

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

16 Langstone High Street, Havant, PO9 1RY

**Local Planning Authority Reference:
APP/17/00928**

**Planning Inspectorate Reference:
APP/X1735/Y/18/3196024**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR PETER OLIVER AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR 16 Langstone High Street, Havant, PO9 1RY

Planning Inspectorate Reference: APP/X1735/Y/18/3196024

LPA REF: APP/17/00928

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 This grade II listed property forms part of a terrace row and sits in a prominent position overlooking the Harbour. It also lies within Langstone Conservation Area and within Chichester Harbour AONB and Flood Risk Zone 3. The property and those in the same terrace row have been enlarged in comparatively recent times, with a series of rear extensions added as part of a composite design.
- 1.2 No 16 Langstone High Street comprises an end of terrace two storey cottage of timber frame origin built circa 17th Century. It currently comprises lounge, dining and kitchen on the ground floor with 2/3 bed rooms on the first floor and a further room on the second floor. The external elevations are of facing brick work, painted render, and vertical tile hanging including patterned tiles and with plain clay roof tiles. To the east it is attached to No.17 a cottage of similar character, and to the west lies No.15 a two-storey dwelling built up to the boundary with the application site. There are no windows in the side elevation of the dwelling at No 15, other than those to a rear conservatory.

2.0 PLANNING HISTORY

APP/15/00854 - Listed Building Consent for construction of first floor side extension and single storey side extension along with minor alterations, PERM,30/09/2015
APP/15/00853 - Proposed first floor side extension and single storey side extension along with minor alterations, PERM,30/09/2015
02/52690/009 - Demolition of single storey rear extension and erection of two storey and single storey rear extension. (resubmission), PERM,09/12/2002
02/52690/008 - Listed building application for demolition of single storey rear extension and erection of two storey and single storey rear extension. (resubmission), PERM,09/12/2002
02/52690/007 - Notification of intention to fell a Cherry tree at Quay Cottage, 16 Langstone High Street within Langstone Conservation Area., RNO,22/07/2002
02/52690/006 - Listed Building Consent for partial demolition of existing single storey rear extension and erection of two storey rear extension., REF,02/07/2002
02/52690/005 - Part demolition of existing single storey rear extension and erection of two storey rear extension., REF,02/07/2002
02/52690/004 - Listed Building application to demolish existing rear extension and erect single storey extension to rear., PERM,13/05/2002
02/52690/003 - Demolish existing rear extension and erect single storey extension to rear adjoining number 17 Langstone High Street., PERM,13/05/2002

3.0 THE APPLICATIONS

- 3.1 This statement relates to the Planning appeal in respect to a Proposed Garden Room extension with roof terrace above (retaining previous proposals as approved).
- 3.2 The proposal is a revision to the development approved in 2015 under APP/15/00853 which, granted planning permission for the enlarged of the property at ground floor and first floor levels, with the ground floor extended to the side and rear to partly infill the space to the side of the dwelling, and the first-floor extension increasing the size of the existing bathroom and en suite accommodation.
- 3.3 The appeal proposal involves extending the ground floor extension further to the side to infill the side courtyard area to provide a garden room with roof terrace above. The works would be set back from the frontage and behind the existing boundary walling.
- 3.4 The first floor extension would be of traditional design and materials to match the existing dwelling, the proposed garden room would be of contemporary design incorporating large timber glazed doors and a flat roof with a roof terrace above. The side wall would be built up to the boundary with the adjacent property at No 15, but would not be attached.
- 3.5 The application for planning permission was considered by the Development Management Committee on the 09 November 2017 when members of the committee resolved to refuse the planning application for the following reasons:

Reason 1

The proposed extension by reason of its size, flat roof, design, materials and positioning would sit as an incongruous projection on the side elevation which would undermine the setting and character of this listed building. Furthermore the proposals would not preserve or enhance the appearance of the Langstone Conservation Area, nor the special qualities of the Chichester Harbour Area of Outstanding Natural Beauty. The development proposal is therefore in conflict with sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the National Planning Policy Framework and policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.

Reason 2

The proposed roof terrace would be likely to give rise to direct overlooking of No.15 Langstone High Street to the detriment of the amenities of the occupiers of this property. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4.0 PLANNING POLICY

- 4.1 The National Planning Policy Framework July 2018
- 4.2 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

Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough⁴

Protects and where appropriate enhances the borough's statutory and nonstatutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CS12 Chichester Harbour Area of Outstanding Natural Beauty (AONB) Development will be permitted where it:

1. Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.

