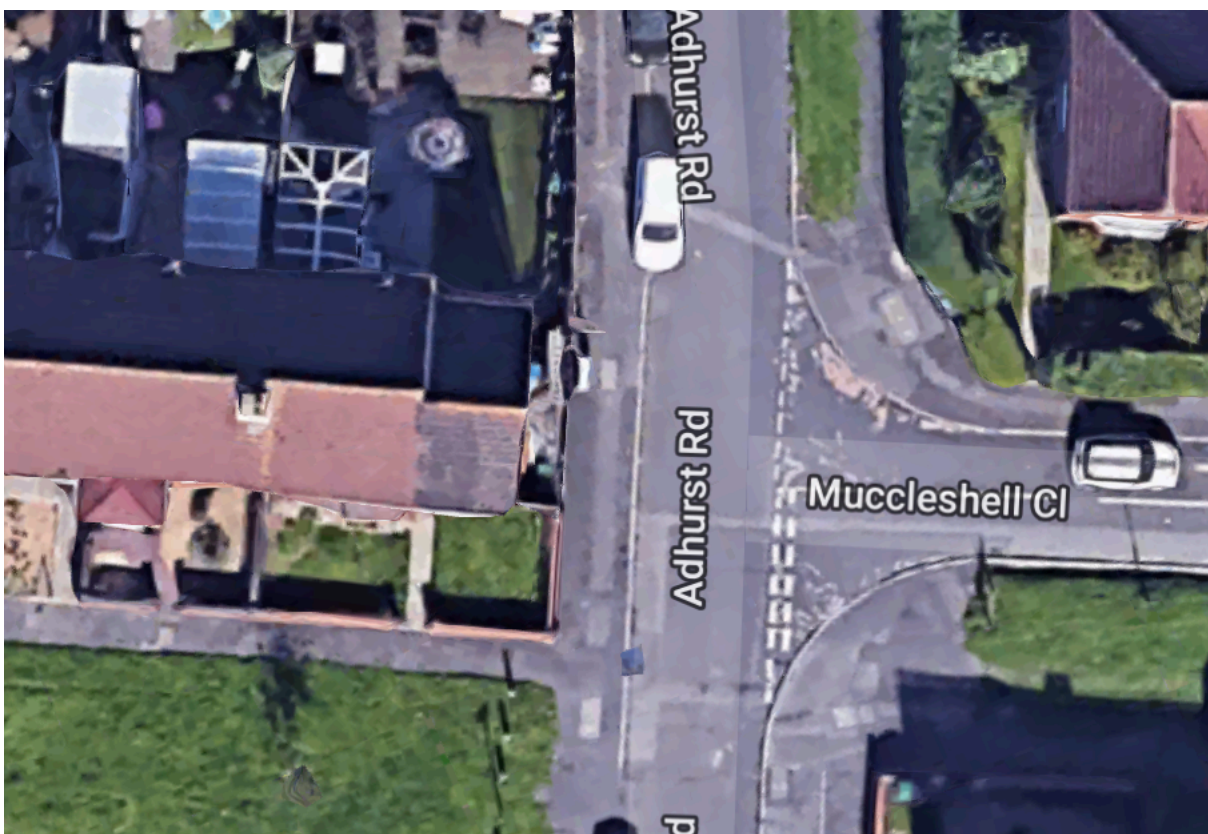
- Littlegreen Ave and Redlynch Close - Single storey side extension - Application reference: 97/51673/004



Wilverley Avenue and Littlegreen Ave - Single storey side extension - Application reference: 94/56819/001



- 79 Adhurst Road. Two storey side extension - Application reference: 00/65808/000.





5.11 As shown in the examples in the immediate areas as shown above, the Council's stance that developing up to the boundary of an end of terrace property has already been accepted. These examples also show that such development would not erode any of the character of the locality nor do these examples result in a "bulky or prominent development from the highway which combined with a full height gable would create an unduly dominating and oppressive feature in the streetscene." (as cited within the Officer report). Nor is it considered the proposal would create an oppressive and dominant feature within St Albans Road.

Reason for refusal 2

The proposed dwelling would by reason of its size, layout and design result in an unbalanced external appearance harmful to the vernacular and rhythm of the host terrace and strong visual appearance of the area. Furthermore the size and bulk of the proposed dwelling would result in a prominent and overbearing development that would be visually harmful to the amenities and spatial characteristics of the area and the St Albans Road streetscene, conflicting with the established pattern of development in the locality. 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 2018.

5.12 It is argued that the proposed dwelling **would form** a balanced appearance of the host terrace; the ridge, eaves and front and rear elevation heights would continue that of the host dwelling as can be seen from the plans extract below:



5.13 The materials would also match the host terrace and this could be controlled by an appropriately worded condition.

5.14 The proposed design, it is argued, would reflect the established rhythm of the host terrace (and those in the locality) and continue the strong visual appearance of the area. It is noted that there are examples of end of terrace extensions in the locality which have been designed to appear subservient though a reduced roof ridge and set back of the front and rear elevations, however, it is considered this is not an appropriate design response to the strong visual appearance of the host terrace.

5.15 Furthermore the size and bulk of the proposed dwelling, by continuing the established build form, **would not** result in a prominent and overbearing development that would be visually harmful to the amenities and spatial characteristics of the area and the St Albans Road streetscene, conflicting with the established pattern of development in the locality.

5.16 The proposed dwelling would be reflective of other examples of side extensions, including two storey side extensions and additional dwellings, in the locality that have been accepted by the Council. Examples of these have been provided above.

5.17 The dwelling would be located within an existing domestic curtilage. Given the wider than usual verge to the east that has not been reduced through parking spaces, and the green space to the north of the application site, together with the distance to surrounding dwellings to the north, east and south, it is argued that the proposal would not be visually harmful to the amenities and spatial characteristics of the area. This is especially considering the width of the proposed

plot against the separation distance to the dwellings to the east. The proposed dwelling would be indistinguishable from the established pattern of development.

5.19 The form of the proposed dwelling, in relation to its reduction in width, would be indistinguishable. In addition, other extensions in the locality have been approved which alter the width of the host dwelling. As such, the argument that the width of the proposed dwelling would not reflect the character is considered to have limited weight.

6. Conclusions

6.1 The applicant has paid the appropriate financial mitigation and to this end, the development would not have a significant effect on the Chichester and Langstone Harbours Special Protection Area, in accordance with Policy DM24 of the Havant Borough Local Plan (Allocations Plan) and the Conservation of Habitats and Species Regulations 2017.

6.2 The garden lengths and amenity space provided for both the occupiers of the existing and proposed dwelling are acceptable and commensurate to the properties. The design of the proposal is appropriate to its context and if sympathetically designed keeping the form of the host terrace and character of the area. The resulting development would not lead to a cramped and contrived layout nor would this layout have any detrimental impact on the prevailing character or appearance of the locality.

It is respectfully requested that this appeal be allowed.