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;

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.

Havant Borough Local Plan (Allocations) 2014

Policy DM20 Historic Assets

Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough.

Applications that affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.

2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets

- 4.3 The requirement to protect and enhance is further set out in the Langstone Conservation Area Review - Character Appraisal and Management Plan 2011 and the Village Design Statement (VDS) 2008 guidance which states that development should respond to the historic settlement pattern, character, landscape setting, local building styles and materials of the village with scale, design, materials and colour to have a positive impact on views towards the village from the surrounding area".

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:

6.2 Reason 1

The proposed extension by reason of its size, flat roof, design, materials and positioning would sit as an incongruous projection on the side elevation which would undermine the setting and character of this listed building. Furthermore, the proposals would not preserve or enhance the appearance of the Langstone Conservation Area, nor the special qualities of the Chichester Harbour Area of Outstanding Natural Beauty. The development proposal is therefore in conflict with sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the National Planning Policy Framework and policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.

- 6.3 It is of primary importance that the correct weight should be attributed to the desirability of preserving a listed building and the setting of the listed building from the outset, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990:

- 6.4 In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

- 6.5 The need for the decision taker to attach considerable or special weight to the desirability of preserving listed buildings and their settings has been reinforced through two recent high court decisions of: Barnwell Manor Wind Energy Limited vs. East Northamptonshire District Council et al (2014); and North Norfolk District Council vs. DCLG and Mack (2014).

- 6.6 The above statute and its subsequent and consistent interpretation in recent high court decision emphasises the need for the policies of the NPPF to be implemented whilst always having regard to the need to give special or greater weight to the preservation of the setting of a listed building.

- 6.7 Where the impact on the listed buildings and its settings has been assessed in accordance with the Framework, and has been found to fall within the category of ‘less than substantial harm’, then it is still important that when considering the balance exercise, and therefore the public benefits of any such proposal, that from the outset this is consciously weighed in favour of the need to preserve the listed buildings and its setting.

- 6.8 At the time of determination, the application was considered under the of the National Planning Policy Framework (NPPF) 2012. This has subsequently been superseded by the NPPF 2018.
- 6.9 Paragraph 56 of the NPPF 2012 relates to the importance of design and makes it clear that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 58, bullet 4 seeks to ensure that development responds to local character, with bullet 6 requiring good architecture.
- 6.10 Paragraphs 60 and 61 seek to ensure the development is designed well accounting for local context. Paragraph 64 however, requires development of poor design to be refused.
- 6.11 The aims of the NPPF 2012 in respect to design have been carried forward and reinforced in the NPPF 2018 in Chapter 16 Conserving and enhancing the historic environment.
- 6.12 Paragraph 184 of the National Planning Policy Framework 2018 states that such assets “...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”
- 6.13 Para 192 states: -

In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.14 And Para 193 states: -

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.15 Under para 196 where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.16 Para 201 requires that the loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.
- 6.17 At local level Policy CS11 of the adopted local plan applies. Policy CS11. 4 states that permission will be granted for development that “Protects and where appropriate

enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.”.

- 6.18 All proposals for extension have implications for historic character and fabric. The implications of the internal changes are considered under the listed building appeal.
- 6.19 It is relevant to note that the Statutory Listing refers to 16, 17 and 18 High Street and describes them as of timber-framed origin, C18 with C29 alterations.
- 6.20 In respect to the external changes, the work the subject of the extant permission would be set back from the frontage and has been designed as subservient additions to the existing dwelling, with a lower eaves height and fully hipped roof at first floor. The works would be constructed in materials to match the existing building, and this element of the proposal is considered acceptable.
- 6.21 In respect to the ground floor element as proposed under the appeal application, this would be of contemporary design and materials. The existing listed building is of traditional form and materials. Whilst in some cases the use of such an approach may be appropriate, in the case of the appeal proposal due to the traditional form of the building and its current restrained appearance, such an approach would be incongruous and compete with the character of the existing dwelling. The incorporation of a large flat roof to provide a roof terrace, with associated screening, would exacerbate the conflict between the existing and new and as such would detract from the character of the appeal property.
- 6.22 The appeal property is one of 3 terraced dwellings that have been listed as a group. The 3 properties have a consistency of form and appearance, with relatively narrow built form fronting the High Street where they read as a terrace of character properties within a street frontage of similar properties,
- 6.23 The proposed ground floor extension with roof terrace would effectively double the width of the built form to No 16, and as such be out of character with current consistency of form across the group of properties. The strong cohesion of the terrace in respect to its appearance and historic context would be disrupted and there would be a negative impact on the visual and spatial relationship of the 3 properties. For these reasons, the proposal in its current form will be harmful to the significance of these designated and locally prominent Grade II listed buildings. The harm would be significant but less than substantial. In this context it is necessary to consider the harm to be weighed against the public benefits of the proposal. The proposal involves an extension to an existing dwelling. The dwelling in its current form is viable and therefore it is considered the harm to the heritage asset outweighs any public benefit.
- 6.24 As such the proposal is contrary to the provisions of the NPPF 2018, sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policies CS11, and C16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.
- 6.25 The appeal site lies within the Langstone Conservation Area. The "Langstone Conservation Area Review - Character Appraisal and Management Plan" approved in July 2011 and The Village Design Statement (VDS) 2008 and Havant Borough Council's review of the Langstone Conservation Area approved in July 2011 are relevant. This part of Langstone follows a historic settlement pattern, with a defined

grain and character, formed from a consistent local building style, scale, heights and building materials. unsympathetic extensions can change the form and character of a building significantly, and have a negative impact on views towards the village from the surrounding area.

- 6.26 No 16 occupies a prominent position directly fronting the High Street. The changes would not be in keeping with the historic character of the listed building and the terrace to which it is attached, and due to its prominent sitting, the flat roof extension with roof terrace would appear intrusive in the street scene, and for the reason outlies above the historic settlement pattern, with its defined grain and character would be adversely impacted.
- 6.27 The Conservation Area is open to view from across the foreshore with the gap (and landscape beyond) between No 15 and 16 High Street providing a strong visual break, which is an intrinsic element of the character of this part of the Conservation Area. The loss of the gap would be significant and detrimental to the form of the Conservation area.
- 6.28 For the above reasons the proposal would to the detriment of the character of the Conservation Area and contrary to and policy CS11, of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.
- 6.29 Additionally, the site, which is highly visible from the harbour falls within the Area of Outstanding Natural Beauty (AONB). The adverse impact outlined above would be detrimental to the character of the AONB contrary to the requirements of policy CS11, of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.
- 6.30 Reason 2
The proposed roof terrace would be likely to give rise to direct overlooking of No.15 Langstone High Street to the detriment of the amenities of the occupiers of this property. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6.31 The proposed development incorporates a roof terrace above the garden room. During the course of the application the design of the roof terrace was amended to incorporate screening to the balcony in the form of planters which also reduced the useable area to the rear. However, due to it elevated nature and siting, in proximity to Nos 17 and No 15, and notwithstanding the proposed screening, users of the terrace would be able to overlook the amenity areas to these properties. These areas are currently very private, and the introduction of an elevated outside amenity area in the form of a first-floor terrace, (which is not a feature of the area, and also of appreciable size) would result in an unacceptable loss of amenity through loss of privacy and potential noise nuisance contrary to the provisions of policy CS16e of the adopted local plan.

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 Paras 2.16 of the appellants statement states that *the garden room is to a large extent visually contained*. It will however, be visible above the boundary wall, and the

roof terrace with its associated balustrade and use will be visible, and as such will impact the visual amenities of the area with a detrimental impact on the listed building, its setting, the Conservation area and Area of Outstanding Natural Beauty (AONB).

- 7.3 The Council maintains that the gap between nos 15 and 16 is not only important when viewed from the Conservation Area, but also when viewed from the AONB and from Northney to the south across the water, where the gap provides an important break in the built form offering views of the landscape beyond.

8.0 **CONCLUSION**

In conclusion the LPA consider the proposed development does conserve and enhance the listed building and its setting as it 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 public benefit of the development is not considered to outweigh the harm. The proposed size, form and mass of the development would create a dominant, incongruous feature and have an adverse impact on the setting and visual amenity of the street scene, which lies within a designated Conservation Area and an Area of Outstanding Natural Beauty.

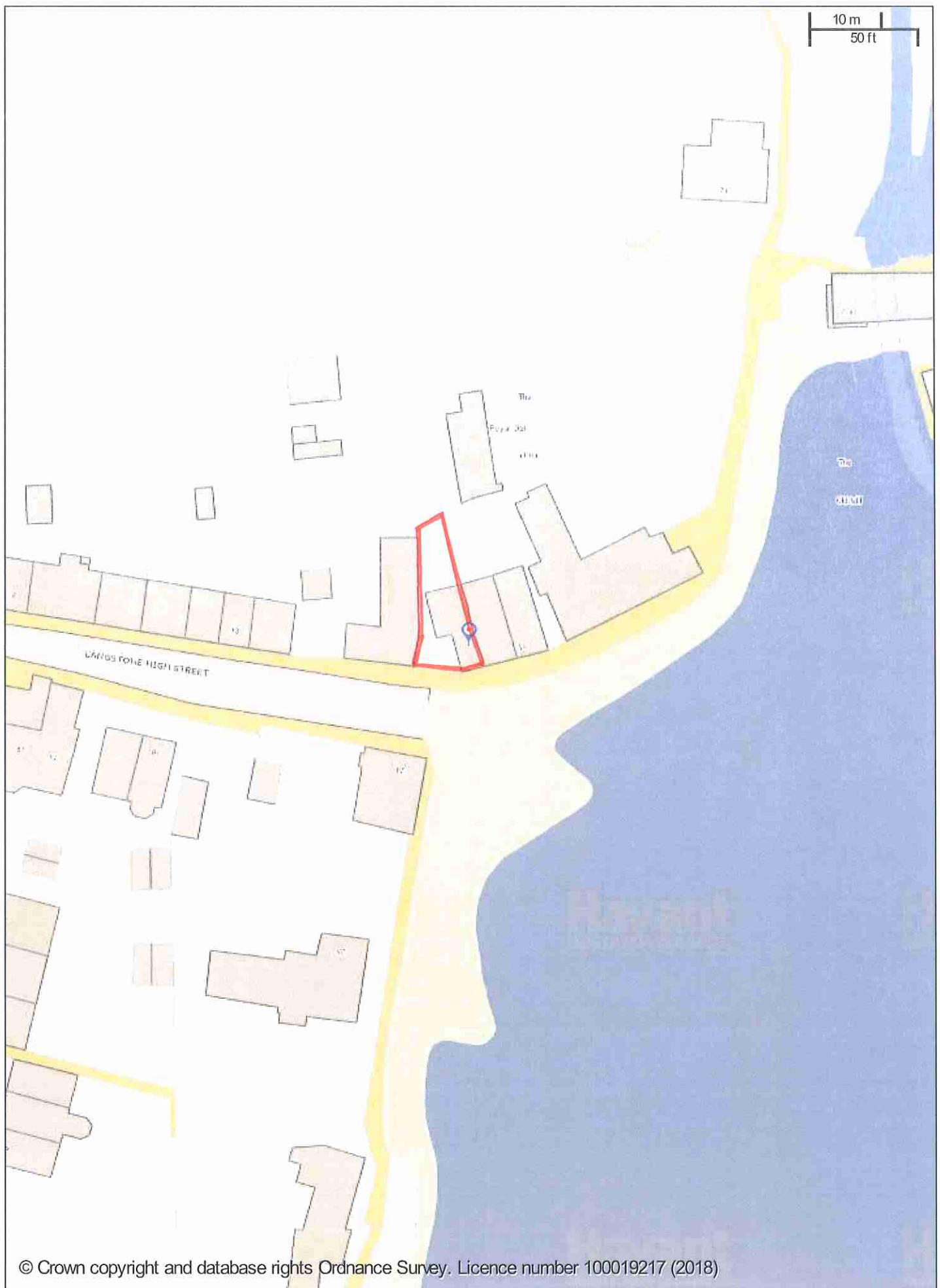
- 8.1 The development proposal is therefore in conflict with section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014
- 8.2 Additionally, it would result in an overbearing presence on the occupiers of the neighbouring properties, in particular those at 15 and 17 High Street.
- 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.

APPENDICES

- (A) OS
- (B) Copy of Statutory Listing

Borough of Havant





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16, 17 AND 18, HIGH STREET

List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Name: 16, 17 AND 18, HIGH STREET

List entry Number: 1091596

Location

16, 17 AND 18, HIGH STREET

The building may lie within the boundary of more than one authority.

County: Hampshire

District: Havant

District Type: District Authority

Parish:

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 21-Jul-1975

Date of most recent amendment: 31-Jul-1984

Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: LBS

UID: 135393

Asset Groupings

This list entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List entry Description

Summary of Building

Legacy Record - This information may be included in the List Entry Details.

Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

History

Legacy Record - This information may be included in the List Entry Details.

Details

The entry for HAVANT HIGH STREET Langstone 7/2 Nos 17 and 18 (formerly listed Nos 16, 17 and 18)

The address shall be amended to read HIGH STREET Langstone Nos 16, 17 and 18

SU 70 SW HAVANT HIGH STREET Langstone 21.7.75 7/2 Nos 17, and 18

(formerly listed Nos 16, 17 and 18)

II

Houses of timber-framed origin. C18 with C20 alterations. Rendered walling, tiled roofing. 2 storeys and attic, 4 above 5 windows. Upper casements, lower sashes. Side entrances.

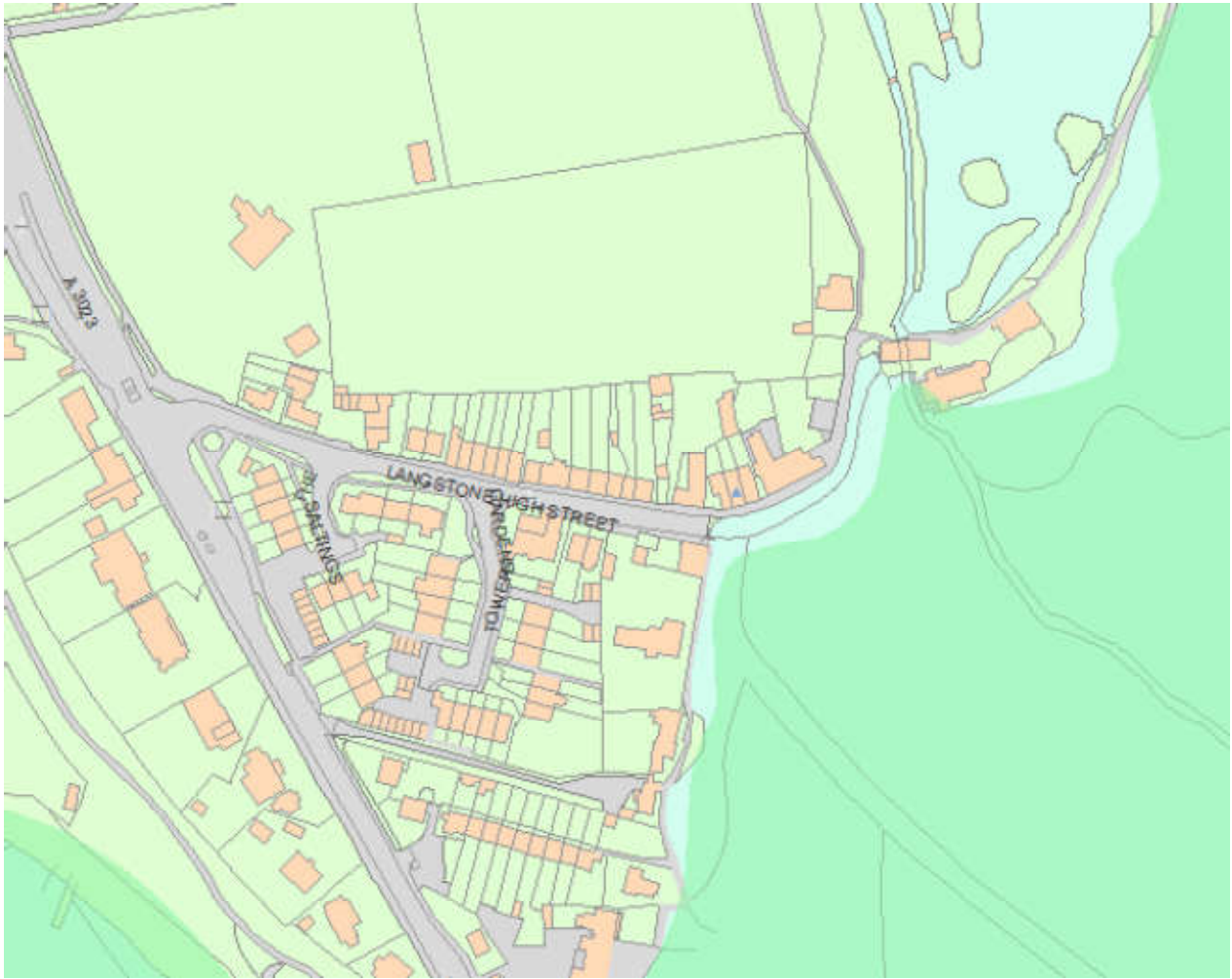
Listing NGR: SU7192204560

Selected Sources

Legacy Record - This information may be included in the List Entry Details

National Grid Reference: SU 71927 04904

Map



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For a copy of the full scale map, please see the attached PDF - [1091596 .pdf](http://mapservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/413926/HLE_A4L_Grade|HLE_A3L_Grade.pdf)
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